

Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 685 22 July Julie 2022 No. 47061

PART 1 OF 2

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-5845







AIDS HELPLINE: 0800-0123-22 Prevention is the cure

IMPORTANT NOTICE:

THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.

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

Contents

No.		Gazette No.	Page No.
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS			
Agriculture, Land Reform and Rural Development, Department of / Landbou, Grondhervorming en Landelike Ontwikkeling, Departement van			
2299	Land Reform (Labour Tenants) Act, 1996 (3/1996) ("the LTA"): Remaining Extent of Portion 9 of the farm Virginia No 1823	47061	14
2300	Plant Breeders' Rights Act, 1976 (15/1976): Receipts of Applications for Plant Breeders' Rights	47061	16
2301	Restitution of Land Rights Act (22/1994) as amended: Portion 13 of the farm Blesbokfontein 558 JR	47061	28
Forestry, Fisheries and the Environment, Department of / Bosbou, Visserye en die Omgewingsake, Departement van			
2302	National Environmental Management: Biodiversity Act (10/2004): Draft African Penguin Biodiversity Management Plan	47061	29
Higher Education and Training, Department of / Hoër Onderwys en Opleiding, Departement van			
2303	Skills Development Act (97/1998): National Apprenticeship and Artisan Development Strategy 2030	47061	30
Justice and Constitutional Development, Department of / Justisie en Staatkundige Ontwikkeling, Departement van			
2304	Justices of the Peace and Commissioners of Oaths Act (16/1963): Amendment Notice under Section 6 of the Act	47061	103
Mineral Resources and Energy, Department of / Mineraalbronne en Energie, Departement van			
2305	Petroleum Products Act (120/1977): Intention to introduce a Price Cap or a Maximum Price for Petrol 93 Octane .	47061	106
Non-Governmental Organization / Nie-Regeringsorganisasie			
2306	Collins Chabane Local Municipality: Collins Chabane Municipality Waste Management By-Laws	47061	108
Sports, Arts and Culture, Department of / Sport, Kuns en Kultuur, Departement van			
2307	National Heritage Resources Act (25/1999): Proposed revised Schedule of fees for applications made to the South African Heritage Resources Agency (SAHRA)	47061	142
GENERAL NOTICES • ALGEMENE KENNISGEWINGS			
Statistics South Africa / Statistieke Suid-Afrika			
1161	Statistics South Africa: Consumer Price Index: May 2022	47061	145
1162	Statistics South Africa: Consumer Price Index: April 2022	47061	145
Trade, Industry and Competition, Department of / Handel, Nywerheid en Kompetisie, Departement van			
1163	Standards Act, 2008: Standards Matters	47061	146
1164	International Trade Administration Commission: Notice of Initiation of Investigation into the Alleged Dumping of Windscreens for Vehicles Classifiable under Tariff Subheading 7007.21.20 Originating in or imported from the People's Republic of China ("China") to be used in the Southern African Customs Union ("SACU") Market as Replacement Glass in the Aftermarket ("ARG")	47061	150
1165	Broad-Based Black Economic Empowerment Act, B-BBEE Act (53/2003): Draft Legal Sector Code	47061	158
1166	International Trade Administration Commission: Notice of Initiation of Sunset Review of the Anti-Dumping Duty on Unframed Glass Mirrors Originating in or Imported from the Republic of Indonesia	47061	234
1167	Co-operatives Amendment Act (6/2013): Co-operatives that have been removed from the register: Various co-operatives	47061	242
Traditional Affairs, Department of / Tradisionele Sake, Departement van			
1168	Traditional Affairs General Amendment Bill, 2022: Publication of Explanatory Summary of the Traditional Affairs General Amendment Bill, 2022	47061	243

BOARD NOTICES • RAADSKENNISGEWINGS

308	Project and Construction Management Professions Act (48/2000): Mentorship Bundle Fee Structure for Gazetting	47061	244
309	Auditing Profession Act, 2005 (Act No. 26 of 2005) (the Act): Notice of request for public comments on proposed IRBA Rule on Enhanced Auditor Reporting for the Audit of Financial Statements: Comments are requested by 5 October 2022	47061	245

government printing
Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICA

HIGH ALERT: SCAM WARNING!!!

TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

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

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

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

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

Example of e-mails these fraudsters are using:

PROCUREMENT@GPW-GOV.ORG

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

GPW has an official email with the domain as **@gpw.gov.za**

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

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

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

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

Fake Tenders

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

How tender scams work

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

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

OR

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

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

Protect yourself from being scammed

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

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

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

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

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

Closing times for **ORDINARY WEEKLY** *GOVERNMENT GAZETTE* 2022

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

- **31 December 2021,** Friday for the issue of Friday **07 January 2022**
- **07 January,** Friday for the issue of Friday **14 January 2022**
- **14 January,** Friday for the issue of Friday **21 January 2022**
- **21 January,** Friday for the issue of Friday **28 January 2022**
- **28 January,** Friday for the issue of Friday **04 February 2022**
- **04 February,** Friday for the issue of Friday **11 February 2022**
- **11 February,** Friday for the issue of Friday **18 February 2022**
- **18 February,** Friday for the issue of Friday **25 February 2022**
- **25 February,** Friday for the issue of Friday **04 March 2022**
- **04 March,** Friday for the issue of Friday **11 March 2022**
- **11 March,** Friday for the issue of Friday **18 March 2022**
- **17 March,** Thursday for the issue of Friday **25 March 2022**
- **25 March,** Thursday, for the issue of Thursday **01 April 2022**
- **01 April ,** Wednesday , for the issue of Friday **08 April 2022**
- **07 April,** Friday for the issue of Thursday **14 April 2022**
- **13 April,** Friday for the issue of Friday **22 April 2022**
- **21 April,** Thursday for the issue of Friday **29 April 2022**
- **28 April,** Friday for the issue of Friday **06 May 2022**
- **06 May,** Friday for the issue of Friday **13 May 2022**
- **13 May,** Friday for the issue of Friday **20 May 2022**
- **20 May,** Friday for the issue of Friday **27 May 2022**
- **27 May,** Friday for the issue of Friday **03 June 2022**
- **03 June,** Friday for the issue of Friday **10 June 2022**
- **09 June,** Thursday for the issue of Friday **17 June 2022**
- **17 June,** Friday for the issue of Friday **24 June 2022**
- **24 June,** Friday for the issue of Friday **01 July 2022**
- **01 July,** Friday for the issue of Friday **08 July 2022**
- **08 July,** Friday for the issue of Friday **15 July 2022**
- **15 July,** Friday for the issue of Friday **22 July 2022**
- **22 July,** Friday for the issue of Friday **29 July 2022**
- **29 July,** Friday for the issue of Friday **05 August 2022**
- **04 August,** Thursday for the issue of Friday **12 August 2022**
- **12 August,** Friday for the issue of Friday **19 August 2022**
- **19 August,** Friday for the issue of Friday **26 August 2022**
- **26 August,** Friday for the issue of Friday **02 September 2022**
- **02 September,** Friday for the issue of Friday **09 September 2022**
- **09 September,** Friday for the issue of Friday **16 September 2022**
- **16 September,** Thursday for the issue of Friday **23 September 2022**
- **23 September,** Thursday for the issue of Friday **30 September 2022**
- **30 September ,** Friday for the issue of Friday **07 October 2022**
- **07 October,** Friday for the issue of Friday **14 October 2022**
- **14 October,** Friday for the issue of Friday **21 October 2022**
- **21 October,** Friday for the issue of Friday **28 October 2022**
- **28 October,** Friday for the issue of Friday **04 November 2022**
- **04 November,** Friday for the issue of Friday **11 November 2022**
- **11 November,** Friday for the issue of Friday **18 November 2022**
- **18 November,** Friday for the issue of Friday **25 November 2022**
- **25 November,** Friday for the issue of Friday **02 December 2022**
- **02 December,** Friday for the issue of Friday **09 December 2022**
- **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**

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 R**3026.32** per page.

IMPORTANT NOTICE:

THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

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

Closing Times for Acceptance of Notices

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.

2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website www.gpwonline.co.za

   All re-submissions will be subject to the standard cut-off times.
   All notices received after the closing time will be rejected.

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

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

Extraordinary Gazettes

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

Notice Submission Process

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website www.gpwonline.co.za.

5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat* / *Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.

6. The completed electronic *Adobe* form has to be submitted via email to submit.egazette@gpw.gov.za. The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.

7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.

8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.

   8.1. Each of the following documents must be attached to the email as a separate attachment:

      8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.

         8.1.1.1. For National *Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form

         8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.

      8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice. *(Please see Quotation section below for further details)*

      8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order**. Non-Government Printing Works** account customer needs to submit the proof of payment for the notice

      8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. *(Please see the Copy Section below, for the specifications)*.

      8.1.5. Any additional notice information if applicable.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.

10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE.**

11. Notices brought to **GPW** by "walk-in" customers on electronic media can only be submitted in *Adobe* electronic form format. All "walk-in" customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.

12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

QUOTATIONS

13. Quotations are valid until the next tariff change.

    13.1. ***Take note:*** **GPW**'s annual tariff increase takes place on ***1 April*** therefore any quotations issued, accepted and submitted for publication up to ***31 March*** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.

14. Each quotation has a unique number.

15. Form Content notices must be emailed to the *eGazette* Contact Centre for a quotation.

    15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.

    15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.

16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS**:

    16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.

    16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.

        16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).

17. **APPLICABLE ONLY TO CASH CUSTOMERS:**

    17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.

18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).

19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.

    19.1. This means that **the quotation number can only be used once to make a payment.**

GOVERNMENT PRINTING WORKS - BUSINESS RULES

COPY (SEPARATE NOTICE CONTENT DOCUMENT)

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03

20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.

The content document should contain only one notice. (You may include the different translations of the same notice in the same document).

20.2. The notice should be set on an A4 page, with margins and fonts set as follows:

Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm; Use font size: Arial or Helvetica 10pt with 11pt line spacing;

Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm; Use font size: Arial or Helvetica 10pt with 11pt line spacing;

CANCELLATIONS

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.

22. Requests for cancellation must be sent by the original sender of the notice and must 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:	**Postal Address:**	**GPW Banking Details:**
Government Printing Works	Private Bag X85	**Bank:** ABSA Bosman Street
149 Bosman Street	Pretoria	**Account No.:** 405 7114 016
Pretoria	0001	**Branch Code:** 632-005

For Gazette and Notice submissions: Gazette Submissions:	**E-mail:** submit.egazette@gpw.gov.za
For queries and quotations, contact: Gazette Contact Centre:	**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 AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 2299 **22 July 2022**

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

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

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

The Director General
Director: Tenure Systems Implementation
Department of Agriculture, Land Reform and Rural Development
199 Pietermaritz Street, 3rd Floor Legal wise building, Pietermaritzburg, 3201 Tel: 033 – 3920650;
Fax: 033 – 3422103
File Reference: DC22/KZ224/17

SCHEDULE

Applicants:

No.	Name and Surname	Identity Number
1.	Ms. Norah Gasa (deceased) Mr. Thulani Sokhela (Successor)	331225 0637 08 5 640706 5757 08 1
(Hereinafter referred to as "the Applicant")		

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
1.	Remaining Extent of Portion 9 of the Farm Virginia No 1823	Impendle	n/a	Mr. Senzele Johnson Mhlungu Ms. Elizabeth Maria Mhlungu	n/a



SIGNED BY: Mr. B.E Ntuli
DIRECTOR: TENURE REFORM IMPLEMENTATION
DULY AUTHORISED
For **DIRECTOR-GENERAL: DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 2300 **22 July 2022**

DEPARTMENT OF AGRICULTURE, LAND REFORM & RURAL DEVELOPMENT
PLANT BREEDERS' RIGHTS ACT, 1976
(ACT No. 15 of 1976)

In terms of the provisions of the Plant Breeders' Rights Act, 1976 (Act No. 15 of 1976), it is hereby made known that all aspects of plant breeders' rights, of which the particulars appear in the Sections herewith have been processed for the period January 2022 to March 2022.
Any objections must be submitted in writing to the Registrar of Plant Breeders' Rights within THREE months with reference to denominations, and within SIX months with reference to applications and grants from the date of publication of this issue, accompanied by the appropriate fees.

The bracketed numbers are reference to the addresses of the applicants and agents which can be found on the plant breeders' rights page, on the www.dalrrd.gov.za website or upon request from the Plant Breeders' Rights Office.

Ms Elna De Bruyn
Acting Registrar of Plant Breeders' Rights

SECTION 1

RECEIPTS OF APPLICATIONS FOR PLANT BREEDERS' RIGHTS

AGRICULTURAL CROPS

Kind of plant: *Brassica napus* L. [Oil seed rape]

Application number	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9669	45Y97CL	Pioneer Overseas [133]	US	Corteva [411]	2022-03-30

Kind of plant: *Hordeum* L. [Barley]

Application number	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9652	RGT Asteroid	RAGT [1371]	FR	Jannie Fourie [1872]	2022-02-09
PT 9653	RGT Orbiter	RAGT [1371]	FR	Jannie Fourie [1872]	2022-02-09

Kind of plant: *Lolium* L. [Italian Ryegrass]

Application number	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9654	Appeal	Cropmark Seeds [1302]	NZ	AMS Trust [937]	2022-02-10

Kind of plant: *Lupinus* L. [Lupin]

Application number	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9663	Coyote	Australian Grain [2019]	AU	Syngenta SA [809]	2022-03-17

Kind of plant: *Solanum tuberosum* L. [Potato]

Application number	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9643	SOLHY007	Agventure BV [2017]	NL	Regen Z [2018]	2021-12-17
PT 9644	SOLHY012	Agventure BV [2017]	NL	Regen Z [2018]	2021-12-17
PT 9645	Tilbury	Germicopa [995]	FR	GWK [767]	2022-01-06

Kind of plant: *Triticum* L. [Wheat]

Application number	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9664	SST 0208	Syngenta Crop [1577]	CH	Syngenta SA [809]	2022-03-17
PT 9665	SST 3207	Syngenta Crop [1577]	CH	Syngenta SA [809]	2022-03-17
PT 9666	SST 8217	Syngenta Crop [1577]	CH	Syngenta SA [809]	2022-03-17
PT 9667	SST 8227	Syngenta Crop [1577]	CH	Syngenta SA [809]	2022-03-17

Kind of plant: *Vigna unguiculata* L. [Cowpea]

Application	Proposed	Applicant	Country	Agent	Date accepted

number	denomination				
PT 9646	UL-11	Univ. of Limpopo [1798]	ZA	Univ. of Limpopo [1798]	2022-01-26
PT 9647	UL-12	Univ. of Limpopo [1798]	ZA	Univ. of Limpopo [1798]	2022-01-26
PT 9648	UL-13	Univ. of Limpopo [1798]	ZA	Univ. of Limpopo [1798]	2022-01-26
PT 9649	UL-14	Univ. of Limpopo [1798]	ZA	Univ. of Limpopo [1798]	2022-01-26
PT 9650	UL-15	Univ. of Limpopo [1798]	ZA	Univ. of Limpopo [1798]	2022-01-26
PT 9651	UL-16	Univ. of Limpopo [1798]	ZA	Univ. of Limpopo [1798]	2022-01-26

Kind of plant: *Zea mays* L. [Yellow GMO]

Application number	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9660	PAN3P-924PW	Pioneer Hi-Bred Int. [1810]	US	Pannar Seed [1412]	2022-03-15
PT 9661	PAN4P-928PW	Pioneer Overseas [133]	US	Pannar Seed [1412]	2022-03-15
PT 9662	P1197PW	Pioneer Hi-Bred Int. [1810]	US	Corteva [411]	2022-03-15

VEGETABLE CROPS

Kind of plant: *Allium* L. [Onion]

Application number	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9655	Jetson	Bejo Zaden BV [441]	NL	Nuvance [1874]	2022-02-11

Kind of plant: *Ipomoea batatas* (L.) Lam. [Sweet Potato]

Application number	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9656	ARC-SP-6	ARC [254]	ZA	ARC [254]	2022-02-18
PT 9657	ARC-SP-7	ARC [254]	ZA	ARC [254]	2022-02-18
PT 9658	ARC-SP-8	ARC [254]	ZA	ARC [254]	2022-02-18
PT 9659	ARC-SP-9	ARC [254]	ZA	ARC [254]	2022-02-18

Kind of plant: *Lycopersicon esculentum* Mill. [Tomato]

Application number	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9668	Veraneio	Syngenta Crop [1577]	CH	Syngenta SA [809]	2022-03-30

ORNAMENTAL PLANTS

Kind of plant: *Chrysanthemum* L. [Chrysanthemum]

Application number	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9548	Dochrypasca	Dümmen Group BV [1796]	NL	Heus-Verheul [770]	2022-02-10

FRUIT CROPS

Kind of plant: *Citrus* L. [Mandarin]

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9535	ARCCIT B6/28	Agricultural Research Council [254]	ZA	Agricultural Research Council [254]	2022-02-03

Kind of plant: *Citrus* L. [Sweet orange]

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9541	Florida RBB7-34	Florida Foundation Seed Producers, Inc. [1117]	US	CGACC [1487]	2022-02-03

Kind of plant: *Ficus* L. [Fig]

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9675	S-49	Family Tree Farms, Inc. [1950]	US	Spoor & Fisher [157]	2022-03-24

Kind of plant: *Fragaria x ananassa* Duchesne [Strawberry]

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9544	FL 13 26 134	Florida Foundation Seed Producers, Inc. [1117]	US	Spoor & Fisher [157]	2022-03-08

Kind of plant: *Juglans* L. [Walnut]

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9534	Durham	The Regents of the University of California [176]	US	SAPO Trust [59]	2022-02-03

Kind of plant: *Malus* Mill. [Apple]

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9529	HC2 1	IFO SARL [1945]	FR	Stargrow [731]	2022-01-10
PT 9542	R 10-45	Regal Fruit Int. [1880]	US	Stargrow [731]	2022-03-02
PT 9530	R201	IFO SARL [1945]	FR	Stargrow [731]	2022-01-10
PT 9549	Wurtwinning	Fresh Forward Holding BV [2001]	NL	SAPO [59]	2022-03-14
PT 9528	Y101	IFO SARL [1945]	FR	Stargrow [731]	2022-01-10

Kind of plant: *Pistacia* L. [Pistachio]

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9547	UCB1-D110	JS Duarte, Modesto [1948] & JT Duarte, Modesto [1949]	US	Adams & Adams [65]	2022-02-24
PT 9672	UCB1-D11	JS Duarte, Modesto [1948] & JT Duarte, Modesto [1949]	US	Adams & Adams [65]	2022-03-31

Kind of plant: *Prunus* spp. [Interspecific plum]

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9536	Ruby Gem	Zaigers Inc., CA [605]	US	Zaiger SA [1272]	2022-03-02

Kind of plant: *Prunus armeniaca* L. [Apricot]

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9532	Rubely	SAS Newcot, Saint Gilles [1946]	FR	Stargrow [731]	2022-02-02
PT 9533	Primassi	SAS Newcot, Saint Gilles [1946]	FR	Stargrow [731]	2022-02-02

Kind of plant: *Prunus persica* L. Batsch var *nucipersica* Schneid. [Nectarine]

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9670	Honey Rico	Zaigers Inc., CA [605]	US	Zaiger SA [1272]	2022-03-31
PT 9671	Polar Pride	Zaigers Inc., CA [605]	US	Zaiger SA [1272]	2022-03-31
PT 9537	Reed	Zaigers Inc., CA [605]	US	Zaiger SA [1272]	2022-02-18

Kind of plant: *Prunus persica* L. Batsch [Peach]

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 8538	June Honey	Zaigers Inc., CA [605]	US	Zaiger SA [1272]	2022-02-18
PT 9539	Krista	Zaigers Inc., CA [605]	US	Zaiger SA [1272]	2022-02-18
PT 9540	Snow Gypsy	Zaigers Inc., CA [605]	US	Zaiger SA [1272]	2022-02-18

PT 9541	Snow Ryder	Zaigers Inc., CA [605]	US	Zaiger SA [1272]	2022-02-18

Kind of plant: *Punica granatum* L. [Pomegranate]

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9531	NFG102	Viveros Nurfruits SL [1947]	SP	Stargrow [731]	2022-01-22

Kind of plant: *Vaccinium* L. [Blueberry]

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9674	C08-141	CostaExchange Pty Ltd [1741]	AU	Spoor & Fisher [157]	2022-03-17
PT 9673	NS 15-14	Next Progeny [1814]	AU	DM Kisch Inc. [124]	2022-03-09 • **Priority 2021-03-09**

Kind of plant: *Vitis* L. [Grape]

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9545	Sugrafiftyseven	Sun World International, LLC [652]	US	Von Siedels [1308]	2022-02-03
PT 9546	Sugrasixty	Sun World International, LLC [652]	US	Von Siedels [1308]	2022-02-03

SECTION 2

APPLICATIONS WITHDRAWN

Kind of plant: *Citrus* L. [Mandarin]

Application No.	Applicant	Agent	Proposed denomination	Date of Withdrawal
PT 7093	Evascit SL [1619]	Source Citrus Genesis [1620]	Clemenlate	2022-01-20
PT 7262	CSIRO Plant Industry [1538]	Source Citrus Genesis [1620]	Merbeingold 2336	2022-01-20
PT 7263	CSIRO Plant Industry [1538]	Source Citrus Genesis [1620]	Merbeingold 2350	2022-01-20

Kind of plant: Zea mays L. [Maize]

Application No.	Applicant	Agent	Proposed denomination	Date of Withdrawal
PT 8150	Pioneer Overseas [133]	Corteva RSA [411]	PH1ANV2	2022-02-18
PT 8155	Pioneer Overseas [133]	Corteva RSA [411]	PH19JZ1	2022-02-18
PT 8156	Pioneer Overseas [133]	Corteva RSA [411]	PH43VG1	2022-02-18

SECTION 3

APPLICATIONS REJECTED

Kind of plant: *Trifolium* L. [Clover]

Application No.	Applicant	Agent	Proposed denomination	Date of Refusal
N/A	Cropmark Seeds [1302]	AMS Trust [937]	Reaper	2022-02-10

IV. DENOMINATIONS

IV.A Application for variety denominations

Vide I

SECTION 4

APPLICATIONS FOR APPROVAL OF ALTERATIONS OF DENOMINATIONS

Kind of plant: *Glycine max* (L.) Merrill [Soya bean]

Application/Registration No.	Applicant	Agent	Previous denomination	Date alteration granted	New denomination
ZA 20196845	Pioneer Overseas [133]	Corteva RSA [411]	JAR3175	2022-02-18	PAN 1588 R
ZA 20217464	Pioneer Overseas [133]	Corteva RSA [411]	JAR3222	2022-02-18	PAN 1692 R
ZA 20217465	Pioneer Overseas [133]	Corteva RSA [411]	JAR3244	2022-02-18	P53T10 R
ZA 20217466	Pioneer Overseas [133]	Corteva RSA [411]	JAR3259	2022-02-18	P62T16 R

Kind of plant: *Triticum* L. [Wheat]

Application/Registration No.	Applicant	Agent	Previous denomination	Date alteration granted	New denomination
PT 9101	Asociados DM [1281]	GDM Seeds SA [1708]	DM1815T	2022-02-01	IS Tordo

Kind of plant: *Zea mays* L. [Maize]

Application/Registration No.	Applicant	Agent	Previous denomination	Date alteration granted	New denomination
PT 8921	Pioneer Overseas [133]	Corteva RSA [411]	X25K091W R	2022-02-18	P2565W R
PT 8940	Pioneer Overseas [133]	Corteva RSA [411]	X13M724	2022-02-18	P1225
PT 9216	Pioneer Overseas [133]	Corteva RSA [411]	X30T654 BR	2022-02-18	P2850 BR
ZA 20063480	Pioneer Overseas [133]	Corteva RSA [411]	PHB 32B10	2022-02-18	PAN 3M-101
ZA 20196920	Pioneer Overseas [133]	Corteva RSA [411]	X25M127W R	2022-02-18	PAN 5R-547 R
ZA 20217508	Pioneer Overseas [133]	Corteva RSA [411]	X18F883 PW	2022-02-18	P1788 PW
ZA 20217510	Pioneer Overseas [133]	Corteva RSA [411]	X23B148 PW1	2022-02-18	P2432 PW
ZA 20217513	Pioneer Overseas [133]	Corteva RSA [411]	X25N208 PW	2022-02-18	PAN 5P-902 PW
ZA 20217518	Pioneer Overseas [133]	Corteva RSA [411]	X30T641 R	2022-02-18	PAN 5R-642 R

SECTION 5

NOTIFICATIONS OF CHANGE OF AGENTS

Kind of plant: *Solanum tuberosum* L. [Potato]

Application/Registration No.	Applicant	Variety Denomination	Previous Agent	New Agent
ZA 20176556	Plantera [1794]	Abby	Zylem [312]	RegenZ [2018]
ZA 20155902	KWS Potato [1593]	El Mundo	Zylem [312]	RegenZ [2018]
ZA 20114790	Van Rijn [1445]	Labadia	Zylem [312]	RegenZ [2018]
ZA 20176387	KWS Potato [1593	Mondeo	Zylem [312]	RegenZ [2018]

SECTION 6

CHANGES IN THE PERSON OF THE HOLDER OF A PLANT BREEDERS' RIGHT

Kind of plant: *Avena* L. [Oats]

Registration No.	Date granted	Variety Denomination	Date of transfer	Portion transferred	Previous Holder	New Holder
ZA 20207138	2020-08-25	SSH 4185	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20207139	2020-08-25	SSH 4186	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20207140	2020-08-25	SSH 4187	2022-02-21	100%	Sensako [24]	Syngenta SA [809]

Kind of plant: *Fragaria x ananassa* Duchesne [Strawberry]

Registration No.	Date granted	Variety Denomination	Date of transfer	Portion transferred	Previous Holder	New Holder
ZA 20207206	ZA 20207206	Malling Centenary	2022-02-24	100%	NIAB EMR [1800]	NIAB [1951]

Kind of plant: *Glycine max* (L.) Merrill [Soya bean]

Registration No.	Date granted	Variety Denomination	Date of transfer	Portion transferred	Previous Holder	New Holder

ZA 20217448	2021-09-29	SSS 500	2022-02-21	100%	Sensako [24]	Syngenta SA [809]

Kind of plant: *Hordeum* L. [Barley]

Registration No.	Date granted	Variety Denomination	Date of transfer	Portion transferred	Previous Holder	New Holder
ZA 20217225	2021-02-03	SSG 066 V	2022-02-21	100%	Sensako [24]	Syngenta SA [809]

Kind of plant: *Secale cereale* L. [Rye]

Registration No.	Date granted	Variety Denomination	Date of transfer	Portion transferred	Previous Holder	New Holder
ZA 20196808	2019-05-23	SSR 789	2022-02-21	100%	Sensako [24]	Syngenta SA [809]

Kind of plant: *Triticum* L. [Wheat]

Registration No.	Date granted	Variety Denomination	Date of transfer	Portion transferred	Previous Holder	New Holder
ZA 20196803	2019-05-07	SST 0117	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20145567	2014-04-08	SST 0127	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20166079	2016-03-18	SST 0147	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20186596	2018-02-20	SST 0166	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20032801	2003-02-11	SST 026	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20042985	2004-02-05	SST 027	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20042986	2004-02-05	SST 036	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20063427	2006-02-07	SST 047	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20063428	2006-02-07	SST 056	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20104335	2010-02-08	SST 087	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20125007	2012-04-04	SST 096	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20166080	2016-03-18	SST 3149	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20207056	2020-06-17	SST 3156	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20135243	2013-03-27	SST 316	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20135244	2013-03-27	SST 317	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20207057	2020-06-17	SST 3176	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20207058	2020-06-17	SST 3186	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20063429	2006-02-07	SST 347	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20063430	2006-02-07	SST 356	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20104336	2010-02-08	SST 374	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20104337	2010-02-08	SST 387	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20125008	2012-04-04	SST 398	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20166081	2016-03-18	SST 7155	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20166082	2016-03-18	SST 7156	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20166083	2016-03-18	SST 7157	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20155868	2015-03-27	SST 8125	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20155870	2015-03-27	SST 8135	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20186597	2018-02-20	SST 8154	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20186598	2018-02-20	SST 8155	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20196804	2019-05-07	SST 8156	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20207059	2020-06-17	SST 8175	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20042987	2004-02-05	SST 835	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20083810	2008-01-14	SST 843	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20125011	2012-04-04	SST 866	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20104338	2010-02-08	SST 867	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20104339	2010-02-08	SST 875	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20104340	2010-02-08	SST 877	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20125012	2012-04-04	SST 884	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20125013	2012-04-04	SST 895	2022-02-21	100%	Sensako [24]	Syngenta SA [809]
ZA 20125014	2012-04-04	SST 896	2022-02-21	100%	Sensako [24]	Syngenta SA [809]

Kind of plant: *Zea mays* L. [Yellow Conventional Maize]

Registration No.	Date granted	Variety Denomination	Date of transfer	Portion transferred	Previous Holder	New Holder
ZA 20176552	2017-10-10	SNK 2768	2022-02-21	100%	Sensako [24]	Syngenta SA [809]

SECTION 7

CHANGES IN THE PERSON OF THE APPLICANT OF A PLANT BREEDERS' RIGHT

Kind of plant: *Rubus* L. [Raspberry]

Application No.	Application date	Variety Denomination	Date of change	Previous Applicant	New Applicant
PT 9414	2021-05-14	EMR 20171	2022-02-24	NIAB EMR [1800]	NIAB [1951]
PT 9415	2021-05-14	EMR 20172	2022-02-24	NIAB EMR [1800]	NIAB [1951]

SECTION 8

GRANT OF PLANT BREEDERS' RIGHTS

AGRICULTURAL CROPS

Kind of plant: Brassica napus L. [Oil seed rape]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 9067	44Y94CL	Pioneer Overseas [133]	Corteva RSA [411]	ZA 20227551	2022-01-03	2042-01-03
PT 8781	45Y93CL	Pioneer Overseas [133]	Corteva RSA [411]	ZA 20227552	2022-01-03	2042-01-03
PT 9068	45Y95CL	Pioneer Overseas [133]	Corteva RSA [411]	ZA 20227553	2022-01-03	2042-01-03
PT 8569	Alpha TT	NPZ Australia [1834]	Agricol [1]	ZA 20227554	2022-01-03	2042-01-03

Kind of plant: *Phaseolus vulgaris* L. [Dry bean]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 9440	PAN 9119	Pioneer Overseas [133]	Corteva [411]	ZA 20227580	2022-03-01	2042-03-01

Kind of plant: *Triticum* L. [Wheat]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 8206	Kougas	ARC [254]	ARC [254]	ZA 20227579	2022-02-08	2042-02-08

Kind of plant: Zea mays L. [Yellow Conventional]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 8383	PH45SZ	Pioneer Overseas [133]	Corteva RSA [411]	ZA 20227561	2022-01-03	2042-01-03
PT 8379	PH890	Pioneer Hi-Bred Int. [1810]	Corteva RSA [411]	ZA 20227562	2022-01-03	2042-01-03
PT 8382	PHYD6	Pioneer Overseas [133]	Corteva RSA [411]	ZA 20227563	2022-01-03	2042-01-03
PT 8940	X13M724	Pioneer Overseas [133]	Corteva RSA [411]	ZA 20227555	2022-01-03	2042-01-03
PT 9202	X18T155	Pioneer Overseas [133]	Corteva RSA [411]	ZA 20227556	2022-01-03	2042-01-03
PT 8624	X25N2081	Pioneer Hi-Bred Int. [1810]	Corteva RSA [411]	ZA 20227557	2022-01-03	2042-01-03
PT 8946	X25P2901	Pioneer Overseas [133]	Corteva RSA [411]	ZA 20227558	2022-01-03	2042-01-03
PT 8947	X25P306	Pioneer Overseas [133]	Corteva RSA [411]	ZA 20227559	2022-01-03	2042-01-03
PT 9203	X25T367	Pioneer Overseas [133]	Corteva RSA [411]	ZA 20227560	2022-01-03	2042-01-03

VEGETABLE CROPS/GROENTEGEWASSE

Kind of plant: Capsicum L. [Pepper]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 9232	Delisha	Sakata India [1911]	Sakata SA [1356]	ZA 20227581	2022-03-01	2042-03-01

PT 9229	Molopo	Pro-Seed [366]	Pro-Seed [366]	ZA 20227582	2022-03-01	2042-03-01
PT 9434	Upbeat	Syngenta [1577]	Syngenta SA [809]	ZA 20227583	2022-03-01	2042-03-01

Kind of plant: *Cucurbita* L. [Pumpkin]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 9632	Chiaro	Sakata [44]	Sakata SA [1356]	ZA 20227577	2022-02-02	2042-02-02
PT 9233	Colinky	Sakata [44]	Sakata SA [1356]	ZA 20227578	2022-02-02	2042-02-02

Kind of plant: *Cucurbita* L. [Squash]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 9433	Tigergem	Conatech [839]	Conatech [839]	ZA 20227576	2022-02-02	2042-02-02

Kind of plant: *Daucus carota* L. [Carrot]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 8475	Allyance	Nunhems BV [101]	Kisch IP [124]	ZA 20227564	2022-01-12	2042-01-12

Kind of plant: *Lycopersicon esculentum* Mill. [Tomato]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 8969	Enzo F1	Genome [1875]	Nuvance [1874]	ZA 20227570	2022-02-01	2042-02-01
PT 8710	Nerine	Sakata America [1111]	Sakata SA [1356]	ZA 20227571	2022-02-01	2042-02-01
PT 8850	Obus	Monsanto [1748]	Bayer [1514]	ZA 20227572	2022-02-01	2042-02-01
PT 8711	Odette	Sakata Vegenetics [1356]	Sakata SA [1356]	ZA 20227573	2022-02-01	2042-02-01
PT 7291	Rally	Sakata America [1111]	Sakata SA [1356]	ZA 20227574	2022-02-01	2042-02-01
PT 8712	Zara	Sakata Seed India [1849]	Sakata SA [1356]	ZA 20227575	2022-02-01	2042-02-01

FRUIT CROPS/VRUGTEGEWASSE

Kind of plant: *Persea Americana* Mill. [Avocado]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 9039	Merensky 5	Westfalia [455] & SA Avocado Growers Ass.[1002]	Westfalia Fruit Estates [455]	ZA 20227594	2022-03-29	2047-03-29
PT 9040	Merensky 6	Westfalia [455] & SA Avocado Growers Ass.[1002]	Westfalia Fruit Estates [455]	ZA 20227595	2022-03-29	2047-03-29

Kind of plant: *Prunus persica* (L.) Batsch. var *nucipersica* Schneid. [Nectarine]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 5070	Platornec	PLANASA, Spain [1081]	Stargrow [731]	ZA 20227593	2022-03-30	2047-03-30
PT 9062	Honey Pot	Zaiger INc. Gen., USA [605]	Zaiger SA [1272]	ZA 20227596	2022-03-29	2047-03-29

Kind of plant: *Rubus* L. [Blackberry]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 9083	Midnight	Beekers Berries, NL [2003]	Adams & Adams [65]	ZA 20227597	2022-03-16	2047-03-16

PT 8573	APF-122	University of Arkansas [513]	Spoor & Fisher [157]	ZA 20227598	2022-03-16	2047-03-16
PT 8761	APF-190T	University of Arkansas [513]	Spoor & Fisher [157]	ZA 20227599	2022-03-16	2047-03-16

Kind of plant: *Vaccinium* L. [Blueberry]

Application No.	*Variety Denomination*	*Grantee*	*Agent*	*Grant No.*	*Date of Grant*	*Expiry Date*
PT 7889	EB 8-50	Biza Trading & Prunus Persica, Western AU [1803 & 1759]	DM Kisch [124]	ZA 20227605	2022-03-03	2047-03-03
PT 7915	EB 9-4	Biza Trading & Prunus Persica, Western AU [1803 & 1759]	DM Kisch [124]	ZA 20227602	2022-03-03	2047-03-03
PT 7892	EB 10-1	Biza Trading & Prunus Persica, Western AU [1803 & 1759]	DM Kisch [124]	ZA 20227604	2022-03-03	2047-03-03
PT 7753	C03 158	Costaexchange & Florida Foundation Seed Prod. [1741 & 1117]	Spoor & Fisher [157]	ZA 20227614	2022-03-03	2047-03-03
PT 7752	C03 38	Costaexchange & Florida Foundation Seed Prod. [1741 & 1117]	Spoor & Fisher [157]	ZA 20227613	2022-03-03	2047-03-03
PT 7754	C04 14	Costaexchange & Florida Foundation Seed Prod. [1741 & 1117]	Spoor & Fisher [157]	ZA 20227615	2022-03-03	2047-03-03
PT 7755	C04 51	Costaexchange & Florida Foundation Seed Prod. [1741 & 1117]	Spoor & Fisher [157]	ZA 20227616	2022-03-03	2047-03-03
PT 8452	NS 13-1	Next Progeny, Western AU [1814]	DM Kisch [124]	ZA 20227603	2022-03-03	2047-03-03
PT 8758	NS 13-6	Next Progeny, Western AU [1814]	DM Kisch [124]	ZA 20227607	2022-03-03	2047-03-03
PT 8461	NS 14-5	Next Progeny, Western AU [1814]	DM Kisch [124]	ZA 20227606	2022-03-03	2047-03-03
PT 6351	Blue Bayou	NZ Insitute for Plant & Food Research [1065]	Hahn & Hahn [629]	ZA 20227610	2022-03-03	2047-03-03
PT 5527	Island Blue	NZ Insitute for Plant & Food Research [1065]	Hahn & Hahn [629]	ZA 20227608	2022-03-03	2047-03-03
PT 6347	Sky Blue	NZ Insitute for Plant & Food Research [1065]	Hahn & Hahn [629]	ZA 20227612	2022-03-03	2047-03-03
PT 6349	Sunset Blue	NZ Insitute for Plant & Food Research [1065]	Hahn & Hahn [629]	ZA 20227609	2022-03-03	2047-03-03
PT 8282	Velluto Blue	NZ Insitute for Plant & Food Research [1065]	Hahn & Hahn [629]	ZA 20227611	2022-03-03	2047-03-03
PT 9091	TH-917	University of Georgia Research Foundation [1866]	Topfruit [229]	ZA 20227617	2022-03-03	2047-03-03
PT 9095	TH-1321	University of Georgia Research Foundation [1866]	Topfruit [229]	ZA 20227620	2022-03-03	2047-03-03
PT 9094	TH-1334	University of Georgia Research Foundation [1866]	Topfruit [229]	ZA 20227621	2022-03-03	2047-03-03
PT 9096	TH-1876	University of Georgia Research Foundation [1866]	Topfruit [229]	ZA 20227622	2022-03-03	2047-03-03
PT 9092	TH-921	University of Georgia Research Foundation [1866]	Topfruit [229]	ZA 20227618	2022-03-03	2047-03-03
PT 9093	TH-948	University of Georgia Research Foundation [1866]	Topfruit [229]	ZA 20227619	2022-03-03	2047-03-03

Kind of plant: *Vitis* L. [Grape]

Application	*Variety*	*Grantee*	*Agent*	*Grant No.*	*Date of*	*Expiry*

No.	Denomination				Grant	Date
PT 6909	Sheegene 8	Sheehan Genetics LLC, USA [1289]	SNFL [1506]	ZA 20227590	2022-02-28	2047-02-28
PT 6910	Sheegene 10	Sheehan Genetics LLC, USA [1289]	SNFL [1506]	ZA 20227591	2022-02-28	2047-02-28

ORNAMENTAL PLANTS/SIERGEWASSE

Kind of plant: *Carex oshimensis* Nakai [Japanese sedge]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 6946	Everillo	Patrick Fitzgerald, Ireland [1475]	Plant Species Development [82]	ZA 20227566	2022-01-03	2042-01-03
PT 6964	Fiwhite	Patrick Fitzgerald, Ireland [1475]	Plant Species Development [82]	ZA 20227567	2022-01-03	2042-01-03

Kind of plant: *Chamelaucium* Desf. [Wax flower]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 9473	Nina's Delight	Helix Australia [1433]	Arnelia [1337]	ZA 20227588	2022-02-24	2042-02-24

Kind of plant: *Chrysanthemum* L. [Chrysanthemum]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 9273	DLFDGRN5	Deliflor Royalties, NL [771]	Interseeds [770]	ZA 20227600	2022-03-16	2042-03-16
PT 9353	DLFPIP4	Deliflor Royalties, NL [771]	Interseeds [770]	ZA 20227589	2022-02-08	2042-02-08
PT 9299	Dochrycasi	Dümmen Group, NL [1796]	Interseeds [770]	ZA 20227585	2022-02-08	2042-02-08
PT 9300	Dochryfroz	Dümmen Group, NL [1796]	Interseeds [770]	ZA 20227586	2022-02-08	2042-02-08
PT 9301	Dochrykapi	Dümmen Group, NL [1796]	Interseeds [770]	ZA 20227592	2022-02-08	2042-02-08
PT 8726	Dochrymelian	Dümmen Group, NL [1796]	Interseeds [770]	ZA 20227587	2022-02-08	2042-02-08
PT 9302	Dochrysum	Dümmen Group, NL [1796]	Interseeds [770]	ZA 20227584	2022-02-08	2042-02-08

Kind of plant: *Cordyline* Comm *ex* Juss [Cordyline]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 6949	Charlie Boy	Graeme Richards, UK	Plant Species Development [82]	ZA 20227568	2022-01-18	2041-01-18
PT 7419	Jive	Peter Frazer, Growing Spectrum, NZ	Plant Species Development [82]	ZA 20227569	2022-01-18	2041-01-18

Kind of plant: *Cupressus* L. [Cypress]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 9384	Hayfrego	Verschuren, NL [1933]	Plant Species Development [82]	ZA 20227601	2022-03-16	2047-03-16

SECTION 9

REFUSAL OF GRANTS FOR PLANT BREEDERS' RIGHTS

Kind of plant: Zea mays L. [Yellow Conventional]

Application No.	Applicant	Agent	Variety Denomination	Date of Rejection
PT 8309	Pioneer Overseas [133]	Corteva RSA [411]	X13K603	2022-01-03

SECTION 10

PLANT BREEDERS' RIGHTS EXPIRED

Registration No.	Genus & species	Common Name	Variety Denomination	Holder	Agent	Date Expired

SECTION 11

PLANT BREEDERS' RIGHTS SURRENDERED

Registration No.	Genus & species	Common Name	Variety Denomination	Holder	Agent	Date Surrendered
ZA 20217302	*Alstroemeria* L.	Inca lily	Emily	Wüfinghoff Alstromeria BV (1627)	Knol-Korevaar [770]	2022-02-03
ZA 20217303	*Alstroemeria* L.	Inca lily	Gina	Wüfinghoff Alstromeria BV (1627)	Knol-Korevaar [770]	2022-02-03
ZA 20217304	*Alstroemeria* L.	Inca lily	Jessica	Wüfinghoff Alstromeria BV (1627)	Knol-Korevaar [770]	2022-02-03
ZA 20217305	*Alstroemeria* L.	Inca lily	Lucy	Wüfinghoff Alstromeria BV (1627)	Knol-Korevaar [770]	2022-02-03
ZA 20135417	*Chrysanthemum* L.	Chrysanthemum	Anastasia Star Pink	Deliflor [771]	Knol-Korevaar [770]	2022-02-03
ZA 20176395	*Chrysanthemum* L.	Chrysanthemum	Dekkishu	Dekker [773]	Knol-Korevaar [770]	2022-01-11
ZA 20104401	*Chrysanthemum* L.	Chrysanthemum	Delianne White	Deliflor [771]	Knol-Korevaar [770]	2022-02-03
ZA 20043224	*Chrysanthemum* L.	Chrysanthemum	Delianne Yellow	Deliflor [771]	Knol-Korevaar [770]	2022-02-03
ZA 20155879	*Chrysanthemum* L.	Chrysanthemum	Delisuncica	Deliflor [771]	Knol-Korevaar [770]	2022-02-03
ZA 20176568	*Chrysanthemum* L.	Chrysanthemum	Deloir	Deliflor [771]	Knol-Korevaar [770]	2022-02-03
ZA 20217383	*Chrysanthemum* L.	Chrysanthemum	DLFALT2	Deliflor [771]	Knol-Korevaar [770]	2022-02-03
ZA 20217394	*Chrysanthemum* L.	Chrysanthemum	DLFBRI1	Deliflor [771]	Knol-Korevaar [770]	2022-02-03
ZA 20196790	*Chrysanthemum* L.	Chrysanthemum	DLFKALU4	Deliflor [771]	Knol-Korevaar [770]	2022-02-03
ZA 20176543	*Chrysanthemum* L.	Chrysanthemum	DLFOSIT	Deliflor [771]	Knol-Korevaar [770]	2022-02-03
ZA 20217397	*Chrysanthemum* L.	Chrysanthemum	DLFPSU13	Deliflor [771]	Knol-Korevaar [770]	2022-02-03
ZA 20196969	*Chrysanthemum* L.	Chrysanthemum	DLFROYC7	Deliflor [771]	Knol-Korevaar [770]	2022-02-03
ZA 20217232	*Citrus* L.	Valencia	Henrietta	B van Rooyen (1512)	Cltrogold [964]	2022-01-17
ZA 20217231	*Citrus* L.	Valencia	Louisa	B van Rooyen (1512)	Cltrogold [964]	2022-01-17
ZA 20206984	*Fragaria x ananassa* Duchesne	Strawberry	Valor	Plant Sciences [814]	Stargrow [731]	2022-02-02
ZA 20145635	*Malus* Mill.	Apple	Galmac	Agroscope Changins [1373]	Stargrow [731]	2022-01-12

ZA 20135197	*Malus* Mill.	Apple	La Flamboyante	Agroscope Changins [1373]	Stargrow [731]	2022-01-12
ZA 20217413	*Malus* Mill.	Apple	Ladina	Agroscope [1855]	Stargrow [731]	2022-01-12
ZA 20135374	*Malus* Mill.	Apple	Milwa	Agroscope Changins [1373]	Stargrow [731]	2022-01-12
ZA 20124942	*Pelargonium* L'Herit	Pelargonium	Fismaxi	Syngenta [879]	Syngenta [879]	2022-02-01
ZA 20145688	*Plectranthus* L'Herit	Spur flower	P030507B	Brits [739]	KKHI [422]	2022-01-03
ZA 20145689	*Plectranthus* L'Herit	Spur flower	P040511C	Brits [739]	KKHI [422]	2022-01-03
ZA 20145690	*Plectranthus* L'Herit	Spur flower	P040518	Brits [739]	KKHI [422]	2022-01-03
ZA 20186620	*Rubus* L.	Raspberry	Adele	NZIPR [1065]	Hahn & Hahn [629]	2022-02-03
ZA 20176338	*Rubus* L.	Raspberry	Awaroa	NZIPR [1065]	Hahn & Hahn [629]	2022-02-03
ZA 20176337	*Rubus* L.	Raspberry	Korere	NZIPR [1065]	Hahn & Hahn [629]	2022-02-03
ZA 20176336	*Rubus* L.	Raspberry	Korpiko	NZIPR [1065]	Hahn & Hahn [629]	2022-02-03
ZA 20176335	*Rubus* L.	Raspberry	Moutere	NZIPR [1065]	Hahn & Hahn [629]	2022-02-03

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 2301 **22 July 2022**

GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994) AS AMENDED

Notice is hereby given in terms of section 11(1) (c) of the Restitution of Land Rights Act, 1994 as amended) that a claim has been lodged for restitution of land rights on:

REF NO	CLAIMANT	PROPERTY DESCRIPTION	CURRENT LANDOWNERS	BONDS / NO BONDS	DEED OF TRANSFER	INTERESTED PARTIES
Z 0378 (KRP 1376)	Mr. Maqelile Aaron Masilela	Portion 13 of the farm Blesbokfontein 558 JR	Engelbrecht Reynier	None	T142193/2002	Land Claimant, the current landowners and the City of Tshwane Metropolitan Municipality
		Portion 14 of the farm Blesbokfontein 558 JR				
		Portion 15 of the farm Blesbokfontein 558 JR				

have been submitted to the Regional Land Claim Commission and that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of the Act in due course. Any interested person who has an interest in the above-mentioned land claim is hereby invited to submit, within ninety (90) working days from the publication any comments/information to:

Chief Directorate: Land Restitution Support Gauteng Province
Private Bag X03
ARCADIA
0007
Tel: (012) 310-6500
Fax: (012) 324-5812

MR. L.H MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
DATE: 20220610

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 2302 **22 July 2022**

NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004 (ACT NO. 10 OF 2004)

DRAFT AFRICAN PENGUIN BIODIVERSITY MANAGEMENT PLAN

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby in terms of sections 43(1)*(b)*(i) and 47(1) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), invite the public to comment on the draft African Penguin Biodiversity Management Plan. Copies of the draft plan can be downloaded from the website of the Department of Forestry, Fisheries and the Environment at **www.environment.gov.za** or can be obtained electronically upon request by email to **marinespecies@dffe.gov.za**.

The public is invited to submit written representations on the draft plan within 30 (thirty) days after the publication of this notice in the *Gazette.* Written representations received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director–General Branch: Oceans and Coasts of the Department of Forestry, Fisheries and the Environment:

By hand: The Deputy Director-General
Attention: Ms Millicent Makoala
Department of Forestry, Fisheries and the Environment
Branch: Oceans and Coasts
1 East Pier Building, East Pier Road
V&A Waterfront, Cape Town
By e-mail: marinespecies@dffe.gov.za

By post to: The Deputy Director-General
Attention: Ms Millicent Makoala
Department of Forestry, Fisheries and the Environment
Branch: Oceans and Coast
P.O. Box / Private Bag x4390
Cape Town, 8002

Enquiries: Ms Millicent Makoala on 066 082 1010.

BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 2303 **22 July 2022**

SKILLS DEVELOPMENT ACT, 1998 (ACT NO. 97 OF 1998)

NATIONAL APPRENTICESHIP AND ARTISAN DEVELOPMENT STRATEGY 2030

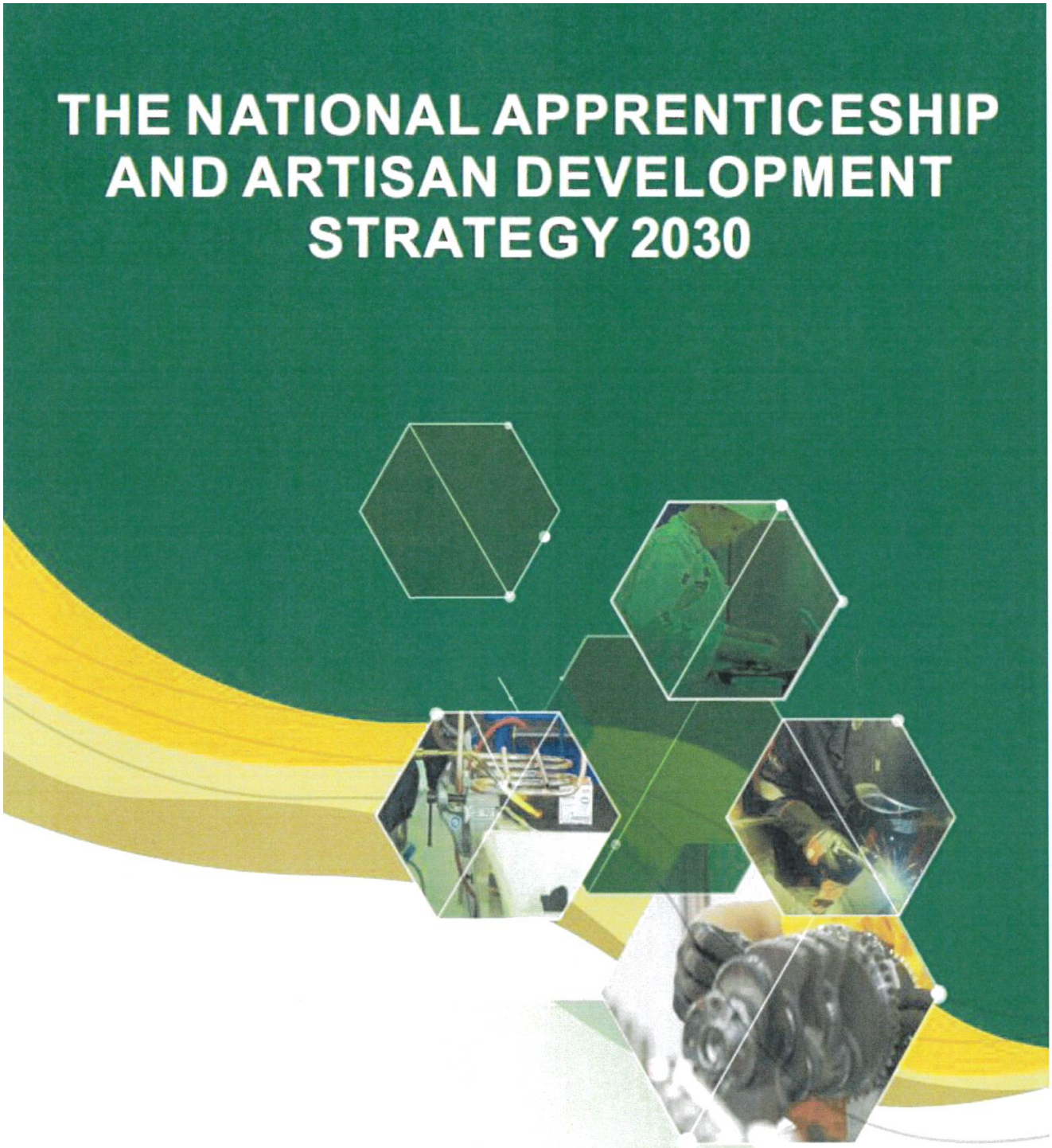
I, Bonginkosi Emmanuel Nzimande, Minister of Higher Education, Science and Innovation, in terms of section 15 of the Interpretation Act, 1957 (Act No. 33 of 1957) read with section 5(1)*(a)*(ii) and (iii) of the Skills Development Act, 1998 (Act No.97 of 1998) hereby publish the National Apprenticeship and Artisan Development Strategy 2030.

The full document is available at the Department of Higher Education and Training's website: www.dhet.gov.za and the National Artisan Development's website: http//:nadsc.dhet.gov.za.



Dr BE Nzimande, MP
Minister of Higher Education, Science and Innovation
Date: 09/06/2022

THE NATIONAL APPRENTICESHIP AND ARTISAN DEVELOPMENT STRATEGY 2030



higher education & training

Department
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

21st century QUALITY APPRENTICESHIP

Ministers Foreword



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



Deputy Minister of Higher Education, Science and Innovation
Mr B Manamela, MP

It gives me great pleasure and honour to present our Country's first ever National Apprenticeship and Artisan Development Strategy 2030. The strategy is founded on the policy direction of the National Development Plan (NDP), the White Paper on Post School Education and Training and the National Skills Development Plan (NSDP).

The strategy is promulgated at a time when the Country and World at large are grappling with the COVID-19 pandemic. The COVID-19 pandemic has changed the way we live and the way we perform our duties. This change also extends to the way apprenticeships are implemented. The strategic policy direction given by the strategy will allow the Department of Higher Education and Training (DHET) supported by all key stakeholders to drive the country out of the challenges of poverty, inequality and unemployment which have worsened due to the COVID-19 pandemic.

The key focus of the strategy is the rejuvenation of the apprenticeship system in South Africa through the implementation of the Apprenticeship of the 21st century referred to as the A21. This mode of delivering technical and vocational education will enable the country to produce quality artisans for which the country has a great need. The achievement of the NDP objective of producing 30 000 artisans per annum by 2030 will require the partnership of government, organised business, organised labour as well as other stakeholders involved in the training of artisans.

The strategy supports the implementation of the Economic Reconstruction and Recovery Plan as well as the District Development Model through the establishment and continuation of partnerships at all spheres of government to enable the production of artisans who are fit for purpose in line with local economic plans and activity. This will ultimately ensure that the DHET produces skills that are relevant for the economy and that citizens participate in the economy.

This gazette is also available free online at www.gpwonline.co.za

National Apprenticeship and Artisan Development Strategy 2030

Table of Contents

Ministers Foreword 2
Table of Contents 3
1. Executive Summary 5
2. Background 10
3. Legislative Environment 12
3.1. Skills Development Act 12
3.2. White Paper for Post School Education and Training 13
3.3. National Skills Development Plan 2030 14
4. Apprenticeship and Artisan Development System Role Players 15
4.1. National Artisan Development Chief Directorate 15
4.1.1. Artisan Development 16
4.1.2. National Artisan Moderation Body 16
4.1.3. Trade Test Application and Assessment 17
4.1.4. Career Development (WorldSkills South Africa and the Decade of the Artisan) 17
4.2. DHET TVET Branch 18
4.3. SAIVCET 18
4.4. Skills Development Providers 19
4.5. Trade Test Centres 19
4.6. Sector Education and Training Authorities 20
4.7. Quality Council for Trades and Occupations 20
4.8. Department of Basic Education 21
4.9. Private and Public Sector Employers 22
5. The New 7 Steps to becoming and Artisan 22
5.1. Career Development 23
5.1.1. Career Development Services 23
5.1.2. The Selection and Recruitment Tool 28
5.1.3. Multiple Access routes onto A21 Apprenticeship 29
5.1.3.1. Grade 9, Academic Matric and Technical Matric 29
5.1.3.2. Pre-Vocational Learning Programme 30
5.2. Apprenticeship of the 21st Century (A21) 32
5.2.1. Learner Contracting 32
5.2.2. Knowledge, Practical and Workplace Training 37
6. Artisan Recognition of Prior Learning 45
7. Trade Testing 49
8. Certification 52

This gazette is also available free online at www.gpwonline.co.za

9. Quality Assurance 53
9.1. Accreditation 54
9.2. Regional/Provincial Quality Assurance and Control 54
9.2.1. Training Provision Development and Monitoring 55
9.2.2. Workplace Development and Monitoring 55
9.3. Trade Testing, Quality Assurance and Delivery Monitoring 56
10. Skills Development Providers and TVET Colleges 57
10.1. Private TVET Colleges 57
10.2. Public TVET Colleges 58
10.2.1. The composition of the Academic Boards of TVET College 59
10.2.2. Lecturer Development 60
11. The Lead and Host Employer Concept in A21 61
11.1. Public TVET Colleges as lead employers 61
11.2. Private and Employer Associations as Lead Employers 62
12. National Apprenticeship and Artisan Development Advisory Board 62
12.1. Proposed Artisan Development Governance Structure 64
13. State Owned Companies Contribution to Apprenticeship and Artisan Training 65
14. Artisan Dedicated Research 66
15. Implementation 66
16. Acronyms 67
17. References 69

Table of figures

Figure 1: New 7 Steps to becoming an artisan 23
Figure 2: Pre-Vocational Learning Programme 31
Figure 3: Cost Benefit Curve 33
Figure 4: Work Projects Structure 38
Figure 5: Artisan Funding Streams 42
Figure 6: ARPL Model 47
Figure 7: Education Employment Linkages 63

This gazette is also available free online at www.gpwonline.co.za

1. Executive Summary

The National Development Plan (NDP) affirms that one of the nine challenges confronting South Africa is that "too few people work" [1]. The production of mid-level skills such as artisans is seen as one of the avenues that will ensure that more South Africans access work opportunities. It is the mission of the Department of Higher Education and Training (DHET) to develop capable, well-educated and skilled citizens who are able to compete in a sustainable, diversified and knowledge-intensive international economy, which meets the development goals of our country.

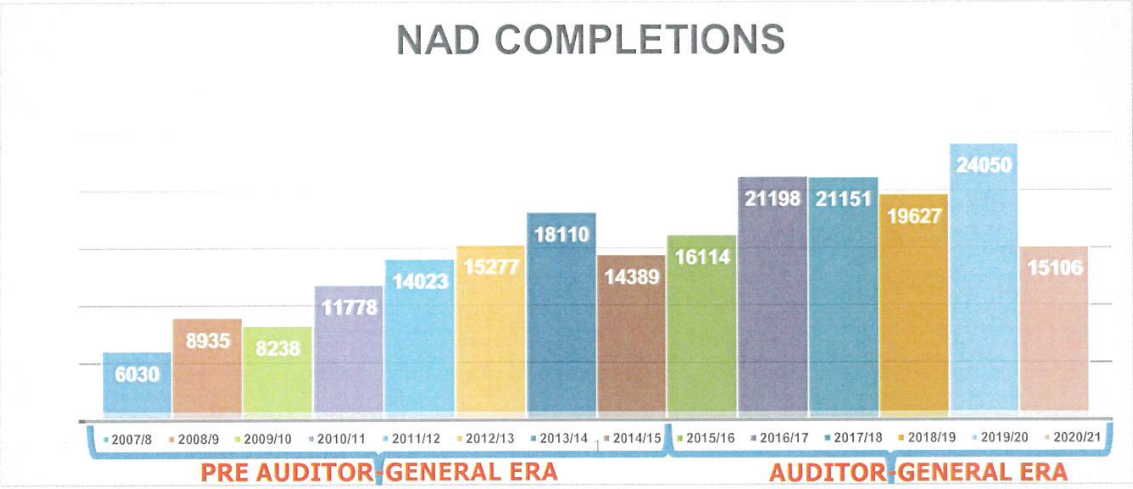
It therefore follows that what South Africa needs is to ensure that more people are relevantly skilled to find employment. One of the avenues for making this a reality is through the re-skilling and up-skilling of its citizens through the acquisition of skills needed by the economy. The South African Government has through various strategies identified artisan training as one of the key drivers to the growth of the economy and ensuring that more South Africans find employment in the labour market. It is a recognised fact that the level of education and training, and the duration spent learning does have an impact on the graduation and employability of citizens.

The National Apprenticeship and Artisan Development Strategy aims to highlight the priority activities that will have a direct influence on the training of quality artisans. There is a need for the establishment and implementation of a uniform artisan apprenticeship system and processes to accelerate the production of artisans in the country thereby continuously balancing the supply and demand curve for future artisans. This need has taken even greater significance in the wake of the COVID-19 pandemic.

Arising from some of the findings of the Artisan Development and Technical Task Team (AD-TTT) of the Human Resource Development Council (HRDC) established in 2012, a need arose to establish a credible artisan database management system as a point of departure which would enable future artisan planning and empirical projections. The artisan database management system remains a key delivery feature within the apprenticeship and artisan development system. To date much progress has been achieved in respect of the establishment and operationalisation of this system. Employers, SETAs and INDLELA are now able to supply data into a central system in terms of the Generic National Artisan Workplace Data, Learner Grant Funding and Administration Policy. The Swiss South African Cooperation Initiative (SSACI) utilised information on this platform to perform its DHET commissioned work in assessing and evaluating artisan

This gazette is also available free online at www.gpwonline.co.za

learner employability trends for the periods 2011/12 to 2014/15. The satisfactory performance of this system in terms of providing valid, reliable and usable information has been confirmed by the office of the Auditor-General for the past six financial years ending 2018/19. There are however still some system performance and process challenges to overcome though the crucial advantage that now exists is that the various forest trees are now visible with respect to determining what needs to be done. The present national artisan apprentice training picture in terms of numbers is as follows:



Key Priority 1: Formally establish a national artisan advisory body which on advisory basis to DHET will map the national artisan agenda.

The functioning of the national apprenticeship and artisan development system is driven through a continuous consultative process with numerous stakeholders who possess community of expert knowledge and advice which is considered by the DHET in advancing the national apprenticeship and apprenticeship and artisan development system. The DHET, to this effect has identified a need to formally establish an artisan advisory body which will advise the DHET on matters related to apprenticeship and artisan development. This body will be established through policy, given specific objectives with members nominated from Sector Education and Training Authorities (SETA), State Departments, State Owned Companies (SOC), all sectors of Organised Business and Organised Labour.

This gazette is also available free online at www.gpwonline.co.za

Furthermore this advisory body will be the catalyst to drive and deepen the involvement of employers within the apprenticeship and artisan development system. The same goes for all organised labour wherein their apprenticeship and artisan skills training and development interests will be well served within this structure. It is therefore important that DHET relations with industry and labour are prioritised and given more attention to ensure this apprenticeship and artisan development relationship is continuously improved upon.

Key Priority 2: Establish and maintain an Artisan Research and Development mechanism at INDLELA.

The development of a research driven approach to apprenticeship and artisan development is a critical factor that also requires prioritisation. This approach will add further value to the data collected by giving it meaning in order to provide informed empirical evidence to the apprenticeship and artisan development decision making process. This research needs to continuously look at matters relating to the number of artisans in existence, the cost benefit model of the apprenticeship and artisan training system, measurements of artisan quality and the future of the apprenticeship and artisan development system. This type of research will, amongst others, ensure that the artisans trained constantly meet the requirements of industry and that industry benefits not only in the end result of the artisan produced, but also during the apprenticeship process.

Key Priority 3: Establish and support a user friendly artisan training quality assurance system and processes in line with the National Artisan Moderation Body (NAMB) and the Quality Council for Trades and Occupations (QCTO) policies.

The artisan quality assurance system and mechanisms, including the variables to measure, needs to be clear and precise in determining what quality assurance standards are necessary for apprenticeship and artisan development without being superfluous. It should not matter if an apprentice is trained by a private or public Skills Development Provider (SDP), the quality standard of the artisan coming out of the system should be the same no matter the training route or institution. More emphasis needs to be given to the workplace quality assurance system as that is where the most learning happens within the artisan training system. This must be done with the attitude of ensuring more employers are assisted to meet the requirements of workplace

This gazette is also available free online at www.gpwonline.co.za

based learning and training through simplifying approval processes whilst retaining high standards of training.

Key Priority 4: Sustain a ring fenced artisan learner (apprentice) grant and disbursement system and processes.

The Generic National Artisan Workplace Data, Learner Grant Funding and Administration Policy ensures that the artisan learner allocation grant is ring-fenced and disbursed properly throughout the duration of training. Funding regimes dedicated to apprentice training should be streamlined by way of consolidating all artisan related funding streams from the beginning, these streams being located at skills development provider point of allocation and the workplace based learning and training allocations.

Key Priority 5: Establish and support a national apprenticeship and artisan training system based on the simultaneous delivery of the three learning components (theory, practical and workplace learning) based on a block release system between a Skills Development Provider and Industry.

The QCTO has been in the process of developing new occupational qualifications. The development of these qualifications has presented an opportunity to the apprenticeship and artisan development system on how best to structure the curriculum learning content or syllabi in order to ensure we deliver artisans able to contend with the artisan universal standards. It is a matter of fact that artisans acquire most of their learning in the workplace. The dual system approach to pedagogy and didactics, which is the integration of the knowledge and practical learning components with the workplace experiential learning is critical to the success of the envisaged apprenticeship and artisan development system. This integration should give an apprentice an opportunity to simultaneously cement what they have learned at a public TVET college or Skills Development Provider with the experiential learning at the workplace as soon as possible in order to achieve the maximum learning impact.

The distinguishing characteristic of the strategy is the integration of the knowledge, practical and workplace learning components. Dubbed the **"Apprentice of the 21st Century"** and given the acronym **A21**, it takes its cue from the traditional apprenticeship systems which always ensured the simultaneous delivery of the three learning components in an integrated manner on a block

release system between a TVET college or a Skills Development Provider and the shop-floor (industry). The NOCC has expanded on the curriculum framework developed by the QCTO to make the A21 as practical as possible. The A21 is based on a work project methodology. What this entails is that the trade/vocational theory for the full apprenticeship will be broken down into credit modules with specific outcomes linked to the required core competencies and the qualification's outcomes for the trade. The credit modules will be divided into the knowledge, practical and workplace components which make up these learning projects.

The Mckinsey & Company "Big Five" report of South Africa's Bold Priorities for Inclusive Growth states that "The international experience shows that vocational training must be closely linked to practical work experience through apprenticeships if it is to have true impact on employment and economic growth. While South Africa's government and industry have made concerted efforts in recent years to increase the number and quality of apprenticeships, they will need to redouble their efforts as part of a broader drive to strengthen the education-to-employment journey" [2].

Evidently the success of the A21 system hinges on the availability of extraordinarily more training spaces at the workplaces which will be supported by the contracting of apprentices at the point of entry onto the A21 training programme through the various pathways, including technical and vocational learning at basic education level thereby allowing them all access onto an apprenticeship programme. These entry pathways will therefore create a pool of learners who meet the criteria to enter the A21 from which employers can choose from. The contracting of the apprentices will therefore take place after an employer has chosen an apprentice. This is done so, as the learning integration methodology of the trades and occupations qualifications requires.

This strategy seeks to create a seamless link between the early education and training pathways to entering the A21 training programme, workplace learning (learner contracting) and the A21 system. In order to achieve success of the A21 system, the other aspects of the 7 steps have also been analysed later in this document, so as to ensure that the system fully supports the main aspects of the strategic direction of quality apprenticeship and artisan training.

The stark reality is that the majority of apprenticeship training takes place at the shop-floor, production and assembly line, etc. The allocation of the artisan learner grant is meaningless if there is no uptake of apprentices as such from industry. It is imperative therefore to canvass

largely state owned entities to provide these training spaces in big numbers not precluding the role of the private sector in apprenticeship and artisan training.

Key Priority 6: Promote a strong base of apprenticeship and artisan training in state owned entities through negotiated artisan training quotas.

SOCs have traditionally played an essential role in the training of artisans in the country. This active involvement meant that SOCs trained above their needs in order for the country to have skills that were needed at that time. The South African National Defence Force also contributed to the training needs of the country by training artisans. The contribution of SOCs to artisan training has diminished over the years. The DHET, DPE and other government departments have established a skills development committee that looks into reviving the SOC contribution to artisan training. This will be the primary vehicle used to facilitate the training of artisans by SOCs for the country.

2. Background

Mostly, like other developing countries in the Southern and Eastern hemispheres, South Africa faces a challenge of an increasing unemployment rate which is stubbornly circling around 30%. The dire consequences thereof are deteriorating socio-economic conditions impacting the majority of citizens. This is evidenced by the inability to have met some of the millennium development goals being the creation of decent employment, poverty alleviation and improving education and training, which are now expressed as the long term sustainable development goals and as continuing developmental projects country by country [3]. The NDP (2011), states that "Improvements in education and skill levels are a fundamental prerequisite for achieving many of the goals in this growth path. General education must equip all South Africans to participate in our democracy and economy, and higher education must do more to meet the needs of broad-based development. The growth path also requires a radical review of the training system to address shortfalls in artisanal and technical skills" [4]. Improving education and training quality is one of the priority goals of government. Channelling more resources toward the development and acquisition of skills development infrastructure in order to be able to produce more citizens with the right kind of skills and on demand skills cannot be overemphasised. It is for these reasons that the South African government has led the charge to produce the correct mid-level skills urgently needed by the country.

The DHET has the mandate of addressing the skills challenges faced by the county through the implementation of the Skills Development Act of 1998. The Skills Development Branch of the DHET through the National Artisan Development (INDLELA) Chief Directorate is directly responsible for driving the national artisan revolution throughout the entire economic sector network in partnership with all apprenticeship and artisan development stakeholders. The National Artisan Development (INDLELA) Chief Directorate through external and internal consultations generally develops credible apprenticeship and artisan development policies and strategies assisted by the constant scanning and analysis of the artisan environment. This results in recommendations for appropriate policy and/or strategy review and interventions to remedy any blockages and deviations that may exist in the implementation of such policies. Furthermore it is tasked with rejuvenating the apprenticeship and artisan training system to ensure the optimal effectiveness and efficiency of all components that make up this system.

The White Paper for Post-School Education and Training states that "In areas of work such as the artisan trades, apprenticeships have traditionally been the pathway to qualifications; however, the apprenticeship system has been allowed to deteriorate since the mid 1980's, resulting in a shortage of mid-level skills in the engineering and construction fields. Re-establishing a good artisan training system is an urgent priority; the current target is for the country to produce 30 000 artisans a year by 2030" [5].

This statement expresses a policy directive as to what the Skills Development Branch needs to achieve in the long term. The critical directives specifically relating to apprenticeship and artisan development from the White Paper for Post School Education and Training provisions are:

- The re-establishment of a strong apprenticeship training system.
- The simplification of the pathways leading to artisan trades.
- The improvement of the quality of the apprenticeship training system.
- The production of 30 000 qualified artisans per annum by 2030.
    - **(at the time of the publication of this document the average rate per annum is 20000)*

Furthermore the White Paper for Post School Education and Training recognises the importance of linkages amongst the different role players in the post-school education and training system. Closer ties therefore are needed between the DHET, SDPs, Organised Employers, Organised Labour and other key role players in the apprenticeship and artisan training value chain. Each of

these stakeholder groups plays a distinct and an important role in the post-school education and training system.

As much as we look at improving the primary factors such as artisan throughput rate, trade test pass rates, quality of provision and ultimately the standard of artisans produced by the system, we need to ensure that the artisan training system is accessible to everyone. The DHET recognises the need to address the value principles of the NDP as it "... envisions a South Africa where everyone feels free yet bounded to others; where everyone embraces their full potential, a country where opportunity is determined not by birth, but by ability, education and hard work" [1]. The Department needs to work much more closely with all employers to ensure the opening of workplaces and the development of capacity to take on more apprentices. This developmental work with employers will ensure that more and more learners have access to workplaces especially where it is a requirement of their qualifications as is the case with artisans.

Workplace learning opportunities need to be available for those not in employment, education or training, the so called NEET group. The effect of this strategy should be able to develop processes which may give this cohort access to second-chance opportunities. The NDP recognises that "The education system will play a greater role in building an inclusive society, providing equal opportunities and helping all South Africans to realise their full potential, in particular those previously disadvantaged by apartheid policies, namely black people, women and people with disabilities." [1].

The exposition above has captured the essence and the framework of the **National Apprenticeship and Artisan Development Strategy** and is the direct reflection of Chapter 2 of the Skills Development Act of 1998 which may be summarised as giving effect to the skills development agenda of the country.

3. Legislative Environment

3.1. Skills Development Act

The Skills Development Act of 1998 is the primary legislation driving the work of the DHET regarding skills development. This legislation sets the legislative parameters, functions and objectives that the Skills Development Branch needs to operate within and achieve in order to

fulfil its mandate. Chapter 6A of the Skills Development Amendment Act of 2008 broadly sets out the statutory functions of the Chief Directorate: National Artisan Development with the main focus being that of coordinating apprenticeship and artisan development within the country.

The Skills Development Act as amended sets out a broader mandate for the DHET in Section 2, where it states the purposes of the Act as being to develop the skills of the South African workforce through improving the quality of life of workers, their prospects of work and labour mobility; to improve productivity in the workplace and the competitiveness of employers; to promote self-employment; and to improve the delivery of social services; to increase the levels of investment in education and training in the labour market and to improve the return on that investment; to encourage employers to use the workplace as an active education and training environment; to provide employees with the opportunities to acquire new skills; to provide opportunities for new entrants to the labour market to gain work experience; and to employ persons who find it difficult to be employed; to encourage workers to participate in learnership and other training programmes; to improve the employment prospects of persons previously disadvantaged by unfair discrimination and to redress those disadvantages through education and training ; to ensure the quality of education and training in and for the workplace; to assist work-seekers to find work; to assist retrenched workers to re-enter the labour market; to assist employers to find qualified employees; and to provide and regulate employment services.

The apprenticeship and artisan development system is impacted by the above purposes as it seeks to ensure that all stakeholders understand their role in an integrated post-school system and assist the DHET in ensuring that it achieves the purpose of the Skills Development Act in relation to apprenticeship and artisan development.

3.2. White Paper for Post School Education and Training

The Minister of Higher Education and Training in his preface of the White Paper for Post School Education and Training states that, “The aim of this White Paper is to outline a framework that defines the Department’s focus and priorities, and that enables it to shape its strategies and plans for the future” [5]. He further states that “This White Paper is an important document in the development of our higher education and training system. It is a definitive statement of the government’s vision for the post-school system, outlining our main priorities and our strategies for achieving them. It is a vision for an integrated system of post-school education and training,

This gazette is also available free online at www.gpwonline.co.za

with all institutions playing their role as parts of a coherent but differentiated whole. These institutions include the colleges and universities whose main purpose is the direct provision of education and training and, in the case of universities, the conduct of research. They also include institutions that support the education and training process, such as the Sector Education and Training Authorities, the National Skills Fund and the advisory, regulatory and quality assurance bodies such as the South African Qualifications Authority (SAQA) and the Quality Councils." [5]

This draft strategy document is therefore grounded on the principles outlined by the White Paper for Post School Education and Training with special emphasis on the apprenticeship and artisan development system. This strategy expands on these principles by articulating them in relation to the envisaged apprenticeship and artisan development system.

3.3. National Skills Development Plan 2030

The National Apprenticeship and Artisan Development Strategy is structured in a way that will address the achievement of the National Skills Development Plan 2030 outcomes. The strategy takes into consideration the aim to achieve:

Outcome 1: Identify and increase production of occupations in high demand
Outcome 2: Linking education and the workplace
Outcome 3: Improving the level of skills in the South African workforce
Outcome 4: Increase access to occupationally directed programmes
Outcome 5: Support the growth of the public college system
Outcome 6: Skills development support for entrepreneurship and cooperative development
Outcome 7: Encourage and support worker initiated training
Outcome 8: Support career development services

The strategy covers all the above outcomes and determines policy interventions that are required for the apprenticeship and artisan development system to achieve all the listed outcomes in partnership with all stakeholders.

This gazette is also available free online at www.gpwonline.co.za

4. Apprenticeship and Artisan Development System Role Players

4.1. National Artisan Development Chief Directorate

The National Artisan Development (INDLELA) Chief Directorate is the primary functionary of the DHET responsible for apprenticeship and artisan development in the country. The work of the Chief Directorate is derived from the Skills Development Act 97 of 1998 read with the subsequent amendments, which falls under the control of the Minister of Higher Education and Training in South Africa. Chapter 6A Section 1 (b) states that the Director-General must provide the National Artisan Moderation Body with the personnel and financial resources that are necessary to coordinate artisan development in the Republic.

The National Artisan Development (INDLELA) Chief Directorate is made up of four directorates, namely: the National Artisan Moderation Body, Artisan Development, Career Development (which recently includes the World Skills South Africa project) and Artisan Registration, Assessment and ARPL. The National Artisan Development (INDLELA) Chief Directorate is a Chief Directorate located at Olifantsfontein, Gauteng and falls within the Skills Branch of the DHET. The work of the National Artisan Development (INDLELA) Chief Directorate is still in the developmental phase with adjustments still being made in order to maximise the effect of a final structure. It therefore follows that the coordination of apprenticeship and artisan development functions cannot be the restricted role of the National Artisan Moderation Body. Coordination in the broader sense of apprenticeship and artisan development falls within the full ambit of the Chief Directorate National Artisan Development (INDLELA) as expressed above.

At operational level, the work carried out by the National Artisan Development (INDLELA) Chief Directorate necessitates the segregation of functions and duties in order to ensure that each Directorate focuses on specific roles and none of the Directorates play both a player and referee function. The National Artisan Development (INDLELA) Chief Directorate will therefore plan, develop, implement, coordinate, monitor and evaluate a single national apprenticeship and artisan development system. The core commission of the National Artisan Development (INDLELA) Chief Directorate is the coordination of apprenticeship and artisan development nationally to achieve a single, common national standard across all economic sectors for apprenticeship and artisan development as contemplated in the Skills Development Act. This core role and responsibility includes the sub-roles and responsibilities to develop, implement and

This gazette is also available free online at www.gpwonline.co.za

manage systems and processes as developed, implemented and managed by the Directorates making up the National Artisan Development (INDLELA) Chief Directorate.

Coordination means that the Chief Directorate: National Artisan Development (INDLELA) must organise the different elements or activities that make up the apprenticeship and artisan development system in order to enable them to work together in a efficient and effective manner. This is done through the development of systems, models, criteria and guidelines, standards, policies and regulations that will guide all role players on how to plan, manage and implement their activities in a harmonised way to achieve efficiency and effectiveness in the apprenticeship and artisan development system. The Chief Directorate must therefore quality assure each step of the artisan value chain and through a system of quality control. This must be achieved in line with the QCTO quality assurance standards with corrective measures implemented wherever necessary. Furthermore coordination presupposes that when it comes to apprenticeship and artisan development matters, the Chief Directorate must be the authority on all strategic matters.

4.1.1. Artisan Development

The Artisan Development Directorate was established in order to ensure that apprenticeship and artisan skills development policies, strategies and implementation correlate with identified national and regional economic growth priorities. The Artisan Development Directorate focuses on the development, coordination and implementation of national apprenticeship and artisan development strategies in collaboration with all apprenticeship and artisan development stakeholders. The collection and management of artisan data also falls within the ambit of the directorate. This data ranges from apprentice registrations onto formal learning programmes, completions through passing trade tests and mentor registrations, etc. The National Artisan Development Support Centre is the mechanism through which the DHET drives the apprenticeship and artisan data management and analysis process.

4.1.2. National Artisan Moderation Body

During 2008, the Skills Development Act, Act 97 of 1998, was amended to strengthen national policy that governs apprenticeship and artisan development in South Africa. One of the critical outcomes of the amendment was the establishment of a NAMB on 30 November 2010 in the DHET. The NAMB is established in terms of Section 26A (1)(a) of the Skills Development Act,

Act 97 of 1998 as an operational unit within the DHET with statutory functions. The NAMB is an integral part of the DHET and not a public entity or a state owned company.

The Director-General of the DHET has implemented the process to operationalise the NAMB by allocating the NAMB to the National Artisan Development (INDLELA) Chief Directorate. The NAMB is required by Section 26A (2) of the SDA to perform the following statutory functions:

(a) Monitor the performance of accredited artisan TTCs;
(b) Moderate artisan trade tests;
(c) Develop, maintain and apply a national data-bank of instruments for assessment and moderation of artisan trade tests;
(d) Develop and maintain a national data-base of registered artisan trade assessors and moderators;
(e) Record artisan achievements;
(f) Determine appeals against assessment decisions;
(g) Recommend the certification of artisans to the QCTO; and
(h) Perform any other prescribed function.

4.1.3. Trade Test Application and Assessment

Trade Test Application and Assessment Directorate is responsible for trade testing trades that are accredited by the QCTO for it to test as per the list of trades stipulated in Gazette 35625. The Directorate also includes the ARPL function which is responsible for the development, implementation and management of the national ARPL regime.

4.1.4. Career Development (WorldSkills South Africa and the Decade of the Artisan)

The Career Development Directorate develops, coordinates and implements artisan related career development to school learners and/or post school persons through advocacy programmes such as the Decade of the Artisan and WorldSkills South Africa amongst other interventions. The directorate is also responsible for the development of artisan career materials to enable the communication of a uniform message on career development. It is further responsible for the coordination of participation of TVET colleges in partnership with industry and

This gazette is also available free online at www.gpwonline.co.za

SETAs in the WorldSkills South Africa activities meant to enhance the vocational education and training skills development element through the WorldSkills International mechanism.

4.2. DHET TVET Branch

The Minister of Higher Education and Training has the authority to approve and publish legislation, regulations and policy. The TVET Branch within the DHET is responsible for the operational development of legislation, regulations and policy governing the public TVET sector. It is responsible for the registration of public and private TVET Colleges. The branch coordinates programme delivery and support for TVET Colleges encompassing areas such as curriculum development, student development and support services, exam management and monitoring and lecturer development.

4.3. SAIVCET

The White Paper for Post-School Education and Training states "SAIVCET will be established in order to provide necessary support and appropriate support to the college sector" [5]. The primary responsibilities of SAIVCET are listed as:

- "Developing innovative curricula for TVET and community colleges;
- Upgrading the technical knowledge and pedagogical skills of existing staff in TVET and community colleges, and promoting the professionalisation of lecturers, instructors and trainers;
- Providing a forum for experts to develop materials for TVET and community college programmes;
- Advising the Minister on vocational and continuing education;
- Initiating research on the TVET colleges, the community colleges and the college system as a whole;
- Promoting dialogue, coordination and linkages between TVET and community colleges, and between these institutions and universities, SETAs, employers and workers, in order to enhance coherence and articulation;
- Monitoring and evaluation of the TVET and community colleges" [5]

This gazette is also available free online at www.gpwonline.co.za

The National Artisan Development (INDLELA) Chief Directorate by the nature of its strategic function is meant to closely collaborate with SAIVCET especially regarding apprenticeship and artisan training.

4.4. Skills Development Providers

Section 29 (3) of the Constitution states that everyone has the right to establish and maintain, at their own expense, independent educational institutions that do not discriminate on the basis of race; are registered with the state; and maintain standards that are not inferior to standards at comparable public educational institutions. A SDP is a training provider accredited by the QCTO to offer components of occupational qualifications or part qualifications and conduct internal formative and summative assessments. The term SDP encompasses both private and public colleges as they both offer courses that are vocational or occupational by nature meaning that the student receives education and training with a view towards a specific range of jobs or employment possibilities. The public providers are represented by public TVET Colleges whereas the private providers are represented by standalone private providers and in-company private providers. The difference between the standalone private providers and in-company private providers is that the latter offer integrated apprenticeship and artisan training as the core focus of the company is on a product or service and not on making money from training. Standalone private providers are similar to public TVET Colleges in that they independently offer accredited programmes to learners mainly focusing on the knowledge and practical components of the apprenticeship. It is a peremptory requirement that all SDP offer apprenticeship and artisan training programmes within the scope prescribed by the QCTO.

4.5. Trade Test Centres

A trade test is a final external integrated summative assessment that an apprentice must pass in order for them to be recognised as competent in their trade. This final external integrated summative assessment is performed by independent TTCs which are accredited by the QCTO. A TTC is a centre formed to perform independent external integrated summative assessments in an accredited trade. There is an excess of 400 TTCs in the South Africa supporting the decentralisation approach followed by NAMB and the QCTO in trade testing.

All Trade Testing in South Africa is regulated by the national Trade Test Regulations issued under Section 26D(5) of the Skills Development Act that are applicable to all TTCs whether they are operated by private, government or state owned companies. These national, decentralised TTCs must be accredited by the QCTO before they will be allowed to conduct national trade tests. The national trade test includes practical tasks that a learner must complete within a specified period of time as determined by the NAMB. It is a peremptory requirement that all TTCs use assessment standards and instruments as prescribed by the QCTO through NAMB.

4.6. Sector Education and Training Authorities

SETAs were established to facilitate skills training and education required by those in the post school sector including those requiring workplace experiential training and those already employed looking to improve their educational and skills competencies. SETAs operate within predetermined sectors as determined by the Minister of Higher Education and Training to determine the skills training required by the sectors in order to keep their employees up to date with current trends and also train future employees required by the sectors. According to the White Paper for Post School Education and Training, "SETAs will focus on obtaining accurate data about workplace skills needs, as well as supporting providers to deliver programmes necessary for their sectors. The latter will include facilitating cooperation between education and training institutions and workplaces" [5]. SETAs will therefore continue to be intermediaries between the workplace and the skills development providers within the apprenticeship and artisan development system. It is a peremptory requirement that all artisan training SETAs, in terms of predetermined apprenticeship and artisan development processes, must allocate sufficient resources in relation to facilitating artisan training and must meet artisan targets as set by the DHET.

4.7. Quality Council for Trades and Occupations

The QCTO is a Quality Council established in 2010 in terms of the Skills Development Act. Its role is to oversee the design, implementation, assessment and certification of occupational qualifications on the Occupational Qualifications Sub-Framework (OQSF).

The QCTO is one of three Quality Councils (QCs) responsible for a part of the National Qualifications Framework (NQF). Collectively, the Quality Councils and the South African

This gazette is also available free online at www.gpwonline.co.za

Qualifications Authority (whose role is to advance the objectives of the NQF and oversee its development and implementation), all work for the good of both learners and employers. Another important role for the QCTO is to offer guidance to service providers who must be accredited by the QCTO to offer occupational qualifications.

The QCTO was set up to ensure that occupational qualifications, involving workplace training, were registered, quality-assured and offered by reputable service providers. In the past, occupational education had lacked leadership and the QCTO is responsible for stabilising that situation. It is responsible for the setting of national standards for the development of each curriculum, and to quality assure the providers (training and workplace). The QCTO manages and coordinates the qualifications in the occupational qualifications framework in terms of their development, provision, assessment and impact. Its scope is the development and quality assurance of fit-for-purpose occupational qualifications and unit standards as required by the labour market for work and employment purposes. The mandate of the QCTO is derived from Section 27 of the National Qualifications Framework and includes advising to the Minister of Higher Education and Training on policy matters, design, development and maintenance of occupational standards, quality assurance of the qualifications, and promotion of the National Qualifications Framework.

The NAMB as a statutory body closely collaborates with the QCTO, a relationship which may be expanded to ensure quality assurance at delivery level especially at the workplace.

4.8. Department of Basic Education

The DBE is a critical component of the apprenticeship and artisan development system. Through the technical high schools, schools of skill and the academic route they continue to create a pool of learners who feed into the apprenticeship and artisan development system. Even through these learners' competence may be of varying degrees, the different basic education pathways ensure that learners have various options for entering the apprenticeship and artisan development system. There are still some challenges that still need to be addressed in relation to learners coming from the basic education system, but both the DBE and DHET are working closely to address these matters. There has to be a smooth articulation between the technical, vocational and occupational offerings in the DBEs CAPS and artisan training without further unnecessary requirements.

This gazette is also available free online at www.gpwonline.co.za

4.9. Private and Public Sector Employers

The White Paper for Post School Education and Training states that, "Given the expected needs of the economy, a particularly important form of work-integrated learning is artisan training through apprenticeships or learnerships, which are presently used mainly to produce artisans in the engineering and construction industries. Artisan training has gone through a period of relative neglect but is being revived, with growing support from employers in both the private and public sectors, including the state-owned enterprises" [5]. Within the apprenticeship and artisan development space "Workplace learning must be seen as an integral part of qualification and programme design" [5].

The statements above, taken from the White paper on Post-School Education and Training describes the importance of workplace learning for the apprenticeship and artisan development system and resonates well with the key priority 6 above. It follows therefore that there is a need for the system to strengthen relations with both private and public sector employers in order to ensure enough workplaces are available for those wishing to become artisans. There is still much work that needs to be done, especially in the Public TVET College space, to foster sustainable relations with both public and private sector employers.

5. The New 7 Steps to becoming and Artisan

The linearisation of the artisan training process into the seven steps is for convenience purpose whilst in essence it remains a strongly holistic process. The new 7 Steps to becoming and artisan articulates the driving mechanism of the vision of the DHET for apprenticeship and artisan training specifically as the Department moves towards achieving the goals of the NDP. The section below is dedicated to describing how through this mechanism the DHET plans to affect change within the apprenticeship and artisan training system to achieve higher artisan throughputs and output.

Fundamental changes within the system includes the separation of foundational learning components from the trade theory into a standalone Pre-Vocational Learning Programme (PLP) which will precede the entry into an apprenticeship. Further to this the integration of the knowledge, practical and workplace components will necessitate that learner contracting happens before a learner enters the apprenticeship component of training. This is the backbone of the "Dual Apprentice System" which is adopted as the A21.

This gazette is also available free online at www.gpwonline.co.za

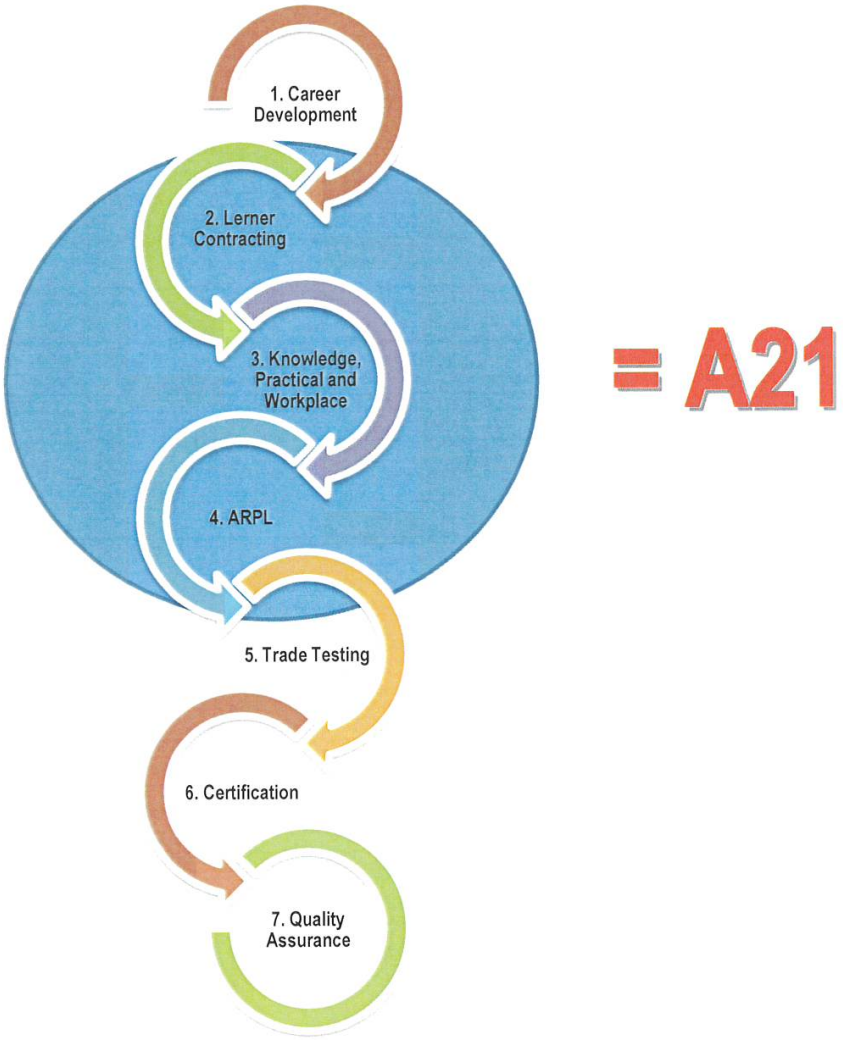


Figure 1: New 7 Steps to becoming an artisan

5.1. Career Development

5.1.1. Career Development Services

"Identity can be construed as predominantly an internal aspect linked to an individual's perception and description of him- or herself" [6]. Social identity on the other hand "can be defined as a person's knowledge that he or she belongs to a social category or group" [6]. The negativity surrounding artisanal careers can be largely attributed to the perceptions of individuals belonging to the artisanal group. People generally group economic activities as belonging to certain social

This gazette is also available free online at www.gpwonline.co.za

groups. Societal perceptions of artisans are those of work requiring little underpinning knowledge, with added associations to artisanal workers not requiring high levels of academic knowledge.

The ILO report titled Towards a Model Apprenticeship Framework: A comparative analysis of national apprenticeship systems infers that a strong culture in the occupational group/industries makes apprenticeships in those groups/industries more attractive [7]. A question that we then need to ask is if there are strong cultural occupational groups in the trades today. The fact that artisanal trades are not seen as attractive career options in itself gives much evidence to the potential lack of strong social identity within the trades today.

If we follow the thinking of the ILO report then the multiple occupational groups and industries need to rejuvenate the strong cultures within their groups that once existed. Communication of these strong cultures would have to be done by these employer groupings in order to increase the attractiveness of their occupations to youngsters especially. The professionalisation of the artisan occupations will add much drive to the needed artisan cultural revolution.

The White Paper for Post-School Education and Training states that “An important area of concern to both the schools and post-school system is ensuring that all young people in the latter years of schooling (and those in early years of post -school education) receive appropriate and adequate career development advice” [5]. The first requirement in the recruitment and selection process is effective career development services as highlighted by the White Paper for Post-School Education and Training. The country faces a challenging high unemployment rate which according to the quarterly labour force for quarter one of 2021 is 32.6 percent for the age group 15- 64 years [8]. The analysis of the survey further reveals that of the age group 15-24 years, those that are in the NEET category make up 43.6 percent of this group [8]. The additional impact of the COVID-19 pandemic experienced through various lockdown stages has also impacted the unemployment rates negatively. “Education is generally good insurance against unemployment and for an individual to stay in employment. It provides both productive capacities to individuals and their signals to potential employers. Hence, qualifications attained by workers are their main asset in the competition for available jobs in the labour market. Educational attainment also increases access to decent jobs, while those with lower educational attainment are at risk of economic marginalisation, since they are both less likely to participate in the labour force and more likely to be without a job, even if they actively seek one” [8]. The majority of people within these two categories have low skills levels (matric and less) which highlights the need for career

development services in order to ensure that they are directed into education and training where there is an economic need. This will add value to their prospects of getting meaningful employment.

The work of career development is not just the responsibility of DBE school educators but requires the involvement of a wide variety of stakeholders including DHET, SETAs, CDWs, NGOs, employers and other beneficiaries in the learner development value chain. When the NEET category is included, it becomes obvious that more efforts are needed that will cover the wide span of possible career development recipients from school learners to NEET candidates. Effective career development should arouse the interest of learners and parents in various occupations. Part of the process of ensuring the attractiveness of vocational careers is the need for career development services that will have an impact on learner career choices.

In order to address the above identified challenge, the DHET has come with various interventions as part of a career development drive to complement the work that is currently done by the DBE. The Decade of the Artisan, WSZA and NCAP are three examples of such programmes that seek to build effective career development systems into the post-school education sector. An exciting and innovative development is the Try a Skill Component which has developed out of the WSZA programme. Try a Skill allows learners to "feel and touch" what a particular occupation entails.



The main difference between traditional career development and Try a Skill is the participation of the learner in the performance of tasks related to that skill instead of watching a video or reading up about that occupation. The Try a Skill gives learners actual experience of what an electrician will do as part of their job. The real life experience will give the learner the real life opportunity to see if they identify or are interested in a particular occupation.The traditional idea that career development is something that should happen at high school level is also something that needs to be debunked. If we look at the modern child and the level of information they

This gazette is also available free online at www.gpwonline.co.za

process from an early age it is therefore advisable that the world of careers be opened up to them from an early age. School learners from grade 6 level should be invited to attend Decade of the Artisan and WSZA Competitions. This will expose the learners as early as grade 6 to the different trades with special emphasis on the Try a Skill component. This will give the learner enough time to process the career information given and identify an occupation they relate to. Parents are also an important element in an effective career development system. The ideal career development system should also make it easier for parents to access career information through formations such as school governing bodies.

The Decade of the Artisan continues to remain the primary career development advocacy programme for artisanal trades as it gives the DHET an opportunity to engage with a wide variety of stakeholders. Part of this programme is a concerted effort to train life orientation educators, TVET College career advisors and CDWs on the nature and character of artisan careers as part of the career management efforts. This is in line with ensuring that from grade 6 onwards we are able to effect good career development services related to the artisanal trades. The success of this training shows the useful DHET – DBE inter-departmental collaboration. There is however a need to expand these collaborations to include the SETAs, media, school governing bodies, NGOs and community based organisations.

A concern raised in the revised Decade of the Artisan concept was that there were no post training/event intervention strategies. These strategies would need to be developed with individual schools to ensure that the life orientation educators implement what they were trained on. The prioritisation of lower quantile schools within the DBE sector should ensure that these schools are given priority as they may have a serious limitation in resources.

These strategies would also include drawing up of career development calendars which would include taking learners to TVET Open Weeks for apprentice recruitment purposes based on their interest in becoming artisans from grade 9 onwards. The same would be done for TVET College Career Advisors. An intra-departmental effort is required for this task which would include a monitoring and evaluation aspect.

This gazette is also available free online at www.gpwonline.co.za

There is a move by the DHET to mutually but exclusively differentiate the public TVET Colleges through programme specialisation. What this means is that the economic dynamics in a particular region should dictate the public TVET College offerings in that area. This would make public TVET Colleges more focused and relevant within their economic geographical areas. This



This gazette is also available free online at www.gpwonline.co.za

direction, coupled with employer support could greatly contribute to the occupational culture required to improve the attractiveness of artisanal trades.

5.1.2. The Selection and Recruitment Tool

The Deputy Minister of the DHET has through the Decade of the Artisan launched the TVET College Open Week. The TVET College Open Week is an opportunity to increase awareness of TVET College offerings and also change the negative perception towards TVET Colleges. It thus brings an opportunity for employers to recruit learners onto apprenticeship programmes.

The recruitment and selection of potential apprentices must be aligned to other programmes that the DHET is embarking on. The new 7 steps as defined in point 5.2. proposes a fundamental reversal in the selection and recruitment process. There is a need to swap the current step 2 (General/Vocational/Fundamental Knowledge Learning) and Step 3 (Learner Agreement Registration and Contracting). The reason is explained in detail in point 5.2.1. With this shift, employers would have to contract learners before they can go for theoretical learning at a SDP.

Clearly defined pathways are critical to a successful career development system. With clearly defined pathways, learners would know when they can enter apprenticeships and what their career trajectory is. The OECD Review of Vocational Education and Training: A Skills Beyond School Review of South Africa states the following:

There are several vocational routes at upper secondary level

1. **NC(V) programmes**
2. **N or NATED programmes**
3. **Technical Schools, providing vocational-type programmes from grade 8 leading to a national senior certificate with a vocational element**
4. **Learnerships and apprenticeships**
5. **Occupational Qualifications involving assessments of different unit standards of competences.**

Recommendation: Simplify the System. Building on the proposals set out in White Paper:

- **Upper secondary vocational programmes should be merged into two main tracks – a school based track and a work based track**
- **To meet the needs of adult learners, develop a second chance vocational programme and ensure flexible provision**

Source: OECD Review of South Africa

This gazette is also available free online at www.gpwonline.co.za

There are 125 listed artisan trades in South Africa as per Gazette 35625. A desktop analysis of the number of pathways related to trades indicates that there are over 810 pathways for artisan training, with the electrical trade consisting of 23 pathways. The advent of the QCTO Occupational Qualifications presents an opportunity to simplify the system and implement a single pathway per trade. This will ensure that it is easier to not only deliver artisan related qualifications but to also offer streamlined effective career development services.

The White Paper for Post School Education and Training states that "The entire gamut of vocational programmes and qualifications will therefore be reviewed and rationalised into a coherent and simple framework that fits easily into the NQF and makes learning pathways clear to school-leavers and employers.....Given all these developments we find ourselves today with five vocational qualification types – Nated (or N) programmes; NCV programmes; occupational programmes; Higher Certificates; and the NSC with Technical Subjects. The review should ideally involve both DHET and the Department of Basic Education, as both offer vocational programmes" [5]. Aligning these changes in the 7 step process defined above and the clearly defined pathways would make it easier for employers to recruit learners, yet at the face of it and in the long run, the NC (V) programme may not be ideal for apprentice indenturing.

The work that INDLELA in partnership with industry stakeholders needs to do is to develop prescribed minimum standards for a recruitment and selection tool. The nitty-gritty of the tool is subject to this collaboration. The developed selection and recruitment tool will be used in the selection and recruitment of learners onto apprenticeships. Employers wishing to expand the tool within reasonable and non-discrimatory additional requirements will be able to do so as part of their internal recruitment and selection processes.

5.1.3. Multiple Access routes onto A21 Apprenticeship

5.1.3.1. Grade 9, Academic Matric and Technical Matric

The apprenticeship and artisan development training system has historically recognised the availability of multiple routes which give access to an apprenticeship. The traditional routes of Grade 9, Grade 12 (Academic) with Physical Science and Mathematics and Grade 12 (Technical), with the respective technical orientated subjects, will still be important in accessing training. These routes will be the pre-requisites for a learner to enter the PLP. The main reason

for this is that the foundational elements have been separated from the A21 component of which a learner must complete before entering the apprenticeship. In order not to render the Grade 12 (Academic and Technical) related subject credits superfluous, especially in consideration of Grade 9 also being an access point and comparatively a lacuna which exists and being one of the reasons for the dis-functionality of NC (V), the PLP will recognise credits for the purposes of learner acceleration. For example, a learner with between 45% and 50% pass in mathematics and science at Grade 12 level will be credited in those subjects. Furthermore learners who bear a Grade 12 (Technical) may receive further credits related to the disposition of their technical subject passed at more than 50% mark. They will then have to complete the rest of the foundational competencies of the PLP to access the A21.

5.1.3.2. Pre-Vocational Learning Programme

The lack of learner mathematical and communication competencies has for some time plagued the national education system at basic education level, which in essence has amongst other things negated the rapid growth of latter uptake of engineering related programmes at FET and HET bands. Though the end purpose is not to blindly pander to employer requirements on the altar of societal broader needs, it is an accepted fact that the foundational competencies are naturally cross cutting in manoeuvring the journey of life, these competencies more often than not are not at par with employer standard requirements. It is for this reason that there is a need to develop a PLP which will target closing these gaps.

The assertion above found ground when the DHET engaged with employers in the various artisan forums. These engagements led to the development of the sectored and pilot GTPP in partnership with the employers. More and more employers are now insisting on apprenticeship candidates having a minimum of 50% in mathematics and science, whereas in view of the rationale above a range of between 45% and 50% is realistic and reasonable for Grade 12s. The GTPP was a pilot foundation programme which was developed to explore possibilities in addressing the foundational competency challenges. The GTPP will mutate into a permanent PLP programme.

This gazette is also available free online at www.gpwonline.co.za

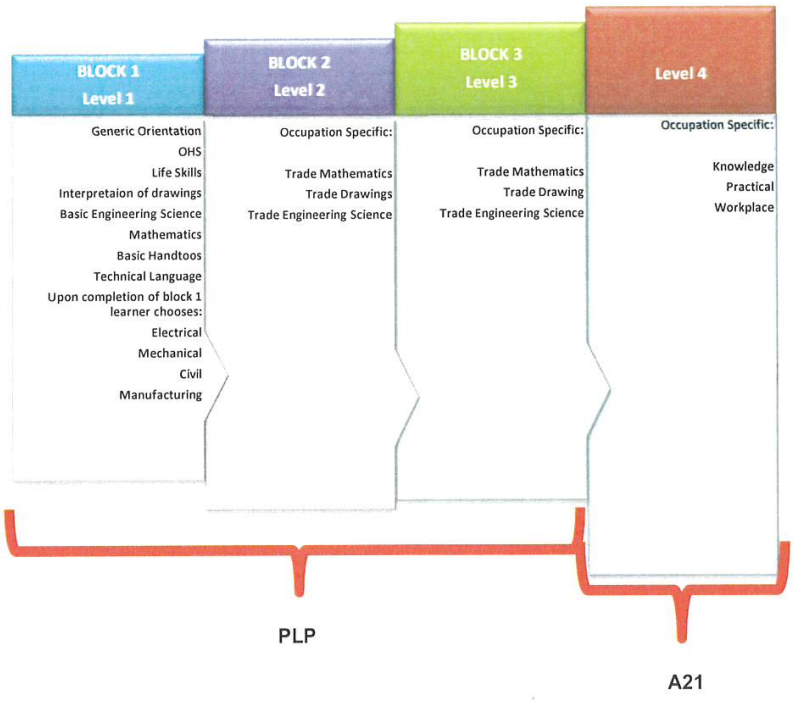


Figure 2: Pre-Vocational Learning Programme

The PLP will comprise of mathematics, science, life orientation, language and drawing subjects. These foundation programmes have been separated from the trade theory/vocational subjects as those will happen in the actual apprenticeship (A21) phase. The full programme will be a pre-requisite for learners between grade 9 and 12 who do not have between 45% and 50% pass in maths and science respectively. For learners exiting at grade 9, the pass in mathematics and science should be above 50% respectively. Without sounding repetitive it is important to stress that due to the rampant low levels of foundational competencies that most of the learners leaving the basic education system display, it is necessary to ensure that these foundational competencies are strengthened before a learner enters the A21 programme.

Therefore the initial career development partnership between the DHET, employer and the SDP in relation to the development and usage of apprentice recruitment and selection instruments used in conjunction with the PLP requirements will assist greatly in ensuring that learners with the right aptitude and interest in becoming artisans enter apprenticeships. Resultantly, this will have a knock-on effect on the throughput and output (pass rate) for A21 indentured apprentices.

This gazette is also available free online at www.gpwonline.co.za

5.2. Apprenticeship of the 21st Century (A21)

The EPR conducted by National Treasury noted that: "The existing system for artisan development consists of multiple routes, a large number of which are complex and do not allow for the optimal integration of theoretical, practical and workplace knowledge and experience" [9]. It is therefore important that the integration of the knowledge, practical and workplace learning components be prioritised in order to achieve the quality objectives required within the apprenticeship and artisan development system.

Step 3 of the new 7 steps to becoming an artisan is the most radical change within the new apprenticeship and artisan training landscape. The proposed dual system of apprenticeship, termed the Apprenticeship of the 21st Century (A21), has been developed to effectively replace all other artisan learning pathways to improve the efficiency of the system and realise cost savings. Its nature requires an integrated approach to learning that requires the time spaces between knowledge, practical and workplace learning to be as short as possible.

This integrated approach to learning will further close the culture gaps between the training centre or college and workplace in terms of technology, practice and ethos by way of inculcating a positive effect on apprentice learner discipline, timekeeping and other soft skills. This process will also lead to the early development of apprentice learner responsibility and thereby expedite early returns on employer investment on apprentice training.

5.2.1. Learner Contracting

The majority of artisan apprentice training and learning happens in the workplace. It is in the workplace that apprentices get to apply the theory and practice they have acquired at the SDP. The delivery of the A21 apprenticeship will incorporate the dual system principles applied within the South African context incorporating lessons from the DSAP and DSPP. For artisan apprentices this would take place at a SDP (knowledge and practical) and a workplace (experience). The basis of the A21 programmes delivery will always be the listed occupational trades. With the A21 apprenticeship programmes, the existence of an apprenticeship contract is imperative before SDP enrollment can take place.

This gazette is also available free online at www.gpwonline.co.za

It is worth noting that the apprenticeship and artisan training system in South Africa has for some time experienced challenges with the availability of workplaces for the apprenticeship workplace training component. Consequently to balance the admission scales at SDPs for engineering programmes, the DHET must have a long term view of the implementation of the A21 in South Africa. A hybrid system as a transitional mechanism to balance out the new artisan training model with the old may be necessary. In essence this means that different scheduling may have to be considered for those prospective apprentices who do not necessarily have workplace contracts, but meet the minimum requirements to enter into an apprenticeship. These apprentices may complete the full scope of the knowledge and practical components before entering a workplace. However the delay time should be as minimal as possible. This will make sure that those who are not contracted in the medium term are able to continue with the indentured apprenticeship programme.

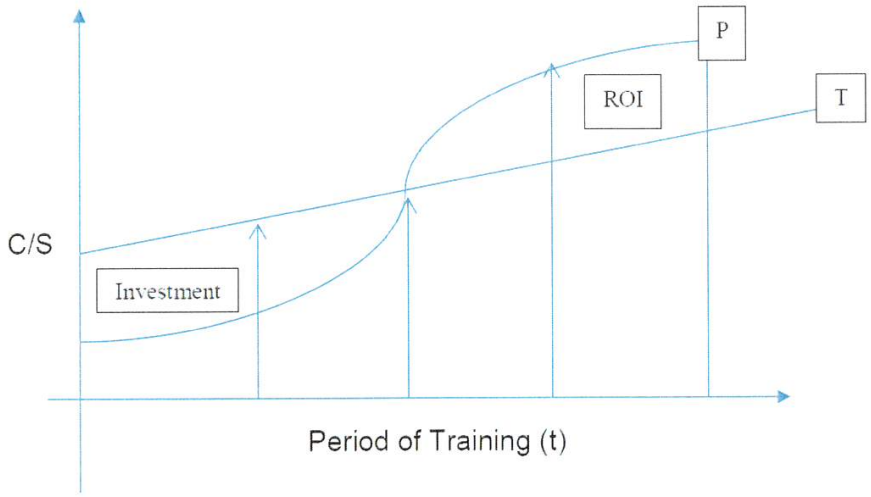


Figure 3: Cost Benefit Curve
Source: Lerman 2014

Where: C/S = Cost and Benefit

P = Production curve

T = Training curve

t = time

ROI = Return on Investment

A very useful cost/benefit analysis curve which scientifically proves the positive return on investment for companies who train apprentices is well captured by Lerman if figure 3 [10]. Lerman shows that over a period of time, the training of an apprentice starts at a negative production curve (P), as the period of training (t) increases the apprentice becomes productive and at some point a breakeven point is achieved from where the apprentice starts contributing positively in the production cycle, an area shown as return on investment for employers training apprentices [10].

It is imperative therefore to ensure closer ties between the DHET, employers and organised labour for the A21 system to work. This further emphasises the critical role of NAADAB.

5.2.1.1. Apprentice status in the workplace

The final blockage to be identified by the AD-TTT was "The removal of blockages related to labour legislation that regulates employer and artisan learner employment relationships, conditions of service and any other element or variable that may inhibit an increase in the number of approved artisan learner workplaces taking into account collective bargaining agreements (where applicable)". This blockage came about due to a number of employers stating that they were experiencing challenges in relation to the fact that apprentices are regarded as employees once they engage in the workplace learning component of their training. According to these employers, they have to go through the same rigorous disciplinary process for apprentices as they would their ordinary employees given the general indiscipline of apprentices. These employers are of the opinion that the exclusion of learners from the employee category will greatly contribute to the opening up of workplaces for artisan training.

Apprentices in the workplace are considered to be employees. Section 18 (2) of the Skills Development Act states that : "if the learner was not in the employment of the employer party to the learnership agreement concerned when the agreement was concluded, the employer and learner must enter into a contract of employment". This part of legislation falls under the ambit of the DHET and is in line with the Labour Relations Act 1998, the primary legislation concerning employment relations in the country. S200A of the Labour Relations Act states the following in relation to employer employee relations:

This gazette is also available free online at www.gpwonline.co.za

S200A - Labour Relations Act

Presumption as to who is employee:

(1) Until the contrary is proved, a person, who works for or renders services to any other person, is presumed, regardless of the form of the contract, to be an employee, if any one or more of the following factors are present:

(a) The manner in which the person works is subject to the control or direction of another person;

(b) The person's hours of work are subject to the control or direction of another person;

(c) In the case of a person who works for an organisation, the person forms part of that organisation;

(d) The person has worked for that other person for an average of at least 40 hours per month over the last three months;

(e) The person is economically dependent on the other person for whom he or she works or renders services;

(f) The person is provided with tools of trade or work equipment by the other person; or

(g) The person only works for or renders services to one person.

Source: S200 of the Labour Relations Act

Apprentices would therefore continue to enter into a contract of employment and learning with employers. It is a recognised universal principle that apprentices are viewed as employees, as shown by Lerman 2014 in figure Figure 3: Cost Benefit Curve , and that in the medium to long term they actually contribute to the profit of the company. The provisions of the LRA in this regard are supported fully.

It is also noteworthy that the relationship built between the apprentice and employer during the workplace training part may result in employment and future business relationships. "A study from Finland found that workplace training taught students entrepreneurship, promoted maturity and supported the development of practical soft skills like initiative, problem-solving skills and the use of information sources" [11]. This school of thought is of the view that the learning is strengthened by the status of an apprentice being regarded as an employee.

The employee status gives rights and responsibilities for both the employee and the employer. This is done so in order for both parties to be held responsible for their portion of delivery and eliminate any potential abuse of one party by another. It therefore follows that those who support the retention of apprentices as employees do not want the law to be amended in any way.

5.2.1.2. Data Analysis from the Learner Contracting System

The first blockage identified by the AD-TTT is the lack of "detailed, accurate, current data for artisan trade prioritisation, workplaces and placement, scientific target setting and monitoring and evaluation". The AD-TTT established that there was an acute lack of accurate data in the apprenticeship and artisan development system. Amongst other things, data related to the number of apprentices being trained, number of apprentices passing trade tests nationally, number of qualified artisans in the country, where they are, what they do, their race, their gender and whether they are involved in the field in which they qualified was severely lacking.

This lack of data hinders the planning process, research and development capability of the National Artisan Development Chief Directorate including the monitoring and evaluation of the apprenticeship and artisan development system in terms of labour market supply and demand of skills and the resultant socio-economic impact felt. Correct on-scale government planning and interventions need therefore an accurate data platform as a point of departure. This platform will provide a strong basis for an artisan information management system offering numerous possibilities and scenario creation.

The ADT-TTT as an HRDC ad-hoc committee tasked the National Artisan Development Chief Directorate with the task of developing and maintaining a single national database of artisans in order to eliminate the artisan data blockage. This indeed is ongoing work.

The NADSC based at INDLELA is a central co-ordination point in the collection of data and maintenance of the apprenticeship and artisan database. SETAs furnish the NADSC with monthly apprenticeship and artisan data for registrations and completions within their sectors to be captured on the apprenticeship and artisan database. The NADSC was established as a one-stop shop apprenticeship and artisan data management centre. The main focus of the NADSC is to manage the national apprenticeship and artisan data and report on all national apprenticeship and artisan data statistics. The work done at the NADSC also includes:

- Recording and reporting on all apprenticeship and artisan related data to remove the first HRDC apprenticeship and artisan development blockage;
- Collecting , collating , validating and reporting apprenticeship and artisan data from all 16 artisan related SETAs and INDLELA, for scientific target setting, monitoring and reporting;

This gazette is also available free online at www.gpwonline.co.za

- Reporting on a monthly/quarterly and annual basis on all apprenticeship and artisans registered and completing their apprenticeships;
- Co-ordinating placement of engineering learners in accredited workplaces through working with all public TVET Colleges and private SDPs to assist in placing engineering Learners;
- Matching of supply and demand of apprentices to industry needs by analysing the industry demands, through SSPs so to match with learners on the database; and
- Management of apprenticeship and artisan related databases. These databases include:
    - Database of all learners that register in any apprenticeship program in the country through SETAs and INDLELA;
    - Database of all learners that complete apprenticeships in the country;
    - Database of all accredited workplaces that participate in apprenticeship and artisan development ;and
    - Database of all certified artisans.

In order for the apprenticeship and artisan system to be fully effective, the data collected at the NADSC will have to be expanded from the current registration and completion of those in apprenticeships. Data is required on all the components that make up the apprenticeship and artisan system. The expansion of the collection of the different data sets will allow the development of more accurate interventions based on real, available data. This is also due to the fact that there are relationships between some of the data components. The Workplace Approval Criteria stipulates the workplace ratios required for mentors in relation to apprentices in the workplace. We can have access to the total number of employers available in the system, but if we do not know the number of mentors in the system we cannot accurately estimate the capacity to train apprentices in the country. These data sets are therefore a necessity if we are to develop a system that looks at the artisan system holistically.

5.2.2. Knowledge, Practical and Workplace Training

The A21 apprenticeship requires an integrated approach to apprenticeships. This process requires the time between knowledge, practical learning and workplace leaning for apprentices to be as short as possible. The rationale is that more learning is achieved in the workplace when the knowledge and practical components are still “fresh” in the apprentices mind. This therefore requires that the application of the theory and knowledge components is applied simultaneously

This gazette is also available free online at www.gpwonline.co.za

with learning at the workplace (refer to the A21 model explained above). This tripartite alliance of artisan training cannot be overemphasized.



Figure 4: Work Projects Structure

A practical scenario of the application of the A21 model is given above which may possibly be based on a work project methodology, which is another way of expressing an integrated modular system (soft and hard skills). What this entails is that the trade/vocational theory for the full apprenticeship will be broken down into modules (learning areas) with specific outcomes linked to the required core competencies for the trade. The modules (learning areas) will then be divided into the knowledge, practical and workplace components which make up the learning projects that will be based on real life workplace projects to align the overall learning to actual workplace practice. The learning project will be tailored to enhance the knowledge and practical skills acquired at the SDP. More emphasis will be given to practical training at the SDP with the knowledge component supporting the practical training given. The total hours spent on a work project (inclusive of knowledge and practical training) will be based on credit accumulation required at each level of learning. As the apprentice advances to the next level, the work projects will become increasingly advanced to enhance learning, planning, implementation, execution, evaluation and problem solving skills required for the trade. More so the apprentice will spend more and more time on the workplace component as they advance through the different levels.

The integration of knowledge, practical and workplace learning will close the gaps between the SDP and workplace in terms of technology, practice and ethos which will have a positive effect

This gazette is also available free online at www.gpwonline.co.za

on discipline, timekeeping and quality standards amongst others. This process will also lead to the early development of apprentice responsibility and productive value. Employers will have access to the best learners which will save them from expensive recruitment and training processes.

One of the projects undertaken in South Africa by MerSETA is the COMET pilot project which is a useful instrument to have in the holistic monitoring and evaluation of an apprentice's progression through his/her training. The primary elements of the instrument measure competence at four levels: (1) nominal competence; (2) functional competence; (3) processual competence; and (4) holistic shaping competence. The four levels are described as follows:

- **Nominal competence** reflects the superficial conceptual knowledge of the field and individuals at this level can therefore not yet be seen to be competent. They are considered a 'risk group' (merSETA, 2012).
- **Functional competence** refers to basic technical knowledge learned in isolation – it is the elementary subject knowledge and skills not yet integrated and assimilated (Rauner, et al, 2012b). The skill of integrating knowledge to solve process related problems is therefore still very limited (merSETA, 2012).
- The third level of competence is **processual competence** which relates to the ability to interpret work tasks in terms of the relationship with work processes and workplace situations. Aspects such as 'economic viability and customer and process focus' (Rauner, et al, 2012b: 164), as well as communication through the 'ability to express thoughts in a clear and organized way, through verbal accounts and technical drawings' to propose solutions, are important skills at this level of competence (merSETA, 2012: 7).
- The fourth and highest level of competence is **holistic shaping competence** – the full complexity of the task is understood and 'due regard [is given] to the diverse operational and social conditions in which they are performed' (Rauner, et al, 2012b: 164), resulting in solutions which are uniquely different (merSETA, 2012).

The A21 aims to produce artisans who are at the highest level of competence, are non-sector based, and can fit into any sector due to their levels of holistically shaped competences.

The loss of centralised coordination and control that may have contributed to the partial collapse of the apprentice system led to the proliferation of various pathways to becoming an artisan. Part

of this collapse was the decentralisation of curriculum development with multiple knowledge pathways existing for a single trade. Although the new occupational qualifications developed by the QCTO incudes a curriculum framework, it does not contain a detailed curriculum content, enough to allow for a minimum standardised delivery process across all SDPs. The DHET has as a result established mechanisms to develop learning content for all artisan related occupations known as the NOCC.

The A21 apprenticeship will therefore replace the multiple plethora of learnership programmes and other pathways currently available. Once the A21 is combined with the PLP for engineering studies, there will also no longer be a need for NATED N1 – N3 or National Certificate Vocational NC(V) Engineering and some services programmes for artisan development. This is expected to result in huge examination cost savings for the DHET.

This simplification is also in line with the emerging thinking in the DHET to create public TVET Colleges as Centres of Specialisation. A new approach to programme design is necessary which will emphasise the abandonment of a curriculum desktop-to-industry model and embrace an industry-to curriculum design model.

The A21 occupational qualifications do not have trimester exams and annual exams as compared with the current NATED and NC(V) engineering programmes. The occupational qualifications will have formative assessments throughout the work projects that combine knowledge, practical and workplace modules. The summative assessment will only comprise the trade test at the completion of the three learning components. The formative assessments will be done by the training providers or colleges "in-house" with no external exams conducted. NAMB in collaboration with the QCTO features in this space in terms of quality assurance at the combined sites of curriculum delivery.

Although workplace development approval processes and resources currently reside within the SETA system, the QCTO in particular needs to develop and impose across all sectors a standardised workplace approval policy and system that is employer "friendly" and conducive to opening up more workplaces, especially small and medium companies. Although the NAMB has developed and issued a National Standardised Artisan Learner Workplace and or Site Approval Policy, it is not a policy that is adhered to by SETAs and needs the authority of the QCTO for

This gazette is also available free online at www.gpwonline.co.za

compliance. The NADWACC is currently responsible for the approval process with regards to workplaces.

Critical to the role the QCTO should play is the coordination of workplace approval processes to ensure that all SETAs apply uniform criteria and checklists to workplace approval per trade. This will ensure that a workplace is approved once per trade (or occupation) and reduce the administration burden placed by multiple approval processes from SETAs. Some of the workplace expansion key focus areas could include:

Development:

- Develop minimum requirements for workplace mentors;
- Develop a database of mentors;
- Workplace development advocacy programmes;
- Return on investment for the employers;
- Mechanism for developing existing employees;
- Easily accessible advice;
- Development of a database of workplaces; and a
- Workplace Development Ambassador Programme.

- **Support:**
- Development of a standard logbook per trade;
- Mentor Development Programme inclusive of CPD;
- Technical equipment and tools advice for the workplace;
- Monitoring , evaluation and corrective action; and
- Link employers with DoL health and safety training.

- **Approval:**
- Review The National Standardised Artisan Learner Workplace and or Site Approval Policy;
- Coordinate workplace approval and monitoring processes;
- Develop comprehensive checklists for all trades taking into account the size of an enterprise;
- Coordinate workplace checklists for existing and new qualifications and
- Ensure alignment of policy to QCTO Policy for development of workplaces.

This gazette is also available free online at www.gpwonline.co.za

Key to workplace development and therefore key to the success of the A21 is the role of mentors. South Africa is however experiencing a shortage of mentors and this is negatively affecting the availability of workplaces. To rectify this weakness a formal a regulated policy environment as contemplated in Section 26C of the Skills Development Act is being implemented for the development of a national artisan mentor database that will offer opportunities for retired artisans and those considering retirement to legally re-enter or remain in the apprenticeship and artisan system to assist with apprentice mentoring work.

5.2.2.1. Apprenticeship and Artisan System Funding

The progressive implementation of the A21 will require structural changes to the funding regime employed within the apprenticeship and artisan development system. The medium term solution will require the integration of several funds to ensure full term funding for an apprentice in the A21 system. The long term solution will require the development of a single integrated funding regime collapsing several forms of funding into a singular A21 finding mechanism.

As already alluded to, the A21 training requires the integration and simultaneous delivery of the knowledge, practical and workplace components. Each of these components require there be specific funding in order for the apprentices to access training. The occupational qualifications do not yet fall under the Ministerially Approved Programmes. Ministerially Approved Programmes are those that qualify for funding from Treasury allocations and are better referred to as norms and standards funded programmes. This means that learners entering these programmes are completely funded from the public funding element (in this case the TVET colleges in particular).



Figure 5: Artisan Funding Streams

This gazette is also available free online at www.gpwonline.co.za

The essence for this approach to allocation of funds is informed by the nature and mandate of the TVET Colleges, amongst other things to promote the lecturing/teaching element of apprenticeship and artisan training and not necessarily train artisan apprentices, as this is the competence of industry. The lecturing/learning costs are covered under this form of approved programmes.

On the other hand the Private Skills Development Providers usually contracted by SETAs or Employers have tended to integrate lecturing/teaching (training centres) with training (workplace) using varied modularised methods of delivery in training artisan apprentices. The A21 approach to funding apprenticeship and artisan training is largely influenced by the latter in that in the medium to long term it seeks to extend an integrated approach to funding even to public TVET Colleges which will combine the programme approval allocation with the workplace artisan learner grant in order to facilitate a "single and holistic" apprenticeship and artisan training funding vehicle. In the long run this "single and holistic" apprenticeship and artisan training funding vehicle will eliminate double dipping and wastage of resources. It stands to reason therefore that there has also to be a Ministerial approval for the integrated funding of occupational trade qualification programmes at a public TVET College as a recognised stream. In the case of private SDPs, private funding from the learner is required to access this element of training. In most cases private SDPs already have the practical training equipment required for the A21 practical component.

The workplace component of the A21 is funded through the Generic National Artisan Workplace Data, Learner Grant Funding and Administration System Policy. The policy is a result of the identification of a second blockage to apprenticeship and artisan development identified by the AD-TTT which was the lack of "a single guaranteed funding model for all artisan trades applicable to all sectors including simple artisan learner administration and grant disbursement system". The funding of apprentices in the workplace was uncoordinated in that there was no single agreed amount to fund an apprentice throughout their workplace training. The funding is approved, distributed and administered by SETAs. The blockage identified was that the SETAs each had different criteria and funding models for apprenticeship and artisan trades.

To this effect the Generic National Artisan Workplace Data, Learner Grant Funding and Administration System Policy was approved by the DHET Minister, Dr BE Nzimande, MP, on 4 June 2013. The policy aims to create a single funding model for the funding of apprenticeship

This gazette is also available free online at www.gpwonline.co.za

and artisan training for employers with regards to all apprenticeship and artisan trades as listed on Government Gazette No.35625. This will result in the removal of the funding blockage as identified above and create benefits with regards to the development of artisans in South Africa. The policy will go a long way to ensuring that the country can eradicate multi-blockages such as funding challenges, workplace availability challenges, data availability challenges and create a common understanding from Government, SETAs and Employers on what skills are actually required.

Conclusively, the combination of the various funding elements is required to ensure that the A21 funding process is as efficient as possible. This funding process needs to follow and support the integrative A21 methodology. In the short to medium term, the Ministerial Approved Programme and Generic National Artisan Workplace Data, Learner Grant Funding and Administration System Policy may need integration pending the full delivery of occupation trades in order for the apprentice to have full funding for the full training duration. The swapping of step 2 and 3 of the 7 steps to becoming an artisan will ensure that the three apprenticeship and artisan training components (knowledge, practical and workplace learning and training) are funded simultaneously as the indeed simultaneously occur.

The Expenditure and Performance Review of the apprenticeship and artisan development programme commissioned by National Treasury in 2014 assessed the costs of training artisans. The Expenditure and Performance Review concluded that on average the cost of training an artisan is R400 000. The cost of R400 000 is made up of the knowledge (SDPs), practical (SDPs and practical training centres) and workplace (employers) training elements of apprenticeship and artisan training.

The full cost of training an artisan apprentice should come from the same pot of funds in the long term. The implication of this is that as a transitional measure, and due to the subsisting legislative mandates held by the SETAs and the NSF in terms of the Skills Development Act 1998, the disparate strands of funding (Ministerially Approved Programmes and Artisan Learner Grant Funding) may be incorporated until such time that ***A Single Integrated Artisan Training Funding Mechanism*** is shaped. On the other hand this incorporation may be overtaken by the advent of the delivery of occupational trades' qualifications at TVET Colleges which seek to introduce another stream of funding cenceptualised as "POPS".

This gazette is also available free online at www.gpwonline.co.za

5.2.2.2. Entrepreneurship and the expansion of SMMEs

"Estimates of the contribution of small, medium and micro enterprises (SMMEs) to the economy vary. In terms of contribution to GDP, an estimate of 52 to 57 per cent has been quoted by the Deputy Minister of Trade and Industry, Elizabeth Thabethe, who put the number of SMMEs in South Africa at 2,8 million and their contribution to employment at 60 per cent. Moreover, looking ahead, the National Development Plan projects that, by 2030, no less than 90 per cent of new jobs will be created in small and expanding firms" [12].

There is a growing voice of stakeholders requesting that entrepreneurship be integrated into the theoretical artisan apprenticeship training space in order to inculcate a culture of entrepreneurship, especially within the previously disadvantaged groups. This would add to the NDP plan of growing the SMME sector and expanding apprentice's current views of only looking at formal employment opportunities post qualification. The DHET Reports on Tracking of Artisans, looking at qualifying artisans since 2011, highlights that approximately 75% found employment, 7% were self-employed with 18% being unemployed. These statistics show that there is a growing acceptance of artisan qualifications in industry though these artisans may be employed in other industries not related to their trades. The challenge lies with the 18% who are unemployed who may be good candidates for establishing their own companies looking into supplying skills needed by the economy in line with the NDP and the purposes of the SDA.

The Government established the Department of Small Business Development in 2014 to look at issues of small business development in line with the NDP. There also exists various entrepreneurship programmes within agencies such as NYDA that train candidates on how to start their own businesses and the resulting administration thereof. The DHET will link with all relevant departments, agencies and NGOs in order to ensure there is access for those artisans wanting to become entrepreneurs to access these opportunities.

6. Artisan Recognition of Prior Learning

The White Paper for Post School Education and Training states "It is close to twenty years since South Africa discarded the apartheid regime and replaced it with a democratically elected government. Much has been achieved since then, but much remains to be done to rid our country of the injustices of its colonial and apartheid past. Deep seated inequalities are rooted in our past;

This gazette is also available free online at www.gpwonline.co.za

it is not by accident that the remaining disparities of wealth, educational access and attainment, health status and access to opportunities are still based on gender. A growing black middleclass has been empowered by the new conditions created by the arrival of democracy, and its members have managed to transform their lives in many ways. However the majority of South Africans have still to attain a decent standard of living. Most black people are still poor; they are still served by lower quality public services and institutions (including public educational institutions) than the well off. Patriarchy, also a legacy of our past, ensures that women and girls continue to experience a subordinate position in many areas of life, including in much of the education and training system" [5].

The Minister of Higher Education and Training signed the Criteria and Guidelines for the Implementation of Artisan Recognition of Prior Learning on 30 November 2016. The Criteria and Guidelines now establish a standard for the implementation of ARPL within the country. They provide an active pathway to a full artisan trade qualification in all sectors of the economy.

The RPL system is born out of a system where black people were not afforded the opportunities to appropriately acquire education and training opportunities, especially in the apprenticeship and artisan training system. This deprivation in the artisan training system resulted in unqualified artisan aides (artisan assistants) being the result of the ignoble system of Apartheid. There was indeed a realisation and acknowledgement of the deprivation meted on this cohort yet the emerging post-apartheid apprenticeship and artisan system failed to compensate this cohort by way of affecting recognition of prior learning mechanisms. In 2013 the ADT-TTT recognised and accepted this as a blockage and proceeded to pilot an ARPL model spearheaded by the DHET. The ARPL model aims to develop an ARPL system that will effectively address the skills gaps existing in artisan aides and those in the informal artisan trade sector of the economy. Many of these ARPL candidates have accumulated years of trade experience, but never got the opportunity to formalise this learning experience gained.

Many industries today still discriminate against artisans who qualified under Section 28 of the Manpower Training Act (the qualification route taken by non-contracted apprentices). With the introduction of the SDA an opportunity arose for the DHET to eradicate the marginalisation of these artisans through the implementation of a single trade certificate under Section 26D of the SDA. The current certificate does not distinguish between a qualified artisan who went through a structured apprenticeship programme and one who qualified through ARPL. This lack of

This gazette is also available free online at www.gpwonline.co.za

distinction does place the onus on the DHET to ensure that the quality of the apprentices being certified is the same no matter the route of their learning.

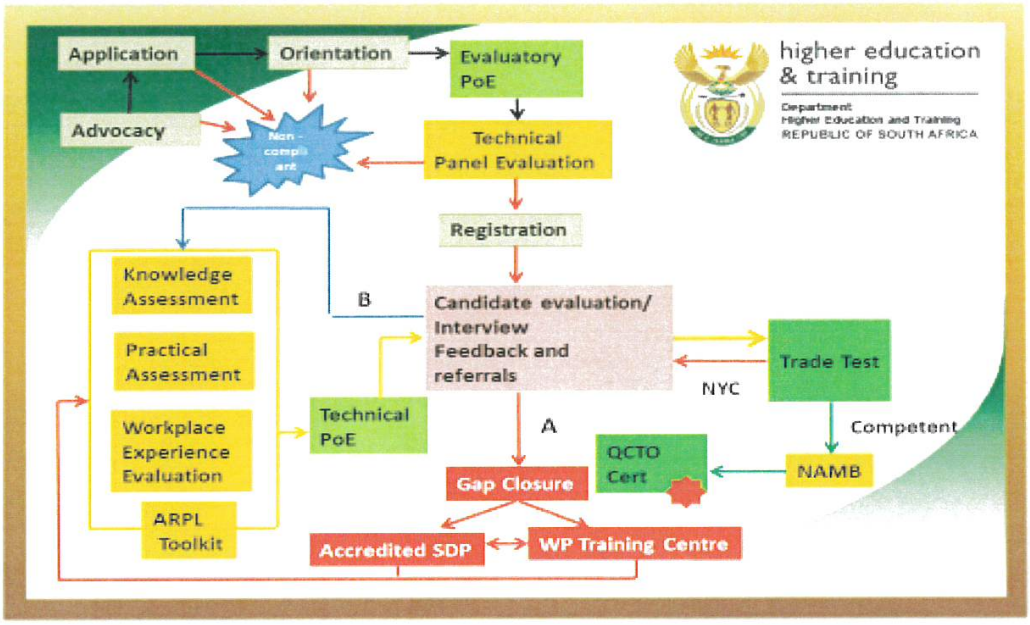


Figure 6: ARPL Model

The objectives of the ARPL regime are to recognise through formal assessment processes and certification the experience possessed by artisan aides, to encourage life-long learning within a formal artisan environment through the acquisition of formal qualifications and to meaningfully contribute to the skills development agenda. The ARPL regime is grounded on the SAQA National Policy for the Implementation of the Recognition of Prior Learning and the QCTO RPL.

The above ARPL model is based on lessons learnt from the ARPL pilot project. These lessons shaped the final ARPL model. Without sounding pedantic it must be noted that the purpose of a pilot study is to experiment on a small scale sample in order to learn how a large scale project or process might work in reality. The experiment gives insight into positives and negatives in order for improvements to be effected for the large scale implementation of the project or process.

Some of the challenges experienced during the pilot phase were the following:

- The experience of some of the candidates was inadequate.
- Limitations in competence in performing the entire scope of the trade.
- Lack of understanding from organised labour and employers about the ARPL process;

This gazette is also available free online at www.gpwonline.co.za

- Lack of communication between all relevant parties at times leading to refusal of access to candidates by employers for on the job evaluation;
- Where qualified artisans are employed in areas where sections of work are fabricated to form a bigger structure, artisan aids perceive that they can perform the same duties and therefore should be recognised as qualified artisans;
- Companies were also not willing to give their employees off-time to undertake the assessments due to the time required to perform such tasks; and
- Not being able to access gap closure facilities for candidates at workplaces.

Readers of this strategy are advised to consult the Criteria and Guidelines for the Implementation of the ARPL 2016 document which captures the full explanation of the flow of the ARPL model.

What needs mention separately is the technical evaluation panel which will be made up of subject matter experts per trade who will evaluate the candidates who submitted evaluation PoE to determine a candidate's suitability and categorisation. The technical evaluation panel comprises of qualified artisans (minimum of 2 with the one being the subject matter expert for the trade being evaluated) who are subject matter experts related to the trades being evaluated. The panel members would be approved and registered on a database as assessors with the NAMB. These panels could also comprise of Advisors. The technical evaluation panel will be coordinated locally from individual TTCs. The National Technical Panel dealing with non-national qualifications obtained at the old SANDF, SAAF, Telkom, TVBC, will be located at INDLELA. Once the technical evaluation panel is satisfied that the candidate meets the minimum requirements, they will be recommend for ARPL registration.

At the other end of the ARPL process an approved part qualification pathway will come into existence through the qualifications development mechanisms of the QCTO. The part qualifications will allow such candidates to be recognised for those part skills they have in order to access employment opportunities and later articulate further qualification credits towards a full artisan qualification. In addition, part qualifications will create access to jib opportunities in the aftermath of the COVID-19 pandemic. Their implementation will significantly add value to the Economic Reconstruction and Recovery Plan announced by President Cyril Ramaphosa.

7. Trade Testing

All Trade Testing (External Integrated Summative Assessment) in South Africa is regulated in terms of the provisions of the National Trade Test Regulations issued under Section 26D(5) of the Skills Development Amendment Act. The National Trade Test Regulations are applicable to all TTCs whether they are operated by private, government or state owned companies. These national, decentralised TTCs must be accredited by the QCTO upon recommendation by NAMB before they are allowed to conduct national trade tests. The national trade test includes practical tasks that an apprentice must complete within a specified period of time as determined by the NAMB.

In addition all trade testing processes will be monitored and moderated by the NAMB as required by Section 26A (2) of the Skills Development Amendment Act. The national trade testing system is also being built to include customised apprenticeship and artisan development testing aligned to the ARPL system that will offer persons who have assimilated knowledge and skills related to an artisan trade through workplace activities to also enter a well-supported process that will result in access to a national trade test.

To ensure that trade testing is always relevant to the needs of the industry and to ensure that learners achieve artisanal status, all artisan trade testing or assessment practitioners including assessors, assessment tool designers and moderators will be registered by the NAMB and be subject to continuous and regular capacity building through re-skilling processes. It is a mandatory requirement for these practitioners to register with the NAMB before they conduct their trade test activities.

All accredited TTCs will report to the NAMB as per pre-determined requirements to enable the NAMB to monitor their performance. In this sense the NAMB will act as an “ombudsman” for apprenticeship and artisan development and any concern with regards to the quality of apprenticeship and artisan development may be reported to the NAMB.

The Skills Development Act in Chapter 6A and Section 26D lists the statutory functions of the NAMB in relation to trade testing. The implementation of the trade test regulations and trade testing processes is the responsibility of the NAMB. The DHET is in a process of developing a web based trade testing system that will be implemented at all accredited TTCs. The key focus

of the system is to progressively minimise the manual paper based activities currently active within the trade testing process and effectively implement the Trade Test Regulations.

One of the functions of the web-based trade testing system is the collection of national data that will allow the DHET to instantaneously measure the national trade test pass rate. The trade test pass rate, whose data is manually collected, for the 2020-2021 financial year end is 72%. The implementation of the web-based trade test system will then allow for the expansion of the data collection process to become a national process. This will also result in a mechanism that will accurately measure the pass rate of trade tests nationally, per trade, per SDP and per TTC and other analysis variables.

A current challenge within the manual trade testing processes that may contribute towards the low quality and possibly pass rates is the depletion of the variations of tasks over the last couple of years to a single task per assessment module category in some trades. The single task availability allows a candidate to know precisely in what he will be tested and may limit the preparation done by candidates and provide a false sense of confidence within some candidates, leading to lower standard of performance than required. The development and implementation of a national web based trade testing system will assist the DHET in managing the risks associated with trade testing. This process will be aided through the web-based system as it will draw from an assessment instruments bank with a variety of tasks per assessment module for all trades that would in turn support computerised random generation of trade tests through selection of task combinations, thereby diminishing the probability of "trade task spotting". The web based trade testing system will also eradicate the current fraud experienced in the system through a range of security measures such as thumb print recognition for administrators, candidates and assessors to limit fraud and corruption in assessment processes. Most importantly, this the web based system will bring back the integrity of the national trade testing system with a direct positive impact being the quality of artisans produced through the apprenticeship and artisan development system and supplied to the labour market.

A skilled and capable workforce is produced in order to give industry the resources it needs to be efficient and competitive. It is industry that ultimately uses the artisan skills in their operations. It is industry that drives the development of technologies and new skills to enable it to continually improve. It is therefore logical that industry as well as the occupational and professional bodies be key to the development of trade test tasks as it is the case in the development of occupational

qualifications and assessment frameworks. By having employers develop and submit preliminary trade test tasks for approval and inclusion in the tasks data bank will ensure the creation of a credible trade testing mechanism. This will also stretch SDPs to ensure that they are constantly abreast of the latest developments within a particular trade. The assessment specifications TWG would then assess if the trade test tasks submitted by employers cover the scope of the trade as far as the QCTO curriculum and assessment specifications are concerned. This process could greatly expedite the increase in the trade test/instrument data bank. This would have the effect of increasing the quality of trade testing and certified artisans more rapidly.

The final Trade Test Regulations were approved by the Minister, Dr. Nzimande on 8 May 2015 through Government Gazette No. 38758. The regulations which are being progressively implemented replace all prevailing industry and sector-based trade testing systems. The trade test regulations provide a harmonisation mechanism for trade testing by setting the criteria for certification, trade testing, minimum entry for trade testing and quality considerations. The Trade Test Regulations will set the legal basis for trade testing.

Increasing and improving the capacity and quality of trade testing is currently managed through the National Artisan Development Quality Assurance Committee (NADQAC) that is made up of representatives from the DHET, the SETAs and QCTO who are involved in the recommendation of accreditation of TTCs. This forum has focused on both the increase of capacity and the control of the quality of trade testing. Through a centralised and nationalised TTC accreditation process that has removed the SETA or Sector based accreditation system, the forum has allowed accredited TTCs to give access to trade test candidates from any sector and not just a single sector as determined by the previous SETA accreditation system. This has opened up considerable access to persons wishing to register for a trade test anywhere in the country.

However this broader access to trade testing has limitations due to lack of appropriately located accredited trade testing centres across the country and the current uneven cost of trade testing. Improved spatial planning for the development of trade testing centres is becoming a critical need as is the standardisation of trade testing fees. At present the state owned TTC at INDLELA is over stretched to test the large numbers of persons that apply for trade testing.

Trade Testing is not a profit driven operation. This results in most TTCs offering expensive trade test preparations generally aimed at preparing apprentices to pass the paper based trade tests. Accredited trade testing appears to be needed although this will need to be managed very

carefully as at present the records at NAMB indicate there are 481 Accredited TTCs in the country, although only 184 test non printing industry artisan trades. It is preferable that only the State conducts national trade tests in order to centrally maintain and control the process and trade testing costs but at present there are only 26 government centres made up of 6 Metros, 19 public TVET Colleges and INDLELA. The remaining balance of approximately 158 centres is either in the private sector or state owned companies. The position of the DHET is to gradually move to a position where the state (INDLELA, public TVETs, SOCs) and large company TTCs are the only TTCs in the country.

8. Certification

Prior to the early 1980s South Africa had a single national artisan certification system controlled from the Centre of Trade Testing or COTT (today known as INDLELA) that issued a "red seal certificate under the auspices of the National Department of Manpower (today Department of Employment and Labour). With the advent of firstly the Industry Training Boards from 1981 as established by the Manpower Training Act and subsequently the SETAs from 2000 as established by the Skills Development Act, certification of qualified artisans became first an industry and then sector based process. The result of these decentralised certification processes was a huge mess of certificates that at its worst allowed for at least ten different types of certificates for an electrician, as an example.

The outcome of the decentralised system with its multiplicity of certificates was the creation of serious blockages to employment as certain sectors, mining in particular, would only employ trades persons who possessed a certificate from that sector. If a person lost his employment or decided to move to another sector, then he or she had difficulties in that his certificate lacked portability from one sector to the other. This highlights the shortcomings of sector specific qualifications and certification instead of a national certification process. This chaotic situation was finally arrested on 1 October 2013 when after a long process with the SETAs and QCTO a national certificate for artisan trades was re-introduced by the QCTO.

The successful completion of a trade test results in the recommendation by NAMB of that candidate to be certificated by the QCTO as per Section 26D (4) of the SDA. Certification of candidates opens up equal opportunities for employment. It is therefore imperative that the certification process be a smooth one without delays in order to ensure that candidates access

This gazette is also available free online at www.gpwonline.co.za

work opportunities soon after completing their trade tests. A concern with the current certification sub system of the apprenticeship and artisan system is the long, lengthy, manually based process that is currently operational. A delay between four to six months or longer can occur between the day a person passes a trade tests and receiving a certificate. This backlog has huge implications for employment and job creation for artisans. The process is also open to errors and misuse due to the manual nature of the current system process. The solution to the concern is the development and implementation of the national web based trade testing system that will accelerate the process of certification.

9. Quality Assurance

The statutory responsibility for the quality assurance of the occupational qualifications in relation to trades lies with the QCTO. This includes the occupational trade curricula developed, those in the development pipeline and their implementation. It therefore follows that QCTO policy will therefore guide the implementation of the quality assurance activities in relation to trades listed in Gazette No. 35625. Since apprenticeship and artisan training needs to happen in an integrated manner comprising the theory, practical and workplace components as envisioned through the A21 process, the QCTO will need to quality assure the actual knowledge, practical and workplace delivery. The implementation of the trade testing component is monitored by the NAMB through its statutory functions through the quality assessment policies of the QCTO. The QCTO may further collaborate with the NAMB in terms of section 26A (h) of the Skills Development Amendment Act with respect to quality assurance processes at the points of curriculum delivery.

Quality Assurance is defined by ISO 9001:2015 as “part of quality management focused on providing confidence that quality requirements will be fulfilled” [13]. The confidence provided by quality assurance is twofold—internally to management and externally to customers, government agencies, regulators, certifiers, and third parties. Quality assurance therefore gives confidence to users of the apprenticeship and artisan development system that measures are in place that the system will produce artisans of a particular standard. Quality Control on the other hand is defined as “part of quality management focused on fulfilling quality requirements” [13]. “Monitoring or inspection is the process of measuring, examining, and testing to gauge one or more characteristics of a product or service and the comparison of these with specified requirements to determine conformity. Products, processes, and various other results can be inspected to make

This gazette is also available free online at www.gpwonline.co.za

sure that the object coming off a production line, or the service being provided, is correct and meets specifications" [13].

The quality assurance and monitoring functions have to be performed through the creation of knowledge, practical, workplace delivery regional development and support quality control components in addition to the quality requirements built through processes such as qualification development, accreditation policies, internal and external summative assessments. The monitoring of trade testing will happen through the moderation of trade testing by NAMB.

9.1. Accreditation

An integral part of the quality assurance regime is the accreditation and approval of SDPs, TTCs and workplaces which are part of the apprenticeship and artisan training system. Accreditation helps ascertain if an institution meets the minimum quality standards and gives confidence to potential students and employers about the ability of the institution to provide a quality educational offering.

The apprenticeship and artisan development system training delivery relies on SDPs for theoretical and practical training, workplaces for apprentice on the job training and TTCs for the external integrated summative assessment. All these delivery institutions play different critical roles in the apprenticeship and artisan development value chain. It therefore follows that the QCTO should lead in the development of accreditation policies with regards to all the above mentioned delivery mechanisms of the apprenticeship and artisan development system with special emphasis on the SDP, Workplace delivery and assessment (internal and external) modes.

9.2. Regional/Provincial Quality Assurance and Control

There is also a need to create a monitoring function in relation to training provision, practical provision and workplace learning provision as a part of the quality assurance value chain. This monitoring function will ensure adherence to policy, accreditation criteria and ensure that apprentices are developed through the highest standards as directed by the DHET and the QCTO. The QCTO and NAMB may collaborate in this area.

This gazette is also available free online at www.gpwonline.co.za

9.2.1. Training Provision Development and Monitoring

The National Artisan Development Chief Directorate in collaboration with the TVET Branch and QCTO should constantly monitor the delivery of learning content and its effectiveness as taught at the SDPs. The delivery of learning content is critical to the success of the SDPs and the apprenticeship and artisan development system. A monitoring team should be established focusing on trades as per Gazette No.35625 which should conduct site visits to SDPs in order to ensure the adherence to curriculum and pedagogical delivery quality. This monitoring team should ideally be made up of qualified artisans, lecturers, trade-specific DQP members and organised labour. Their work should include post-A21 implementation engagements with lecturers and apprentices to determine weaknesses in the training provision in order to recommend appropriate interventions. This approach will also assist with lecturer development especially in public TVET Colleges.

It is highly important that this approach is not seen and used as a stick to punish the SDPs and their lecturers which may not comply with the training provision requirements. The monitoring approach is a developmental support mechanism aimed at assisting SDPs in achieving optimal teaching quality and success. The process is aimed at evaluating their adherence to the teaching curriculum and where gaps exist, recommend corrective actions.

9.2.2. Workplace Development and Monitoring

The QCTO workplace curriculum sets out what apprentices need to learn when they are in the workplace. This information is relevant in the development of trade specific log-books which details projects/tasks the apprentice should be performing during their workplace learning.

The current system does not have a workplace monitoring function. This function needs to be set up and operationalised to give a monitoring impetus to the workplace development function. The improvement of trade test pass rates and the related quality of the artisans coming through the apprenticship system is highly dependent on adherence to the workplace curriculum (log book) and the quality of the apprentices' learning when they are in the workplace.

As with the SDP monitoring function, this function is an important function in the workplace development process. The DHET is not looking at catching out and punishing those that do not

comply but wants to assist those employers with challenges to attain the highest levels of mentorship and workplace learning for apprentices. The operational function of workplace monitoring will be affected through the DHET provincial structures in collaboration with the QCTO and SETAs to ensure closeness to employers.

9.3. Trade Testing, Quality Assurance and Delivery Monitoring

The trade testing system needs to be quality monitored and moderated so as to ensure the quality of the trade testing itself. The accreditation of TTCs requires that they sign an SLA agreement with the NAMB. One of the stipulations of the SLA agreement is a requirement for TTCs to allow their assessors to perform at least two moderations annually at another TTC within the geographical area of the TTC.

The moderation of trade tests (summative) is different from the moderation of mainstream tests and exams. This requires that the moderator be present at a trade test site to quality assure the actual trade test taking place through on site observation. The moderator needs to look at matters like potential bias and adherence to assessment specifications by the assessor and proper undertaking of trade test tasks by the candidate. The SLA with TTCs will give the NAMB the capacity and resources it needs to perform this critical task and will expedite the implementation of a national standard through peer moderation.
NAMB is currently in the process of registering assessors and moderators in the 125 trades as per Gazette No.35625. Only moderators and assessors registered with the NAMB will be able to perform assessments at TTCs and perform moderations. The NADQAC is responsible for the processing and recommendation of accreditation to the QCTO for SDPs for all previously designated legacy trades and all TTCs. This process ensures that all requirements of the SDP, TTC and assessor registration policies are met before accreditation can be awarded by the QCTO. SDP accreditation for Occupational Trade Qualifications registered on the NQF will be dealt with by the QCTO.

The NAMB developed a monitoring process of TTCs for the moderations of TTCs conducted through the SLA with TTCs. The enhancement of this function will be effected through the establishment of provincial moderation forums, the building of capacity to support the public SDPs or alternatively setting up NAMB structures within the provinces. This quality monitoring function in relation to trade testing is imperative in that the trade test will be the only external integrated

summative assessment for occupational competence. The quality monitoring function at this level has implications for other quality assurance functions performed at the various stages of the apprenticeship learning cycle.

Quality assurance and monitoring is a vital factor within the apprenticeship and artisan training system. The NAMB in collaboration with the QCTO will establish a quality monitoring team for the development and support of SDPs, TTCs and workplaces. The team will work closely with SDPs and employers to ensure they achieve the highest standards of delivery as per the QCTO Curriculum requirements.

10. Skills Development Providers and TVET Colleges

The theory and practical delivery mechanism for the A21 apprenticeships is through private and public SDPs. It is therefore important to acknowledge the strengths and weaknesses that lie within these mechanisms in order to develop plans that will lead to the overall quality produced by the entire apprenticeship and artisan development system.

10.1. Private TVET Colleges

Private TVET Colleges also play a vital role in the development of artisans in South Africa. While it is acknowledged that the public TVET College system is central to teaching and learning for the national apprenticeship and artisan development system, it must be stressed that public TVET Colleges are only a part of the teaching / training component of the national apprenticeship and artisan development system in South Africa. In addition there are at least six other groups of institutions that fall within the teaching and learning component of the national apprenticeship and artisan development system and all contribute to the development of skilled artisans, many of these still the backbone of apprenticeship and artisan development in the country. These groups, in terms of curriculum delivery are located within the NQF sub-framework for trades and occupation under the QCTO quality assurance umbrella includes:

- Government Owned Training Centres (national, provincial and local levels)
- State Owned Company Training Centres
- Private Sector Owned Company Training Centres
- Private Skills Development (Training) Providers

This gazette is also available free online at www.gpwonline.co.za

The private sector providers account for a big portion of the trained learners passing their trade tests. This means that the system as a whole cannot ignore the contribution of the private sector in the training of artisans. The DHET and the public TVET Colleges within the DHET needs to work with and collaborate with this larger artisan system for the benefit of the country and economy. There is clear and growing need for convergence across the larger national apprenticeship and artisan development system. At present the situation could best be described as a growing but diverging system that needs stronger centralised convergence and coordinated control at INDLELA.

10.2. Public TVET Colleges

South Africa continues to struggle with the triple challenges of unemployment, inequality and poverty. The National Development Plan acknowledges the contribution of the TVET sector in supporting young citizens to obtain intermediate level qualifications in order to ensure economic participation.

Similarly the White paper for Post School Education and Training places the public TVET colleges at the center stage of the of the post school sector, acknowledging that both growth and quality in the sector must improve to meet demand. The White paper for Post School Education and Training states that "The programme to improve the teaching and learning infrastructure of colleges will be continued. Colleges must have the facilities and equipment necessary to provide the type of education that is expected of them. In particular, they must have well-resourced workshops for providing the practical training demanded by their curricula" [5].

However well-resourced workshops will be rendered useless unless the necessary quantity and quality of lecturers are also available to utilise such workshops efficiently and effectively. The White Paper for Post School Education and Training specifically stresses this requirement under the responsibilities of the SAIVCET: "Upgrading the technical knowledge and pedagogical skills of existing staff in TVET and community colleges, and promoting the professionalisation of lecturers, instructors and trainers. This task will be undertaken with the assistance of university academics, employers and other expert staff" [5].

This gazette is also available free online at www.gpwonline.co.za

This requirement is similarly contemplated in the FET College Amendment Act, Act No1 of 2013 is Section 43B(1) (j) that state that SAIVCET must "Develop capacity and upgrade college teaching staff skills in vocational and continuing education and training".

In addition the TVET colleges are facing difficulties to align their delivery with the needs of industry. Suitably qualified engineering field lecturers (qualified artisans) are difficult to find and often not prepared to work at salary scales offered within the DHET structures. Up to date equipment is expensive and modern workshops are almost unattainable without support from industry. Formalised PPP engagements are a necessity especially with the purpose of building and developing a strong public TVET college system for apprenticeship and artisan development.

Due to real and perceived weaknesses of the public TVET Colleges and the importance of PPP in developing artisans it has become imperative to develop structured mechanisms through which these partnerships can be actively pursued and sustained. This will provide the colleges with a structured process of engaging with private business to strengthen and build their capacity while at the same time acknowledging the private sector contribution to skills development.

Furthermore, The OECD Review of VCET: A Skills beyond School Review of South Africa released at the national TVET Conference held in in November 2014 stresses on Pages 102 and 103 the critical need for regular and continuous interaction between the industry experts and college staff to improve technical teaching skills. This requires a converging and a seamless linear pipeline between the sections of the apprenticeship and artisan development system within the public and private sector. There are other emerging converging mechanisms in place but these need to be strengthened and built on through formal processes.

Another potent mechanism is the SIPS concept of Occupational Teams which should be allowed to gain traction within the apprenticeship and artisan development system as it combines the QCTO, NAMB, TVET, SETA, SDP and Employer factors into a single deliberate community of experts in so far as the occupational trade curriculum design and delivery issues are concerned.

10.2.1. The composition of the Academic Boards of TVET College

It is important for the apprenticeship and artisan development system that the College Councils review the composition of TVET College academic boards to ensure that the right industry people

are composite members of the academic boards and councils themselves of course. This is important from a leadership point of view, but also to ensure that industry is part of the TVET College governance structure and contributes in driving the college's mandate forward, in this aspect of apprenticeship and artisan development.

10.2.2. Lecturer Development

The other positive spin-off from a PPP deal between the industry and the TVET colleges is lecturer development which remains a crucial factor in the delivery of the A21 system. This will ensure the quality of curriculum provision at public TVET Colleges. Technological innovation and revolution occurs at the industry which therefore makes sense for artisan curriculum reform and the subsequent lecturer development to initiate from the industrial frontline. A slow curriculum corrosion and relevance may therefore be systematically avoided whereas in the past it has resulted in creating a huge gulf between industry and the TVET sector with respect to curriculum relevance in supplying the ever evolving needs of industry. The ARPL for TVET college engineering lecturers may also be another avenue contributing to lecturer development.

A possible intervention may be the working conditions of lecturers which need a possible review in order to accommodate prolonged delivery hours at TVET colleges which in turn may accommodate the demand training needs from industry. Indeed a TVET college lecturer having obtained a lecturer qualification should progressively become an occupational trainer with higher employment status than an entry lecturer. Lecturers need to be supported as much as possible to ensure that they succeed in their core business of teaching. Some of the interventions needed to ensure they keep abreast of changing technologies and production techniques are:

- Exposure to the workplace through partnerships with employers in their footprint. As the TVET colleges move closer to specialisations (aligned to industry in their geographical footprint) workplace.
- Regular regional and national workshops addressing didactical skills, new technologies and their application in the trades, best practice and other matters that will assist in the performance of their functions;
- TVET college partnerships with industry which may lead to donation of still relevant and usable equipment.

This gazette is also available free online at www.gpwonline.co.za

- Development of exchange programmes for lecturers with other overseas TVET Colleges involved in similar dual system programmes for apprenticship training.

The White Paper states that "The most important indicator for the success of a college is the quality of the education offered and consequently the success of its students. For this, the colleges need a well-educated and professional staff" [5]. The professionalisation of A21 lecturers should go hand in hand with the professionalisation of the artisan occupation.

11. The Lead and Host Employer Concept in A21

11.1. Public TVET Colleges as lead employers

The core of the A21 system is the importance of the availability of workplaces which by and large are located in the private sector. There is therefore no A21 system without this imperative. It is mentioned again that interventions are required to bring the public TVET Colleges closer to employers in order to facilitate workplace training for learners and continuous up-skilling of lecturers. Indeed pro-active TVET Colleges have long set up dedicated workplace learning and employment placement offices in order to create placement opportunities for learners. The SETA – TVET Colleges partnership fostered by the DHET policy on SETA partnership with TVET colleges has improved the TVET colleges experience from SETAs in terms of accessing skills development programmes.

This type of TVET college's system responsiveness gears up public TVET Colleges to become lead employers, of course some of them are not new in this concept as they have collaborated with private lead employers. This direction will have the following benefits:

- The standardisation of apprenticeship stipends so that we level the playing fields and eradicate the employer hopping of apprentices from one employer to another
- Engraving the notion that the workplace component is part of learning and apprentices need to appreciate that this is still part of their learning process
- Forging closer relationships between public TVET Colleges and employers, especially industry within their geographic footprint
- Lessening the administration burden for employers in relation to registration of apprenticeships which will have the benefit of bringing in the SMMEs into the artisan training system

This gazette is also available free online at www.gpwonline.co.za

11.2. Private and Employer Associations as Lead Employers

Employer associations may also take up the role of lead employers with the aim of facilitating apprentice placement within their employer companies. Employer associations group themselves based on similar activities with the aim of organising themselves to regulate member behaviours, collective bargaining as they impact them due to similar activities performed. The value of having employer associations as lead employers is based on the following:

- They have direct access to employers within their sector.
- They know the training needs of the sector.
- They know the plans of the sector in relation to changes in production methodologies. technologies and the type of skills needed by these changes.
- They provide a centralised coordination mechanism for placing apprentices.

This alternative will also enable closer ties between SDPs in general and employers with the exception of INCOMPANY training centres. Capable and efficient private industries may also act as a lead employer.

12. National Apprenticeship and Artisan Development Advisory Body

An analysis of the linkages between the organised business, organised labour and government reveals that tensions currently exist between all the role players within the apprenticeship and artisan development system. In order to ensure the successful implementation of the A21, there is a need to ensure that stakeholders involved in the artisan apprenticeship system co-drive the implementation of the A21. The methodology for stakeholder management is through the adoption of a governance structure for artisan apprenticeship development. The establishment of NAADAB as a statutory governance structure, identified as priority 1 (one), focusing solely on artisan apprenticeship development is the mechanism by which strong linkages can be developed between government and social partners.

Education Employment linkage can be defined as an equilibrium of power between actors from the education and employment systems [14]. Both stakeholders groups have power in relation to the implementation of the apprenticeship system. In order to achieve efficiency in delivering an

This gazette is also available free online at www.gpwonline.co.za

apprenticeship system that meets the country's needs, education and employer stakeholder groups will need to share power within the apprenticeship system.

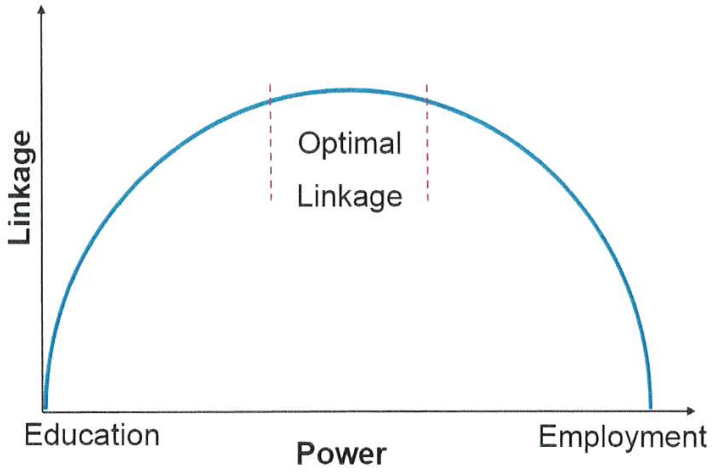


Figure 7: Education Employment Linkages

Source: Renold, et al

If the education actors, mainly represented by government, had all the power then the apprenticeship system would be developed and implemented without the contribution of employers who are the consumers of skills. On the other hand if employer actors had all the power the apprenticeship system would be equivalent to work place training.

In order for the apprenticeship system to be a success, it is vital that linkages between the education and employment actors are developed that will result in balancing the power dynamics between the two stakeholder groups. This optimal linkage is referred to as equilibrium of power.

The key features of an apprenticeship system are qualification standards, examination form, quality assurance, learning place, workplace regulations, cost sharing, equipment provision, teacher provision, examination, information gathering and curriculum update timing. Reaching a level of optimal linkage is critical in determining which of the above elements will be valued the most by the collective actors [14]. In countries where there is a successful model of optimal linkage, the most critical features of an apprenticeship have been collectively defined as qualification standards, deciding when an update needs to happen, and setting the examination form; and that students spend most of their time in the workplace instead of the classroom. This is mainly because the apprenticeship system in those countries is employer driven with the

education system providing the optimal landscape for the production of employer defined and relevant competencies through appropriate legislation, regulation and policy [14].

12.1. Proposed Artisan Development Governance Structure

The proposed apprenticeship and artisan development governance structure is intended to ensure that there is optimal linkage between education and employment actors in order to share resources and cooperate whilst keeping both sides' incentives aligned. This will ultimately lead to an apprenticeship system which will improve the outcomes for apprentices within the training system.

The A21 presents an opportunity for employers, organised labour and government to build a bridge of trust between each group as well as collectively. It is a fact that there is a need for continuous discussions that will address the concerns raised by each individual stakeholder group, but more importantly to chart a collective way forward for the artisan apprenticeship system in South Africa. In order to achieve the ideal of a single coordinated artisan apprenticeship system in the country there is a need to establish a high level governance structure for artisan apprenticeship development that will result in coordinated input at government level and social partner level.

The governance structure proposed is the NAADAB. The NAADAB will be a statutory advisory forum between Government, Organised Business and Organised Labour that deliberates on national artisan development legislation, policy, advocacy programmes, curricula, research and knowledge management amongst other matters in order to advise the Minister of suitable solutions for the artisan development system.

The NAADAB will look into strategic artisan apprenticeship matters and advise on their implementation or non-implementation. The functioning of the national apprenticeship and artisan development programme has been driven through continuous consultative process with various stakeholders who possess expert knowledge and advice.

This gazette is also available free online at www.gpwonline.co.za

13. State Owned Companies Contribution to Apprenticeship and Artisan Training

SOCs are an important element of most economies, including many more advanced economies. SOEs are most prevalent in strategic sectors such as energy, minerals, infrastructure, other utilities and, in some countries, financial services [15]. SOCs have traditionally played an essential role in the training of artisans in the country. This active involvement meant that SOCs trained above their needs in order for the country to have skills that were needed at that time. The redefinition of state owned entities as profit making companies somehow compromised the availability of artisan apprenticeship training spaces there. SOC contributions to apprenticeship and artisan training have decreased over the years. This has also resulted in the under-usage of the training facilities at these entities.

The South African National Defence Force, Municipalities, SAPS also contributed to the training needs of the country by training artisans. The DHET, DPE and other government departments have established a skills development committee that looks into reviving the SOC contribution to artisan training which focuses on:

- Building and facilitating processes that will lead to an optimisation of SOC capacity in developing artisans;
- Developing and implementing funding models to allow SOCs to continually increase their capacity to produce quality artisans;
- Identify and opening up of workplace training opportunities at SOCs; and
- SOCs to assist with training, strengthening and upgrading of engineering TVET colleges and lecturers.

SOCs are a critical component of the apprenticeship and artisan training system as they can provide the required number of workplaces that will allow for the uptake of skills needed to boost the economy and improve the lives of citizens. It is for this reason that priority 6 is the promotion of a strong base of apprenticeship and artisan training in state owned entities through negotiated artisan training quotas.

14. Artisan Dedicated Research

One of the key areas that need development is the research element related to the apprenticeship and artisan development system in the country. The research and development function will be located at INDLELA. In the last few years there have been concerted efforts to improve the data collection mechanisms which have an impact on the research drive. Data is critical to the production of quality research which will aid the policy making processes within the apprenticeship and artisan development system.

Other research efforts have been implemented by the DHET through theme 6 of the HSRC LMIP project. This project looked at various themes that have an impact on the apprenticeship and artisan system and provide guidance and insights into possible planning and policy avenues available for the DHET to pursue. Various SETAs and NGOs also conduct research within the apprenticeship and artisan development space. There is therefore a need to coordinate these various research pockets in order to ensure alignment and non-duplication for the benefit of the system through the research unit.

15. Implementation

This National Artisan Strategy will be implemented through a phased approach over the period leading to 2030 with changes being constantly made to reflect the current economic and social realities facing the country for which the strategy aims to address. Therefore the strategy will be a guide in relation to priority programmes that the National Artisan Development Chief Directorate will pursue over the term leading to 2030. The prioritisation approach as well as the phased implementation will allow the National Artisan Development Chief Directorate time to gradually build up processes to effectively achieve the strategy goals.

This gazette is also available free online at www.gpwonline.co.za

16. Acronyms

A21 – 21st Century Apprenticeships
AD TTT – Artisan Development Technical Task Team
AET – Adult Education and Training
AG – Auditor-General
AQP – Assessment Quality Partner
ARPL – Artisan Recognition of Prior Learning
CAPS – Curriculum and Assessment Policy Statement
CD – Chief Directorate
CDO – Community Development Organisations
CDS – Career Development Services
CDW – Community Development Workers
COMET – Competence Measurement in Education and Training
COTT – Centre of Trade Testing
CPD – Continuous Professional Development
CV – Curriculum Vitae
DBE – Department of Basic Education
DHET – Department of Higher Education and Training
DoA - Decade of the Artisan
DoL – Department of Labour
DPE – Department of Public Enterprise
DQP – Development Quality Partner
DSAP – Dual System Apprenticeship Project
DSPP – Dual System Pilot Project
EISA- External Integrated Summative Assessment
EPR – Expenditure Performance Review
FET – Further Education and Training
FLC – Foundational Learning Competence
FLP – Foundational Learning Programme
GDP – Gross Domestic Product
GTPP – Generic Trade Preparation Programme
HET – Higher Education and Training
HRDC – Human Resource Development Council

This gazette is also available free online at www.gpwonline.co.za

HSRC – Human Science Research Council

ILO – International Labour Organisation

LMIP – Labour Market Intelligence Partnership

LRA – Labour Relations Act

MerSETA - Manufacturing, Engineering and Related Service Sector Education and Training

MES - Modules of Employable Skills

MTSF – Medium Term Strategic Framework

N – Nated Programme

NAD – National Artisan Development

NAADAB – National Apprenticeship and Artisan Development Advisory Body

NADQAC - National Apprenticeship and artisan development Quality Assurance Committee

NADSC – National Apprenticeship and artisan development Support Centre

NADWAC – National Artisan Development Workplace Approval Committee

NAMB – National Artisan Moderation Body

NAWDSAF – National Artisan Workplace Development, Support and Approval Forum

NCAP – National Career Advisory Portal

NCV – National Certificate Vocational

NDP – National Development Plan

NEETS – Not in Employment Education and Training

NGO – Non Governmental Organisations

NOCC – National Occupational Curriculum Content

NQF - National Qualifications Framework

NSC – National Senior Certificate

NSF – National Skills Fund

NTCS – National Trade Curriculum Statement

NYDA – National Youth Development Agency

OECD – Organisation for Economic Cooperation and Development

OFO – Organising Framework for Occupations

OQSF – National Qualification Sub-Framework

OQ ID – Occupational Qualifications Identification

PAYE – Pay As You Earn

PoE – Portfolio of Evidence

PPP – Public, Private Partnership

PSET – Post School Education and Training

This gazette is also available free online at **www.gpwonline.co.za**

QA – Quality Assurance

QC – Quality Council(s)

QCTO – Quality Council for Trades and Occupations

SAAF – South African Air Force

SAIVCET – South African Institute of Vocational and Continuing Education and Training

SANDF – South African National Defence Force

SAQA – South African Qualifications Authority

SARS – South African Revenue Services

SDA – Skills Development Act

SDF – Skills Development Forum

SDP – Skills Development Provider

SETA – Sector Education and Training Authority

SGB – School Governing Body

SLA – Service Level Agreement

SME – Subject Matter Expert

SMME – Small Medium and Micro Enterprise

SOC – State Owned Company

SSACI – Swiss South Africa Cooperation Initiative

SSP – Sector Skills Plan

TTC – Trade Test Centre

TVET – Technical Vocational Education and Training

TWG – Technical Working Group

VCET – Vocational and Continuing Education and Training

WIL – Work Integrated Learning

WPBLPA – Workplace Based Learnership Programme Agreement

WSZA – World Skills South Africa

17. References

[1] National Planning Comission, "The National Development Plan 2030," Governmet Printinmg Works, Pretoria, 2011.

[2] McKinsey and Company, "South Africa's Gig Five :Bold Priorities for Inclusive Growth," McKinsey Global Institute, Johannesburg, 2015.

[3] United Nations Developmental Programme, 2016.

[4] Department of Economic Development, "The New Growth Path," Department of Economic Development, Pretoria, 2010.

[5] Department of Higher Education and Training, "White Paper for Post School Education and Training: Building and expanded, effective and integrated post school system," Department of Higher Education and Training, Pretoria, 2013.

[6] A. Wildschut, T. Meyer and S. Akkoojee, Changing artisanal identity and status, Cape Town: HSRC Press, 2015.

[7] E. Smith and R. B. Kemmis, "Towards a model apprenticeship framework: a comparative analysis of national apprenticeship systems," International Laboue Office, New Delhi, 2013.

[8] StatsSA, "Quarterly Labour Force Survey," StatsSA, Pretoria, 2021.

[9] Mzabalazo Advisory Services, "Expenditure Performance Review of the National Artisan Development Programme," National Treasury, Pretoria, 2014.

[10] R. Lerman, "Do firms benefit from apprenticeship training," IZA World of Labor, n/a, 2014.

[11] OECD, "LEARNING FOR JOBS: OECD POLICY REVIEW OF VOCATIONAL EDUCATION AND TRAINING," OECD, 2009.

[12] M. F. Groepe, *The role of business in local government and local economic development',* George: South African Reserve Bank, 2015.

[13] International Standards Organisation, *ISO 9000: 2015,* n/a: International Standards Organisation, 2015.

[14] D. T. B. D. K. C. J. B. M. E. E. J. K. a. L. R. Dr. Ursula Renold, "Feasibility Study for a Curriculum Comparison in Vocational Education and Training Intermediary Report II: Education-Employment Linkage Index," KOF Studies, CEMETS Institute, Zurich, 2016.

[15] OECD, "Ownership and Governance of State-Owned Enterprises: A Compendium of National Practices," OECD, 2018.

[16] S. Field, P. Musset and J.-L. Alvarez-Galvan, OECD Reviews of Vocational Education and Training: A Skills Beyond School Review of South Africa, Pretoria: OECD Publishing, 2014.

[17] Swiss South Africa Cooperation Innitiative, "Tracking of Newly Qualified Artisans," DHET-SSACI, Johannesburg, 2016.

[18] B. Akoobhai and K. Duncan, "An Analysis of Data on Artisan Development from the National Artisan Development Support Centre, 2015," SSACI, Johannesburg, 2016.

[19] B. Akoobhai and K. Duncan, "Report on tracking newly qualified artisans," DHET-SSACI, Pretoria, 2016.

This gazette is also available free online at **www.gpwonline.co.za**

Department of Higher Education and Training

Private Bag x174,
Pretoria, 0001,
South Africa.

123 Francis Baard,
Pretoria, 0002
South Africa
Tel: +27 (0) 12 312 5911
Fax: +27 (0) 12 321 6770

Private Bag X9192,
Cape Town, 8000,
South Africa

120 Plain Street,
Cape Town, 8000,
South Africa
Tel: +27 (0) 21 465 5513
Fax: +27(0) 21 465 7956

Toll Free: 0800 872 222
www.dhet.gov.za

Chief Directorate: National Artisan Development/INDLELA

Private Bag X5
Olifantsfontein
1665

Corner Old Pretoria/Kempton Park Road
Olifantsfontein

Tel: +27 (0) 11 206 1000
Fax: +27 (0)11 316 4763

National Artisan Development Support Centre

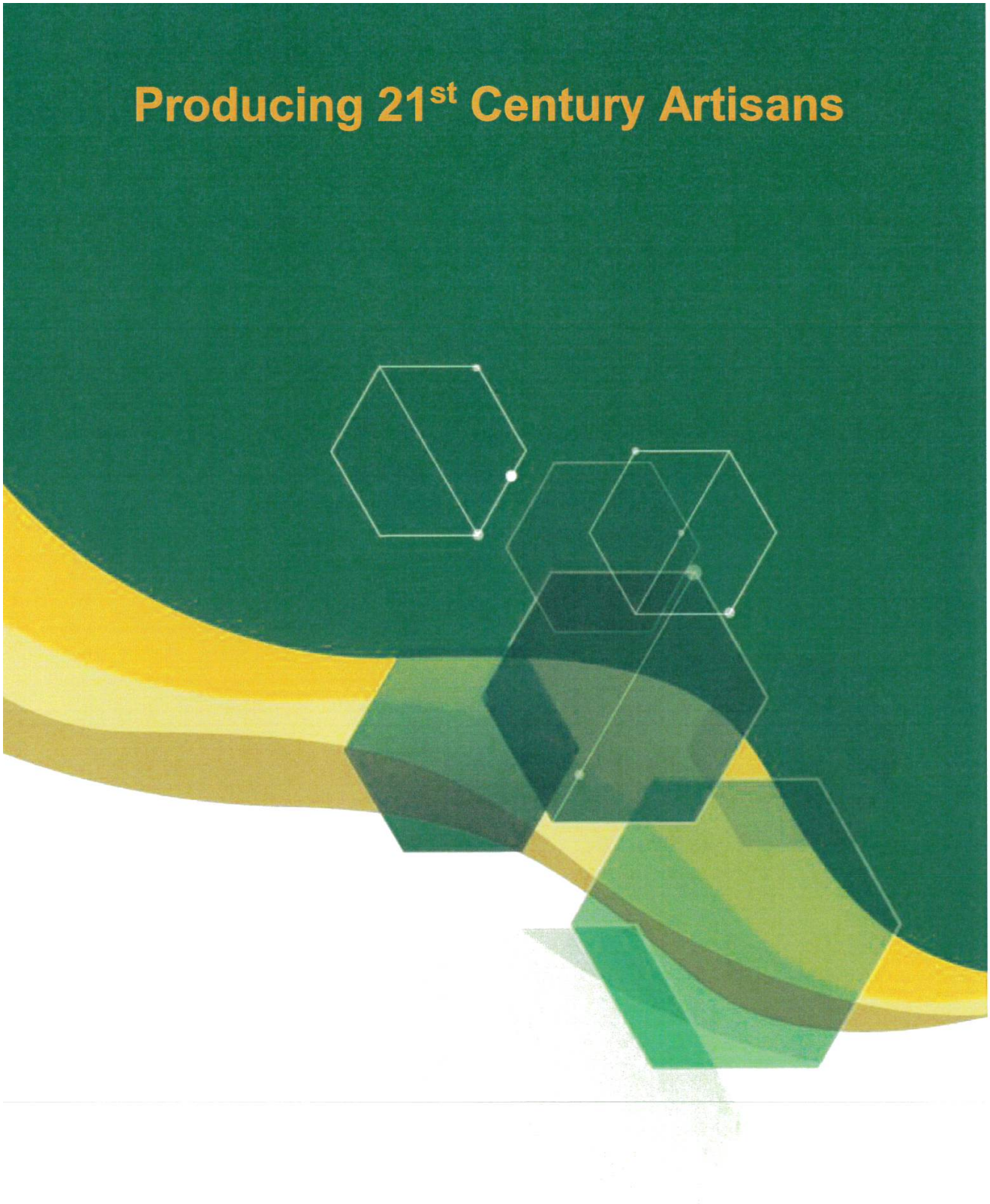
Private Bag X5
Olifantsfontein
1665

1665 Old Pretoria/Kempton Park Road
Olifantsfontein

http://nadsc.dhet.gov.za/
Tel: 086 999 0125



This gazette is also available free online at www.gpwonline.co.za


Producing 21st Century Artisans
higher education
& training
Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA
21st century
QUALITY
APPRENTICESHIP

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. 2304 **22 July 2022**

AMENDMENT NOTICE UNDER SECTION 6 OF THE JUSTICES OF THE PEACE AND COMMISSIONERS OF OATHS ACT, 1963 (ACT NO. 16 OF 1963)

I, Ronald Ozzy Lamola, Minister of Justice and Correctional Services, acting under section 6 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963), hereby amend Government Notice No. R. 903 of 10 July 1998, as set out in the Schedule.

MR R O LAMOLA, MP
MINISTER FOR JUSTICE AND
CORRECTIONAL SERVICES
DATE: 26/06/2022

SCHEDULE

Definition

1. In this Government Notice, "the Notice" means Government Notice No. R. 903 of 10 July 1998, as amended by Government Notice Nos. R. 1687 of 24 December 1998, R. 950 of 6 August 1999, R. 1317 of 12 November 1999, R. 1510 of 24 December 1999, R. 1511 of 24 December 1999, R. 1180 of 17 November 2000, R. 109 of 2 February 2001, R. 301 of 6 April 2001, R. 847 of 14 September 2001, R. 1365 of 21 December 2001, R. 1366 of 21 December 2001, R. 515 of 22 April 2002, R. 211 of 14 February 2003, R. 401 of 28 March 2003, R. 402 of 28 March 2003, R. 623 of 16 May 2003, R 624 of 16 May 2003, R. 942 of 4 July 2003, R. 943 of 4 July 2003, R. 947 of 4 July 2003, R. 1233 of 5 September 2003, R. 1551 of 31 October 2003, R. 1675 of 21 November 2003, R. 411 of 2 April 2004, R. 645 of 28 May 2004, R. 184 of 11 March 2005, R. 1003 of 26 October 2007, R. 112 of 8 February 2008, R. 1017 of 26 September 2008, R. 1321 of 12 December 2008, R. 1149 of 11 December 2009, R. 153 of 5 March 2010, R. 732 of 20 August 2010, R. 542 of 2 August 2013, R. 909 of 29 November 2013, R. 421 of 30 May 2014, R. 546 of 11 July 2014. R. 700 of 12 September 2014, R. 121 of 23 February 2015, R. 122 of 23 February 2015, R. 408 of 15 May 2015, R. 741 of 21 August 2015 and R. 33 of 29 January 2016, R. 1255 of 14 October 2016, R. 68 of 2 February 2018, R. 730 of 3 August 2018, R. 1321 of 16 October 2019 and R. 769 of 27 August 2021.

Insertion of item 34B in the Schedule to the Notice

2. The following item is hereby inserted as item 34B in the Schedule to the Notice:

"34B. Medihelp Medical Scheme:

(a) Principal Officer;

(b) Head: Finance;

(c) Senior Manager: Finance;

(d) Senior Manager: Growth;

(e) Senior Manager: Administration;

(f) Senior Manager: Legal Risk and Compliance;

(g) Chief Internal Audit and Forensic Investigations;

(h) Governance and Compliance Officer; and

(i) Risk and Compliance Officer."

DEPARTMENT OF MINERAL RESOURCES AND ENERGY

NO. 2305 **22 July 2022**

PETROLEUM PRODUCTS ACT, 1977 (ACT NO.120 OF 1977)

INTENTION TO INTRODUCE A PRICE CAP OR A MAXIMUM PRICE FOR PETROL 93 OCTANE

I, Samson Gwede Mantashe, the Minister of Mineral Resources and Energy, under Section 2(1)(c) of the Petroleum Products Act of 1977, hereby give notice of the intention to introduce a price cap or a maximum price for Petrol 93 Octane.

Comments from stakeholders should be submitted within 30 days of the publication of this notice.

MR S.G. MANTASHE, MP

MINISTER OF MINERAL RESOURCES AND ENERGY

DATE: ...30../..06.../ 2022

Interested persons and organisations are invited to submit comments in writing on the proposed intention, for the Attention of Raphi Maake to the following address:

The Director-General
Department of Mineral Resources and Energy
Private Bag X59
Arcadia
Pretoria 0007

Hand deliver to:	Or	Hand deliver to:
Matimba House		71 Trevenna Campus
192 Visagie Street		Corner Meintjes & Francis
Corner Paul Kruger & Visagie		Baard Streets
Streets		Sunnyside
Pretoria		Pretoria

Comments may also be send via the following email address: **FuelPricing@energy.gov.za**.

Kindly provide the name, address, telephone number and email address of the person or organisation submitting the comments. Comments on the notice must be submitted no later than 30 days from the date of publication of this Notice. Comments received after the closing date may not be considered.

NON-GOVERNMENTAL ORGANIZATION

NO. 2306 22 July 2022

COLLINS CHABANE MUNICIPALITY

WASTE MANAGEMENT BY-LAWS

This gazette is also available free online at www.gpwonline.co.za

TABLE OF CONTENT

Preamble

CHAPTER 1: DEFINITIONS, OBJECTIVES AND PRINCIPLES
1. Definitions
2. Objectives of the by-laws
3. Scope of application
4. Principles
5. Duty to provide Services
6. General duty of care

CHAPTER 2: SERVICE PROVIDERS
7. Service providers/Contractors

CHAPTER 3: PROVISION OF WASTE SERVICES
8. Provision of refuse bins
9. Provision of bins
10. Use and care of containers and bin liners
11. Compaction of waste
12. Storage, receptacles for general waste
13. Collection and transportation
14. Waste transfer stations
15. Waste disposal

CHAPTER 4: INFECTIOUS WASTE
16. Storage of infectious waste
17. Transport of infectious waste
18. Removal and disposal of infectious waste

CHAPTER 5: RECYCLING OF WASTE
19. Storage, separation and collection of recyclable domestic waste

CHAPTER 6: WASTE INFORMATION
20. Registration and provision of waste information

CHAPTER 7: PROVISION FOR REGISTRATION OF TRANSPORTERS
21. Requirements for registration

CHAPTER 8: LISTED WASTE MANAGEMENT ACTIVITIES
22. Commencement, conducting or undertaking of listed waste management activities

This gazette is also available free online at **www.gpwonline.co.za**

CHAPTER 9: GENERAL PROVISIONS
23. Duty to provide facilities for litter
24. Prohibition of littering
25. Prohibition of nuisance
26. Burning of waste
27. Unauthorised disposal/dumping
28. Conduct at disposal site
29. Abandoned articles
30. Liability to pay applicable tariffs
31. On-site disposal
32. Storage, collection, composting and disposal of garden waste
33. Collection and disposal of bulky waste
34. Generation, storage, collection, reuse and disposal of building waste
35. Special industrial, hazardous and health care risk waste

CHAPTER 10: COUNCIL SPECIAL SERVICES
36. Notice to Council
37. Responsibility to builder's waste
38. Containers

CHAPTER 11: ADMINISTRATIVE MATTERS, COMPLIANCE AND ENFORCEMENT
39. Exemptions
40. Appeals
41. Offences
42. Penalties
43. Short title and commencement
44. Repeal of by-laws

REPEAL OF BY-LAWS AND TRANSITIONAL ARRANGEMENTS

This gazette is also available free online at **www.gpwonline.co.za**

ADOPTED BY RESOLUTION OF THE MUNICIPAL COUNCIL OF COLLINS CHABANE LOCAL MUNICIPALITY

The Municipality of Collins Chabane ("the Municipality") hereby publishes the Waste Management By-laws set out below, promulgated by the municipality in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 and section 9(3)(a) -(d) of the National Environmental Management: Waste Act, 2008.

Preamble

WHEREAS the "Municipality" has the Constitutional obligation to provide services including refuse removal, collection and disposal;

AND WHEREAS poor waste management practices can have adverse impact on the environment in and beyond Municipal boundaries;

AND WHEREAS the "Municipality" is committed to ensure that all residents, organisations, institutions, businesses, visitors or tourist and public bodies are able to access services from a legitimate waste service provider;

AND WHEREAS the "Municipality" wishes to regulate waste collection, separation, storage, processing, treatment, recycling, reuse and disposal of waste including littering and illegal dumping and the regulation of facilities used for the management of waste, with the ultimate aim of avoiding or minimising the generation and impact of waste;

AND WHEREAS the "Municipality" promotes the waste hierarchy approach as outlined in the National Waste Management Strategy.

This gazette is also available free online at **www.gpwonline.co.za**

CHAPTER 1: DEFINITIONS, OBJECTIVES AND PRINCIPLES

1. Definitions

In these by-laws, any word or expression to which a meaning has been assigned in the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) and the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and associated regulations shall have the meaning so assigned and, unless the context indicates otherwise.

"bin" means a standard type of refuse bin with a capacity of 0,1 m³ or 85 litre as approved by the Council and which may be supplied by the Council. The bin maybe be constructed of galvanized iron, rubber or polythene;

"bin liner" means a plastic bag approved by Council which is placed inside a bin with a maximum capacity of 0,1 m³. these bags must be of a dark colour 950mm x 750mm in size of low-density minimum thickness 40 micro meter or 20 micro meter high density;

"**building waste"** includes all waste produced during the construction, alteration, repair or demolition of any structure, and includes building rubble, earth, vegetation and rock displaced during such construction, alteration, repair or demolition;

"business waste" means waste generated by the use of premises other than a private dwelling-house used solely as a residence, but shall not include builders waste, bulky waste, domestic waste or industrial waste;

"bulky waste" means business waste or domestic waste which by virtue of its mass, shape, size or quantity is inconvenient to remove in the routine door-to-door council service provided by the council or service provider;

"by-law" means legislation passed by the municipality's council which is binding on persons who resides within, visiting the area of authority of the municipality or using municipal services;

"contaminated animal carcasses, body parts and bedding" means contaminated carcasses, body part and bedding of animals that were intentionally exposed to pathogens in research, in the production of biologicals, or the in vivo testing or pharmaceuticals;

This gazette is also available free online at **www.gpwonline.co.za**

"contaminated sharps" means discarded sharps, such as but not limited to hypodermic needles, syringes, Pasteur pipettes, broken glass, and scalpel blades, which have come into contact with infectious or possible infectious agents during use in patient care or treatment or in medical research or industrial laboratories;

"container" means a receptable of larger volume than a bin, and of a structure and material determined by Council;

"Council" means the Council of Collins Chabane Local Municipality, established in terms of Section 12 of the Local Government Municipal Structure Act, no 117 of 1998;

"culture and stocks of infectious agents and associated biologicals" means specimen cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, waste from the production of biologicals and live or attenuated vaccines and culture dishes and devises used to transfer, inoculate and mix cultures;

"domestic waste" means waste normally generated by the use as a residence of a private dwelling-house, and including flats, hospitals, schools, hostels, compound, benevolent societies, churches and halls situated on private property and which can be easily removed without damaging the bin liner;

"garden waste" means organic waste which emanates from gardening or landscaping activities at residential, business or industrial premises including but not limited to grass cuttings, leaves, branches, and includes any biodegradable material and excludes waste products of animal origin and bulky waste;

"human blood and blood products" mean waste such as serum, plasma and other blood components;

"**infectious waste"** means waste capable of producing or transferring an infectious disease;

"isolation waste" means waste generated by hospitalized patients isolated to protect others from communicable diseases;

This gazette is also available free online at **www.gpwonline.co.za**

"health care risk waste" means waste capable of producing any disease and includes, but is not limited to the following:

(a) laboratory waste;

(b) pathological waste;

(c) isolation waste;

(d) genotoxic waste;

(e) infectious liquids and infectious waste;

(f) sharps waste;

(g) chemical waste; and

(h) pharmaceutical waste;

"industrial waste" means waste generated as a result of manufacturing, maintenance, fabricating, processing or dismantling activities, but does not include building waste, business waste, special industrial waste, hazardous waste, health care risk waste or domestic waste;

"litter" means waste, excluding hazardous waste, arising from activities in public areas that has not been deposited of in a public litter container;

"miscellaneous contaminated wastes" means wastes from surgery and autopsy, such as but not limited to soiled dressings, drapes, lavage tubes, drainage sets, under pads and gloves, and contaminated laboratory wastes such as but not limited to aprons, and dialysis unit waste such as but not limited to tubing filters, disposable sheets, towels, gloves, aprons and laboratory coats, and contaminated equipment such as but not limited to equipment used in patient care, medical and industrial laboratories, research and in the production and testing of certain pharmaceuticals.

''municipality'' means a municipality established in terms of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

''Municipal Systems Act'' means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

"nuisance" means any injury, harm, damage, inconvenience or annoyance to any person which is caused in any way whatsoever by the improper handling or management of waste, including but not limited to, the storage, placement, collection, transport or disposal of waste or by littering;

This gazette is also available free online at **www.gpwonline.co.za**

“occupier(s)” in relation to any premises, means any person who is in actual occupation of such premises and if no person is in actual occupation thereof, any person who, whether as owner, lessee, licensee or otherwise has, for the time being, control of such premises and shall include a street trader who occupies a site for the purposes of such street trader's business;

"owner" means the registered owner, lessee or occupier of premises, or the person in charge or control of any premises or part thereof, who is over 18 years of age, and any person who obtains a benefit from the premises or is entitled thereto;

“pathological waste” means waste consisting of tissues, organs, body parts and body fluids that are removed during surgery and autopsy;

“public space” means such place to which the public has access, with or without the payment of money;

“special industrial waste” means waste consisting of solid liquid or sludge matter, resulting from a manufacturing process, the pre-treatment for disposal purposes of any industrial waste, which may be detriment to the environment or in the case of liquid matter, to the Council’s drainage system;

“receptacle” means an approved container having a capacity for temporary storage of waste in terms of these by-laws;

‘‘service provider/contractor’’ means the person, firm or company whose tender/quotation has been accepted by or on behalf of the Municipality and includes the contractor's heirs, executors, administrators, trustees, judicial managers or liquidators, as the case may be, but not, except with the written consent of the Municipality, any assignee of the contractor;

“tariff” means the prescribed charge determined by the Municipality in terms of any applicable legislation for any service rendered by the Municipality in terms of these by-laws.

This gazette is also available free online at **www.gpwonline.co.za**

2. Objectives of the by-laws

(1) The objectives of these by-laws are to –

(a) give effect to the right contained in section 24 of the Constitution by regulating waste management within the area of the Collins Chabane Municipality's jurisdiction;

(b) provide, in conjunction with any other applicable law, an effective legal and administrative framework, within which the Municipality can manage and regulate waste management activities;

(c) ensure that waste is avoided, or where it cannot be altogether avoided, minimised, reused, recycled, recovered, and disposed of in an environmental sound manner; and (d) promote and ensure an effective delivery of waste services;

(d) improve waste management procedures through practicing waste hierarchy according to Waste Act;

(e) ensure compliance with Waste Act, norms & standards and its regulation within Collins Chabane Local Municipality.

3. Scope of application

(1) These by-laws must be read with any applicable provisions of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008).

(2) In the event of any conflict with any other by-law which directly or indirectly, within the jurisdiction of the Collins Chabene Local Municipality, regulates waste management, the provisions of this by-law shall prevail to the extent of the inconsistency.

(3) The by-laws do not override any other national and provincial waste related legislation.

4. Principles of the By-laws

(1) Any person exercising a power in accordance with these by-laws must; at all times; seek to promote the waste management hierarchy approach as outlined in the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) and the National Waste Management Strategy, which is promoting waste avoidance and minimisation, waste reuse, reduce, recycling and recovery, waste treatment and disposal.

This gazette is also available free online at **www.gpwonline.co.za**

(2) The by-laws seek to promote sustainable development and environmental justice through fair and reasonable measures for the management of waste within the municipality's jurisdiction.

(3) The by-laws promote participation of all municipal residents, waste generators and holders of waste, in the promotion of responsible citizenship by ensuring sound waste management practices within residential, businesses and industrial environments.

(4) Any official involved in the application of these By-laws must, as far as reasonably possible, take into account the hierarchy referred to in subsection (1).

5. Duty to provide Services

(1) The municipality has a duty to ensure efficient, affordable, economic and sustainable access to waste management services within its area.

(2) This duty is subject to –

(a) local community to pay the prescribed fees, for the provision of municipal services, which is priced according to national norms and standards for;
(b) The Municipality shall provide a service for the collection and removal of business and domestic refuse from premises at the tariff charge;
(c) The occupier of premises on which business or domestic refuse is generated, must avail himself or herself to the municipalities service for collection and removal of such refuse, except where special exemption is granted;
(d) The owner of the premises in which the business or domestic refuse is generated, will be liable to the municipality for all charges in respect of the collection and removal of refuse from such premises.

6. General duty of care

(1) Every person has a duty to manage any waste generated by his or her activities or the activities of those persons working under his or her direction in such a manner that the waste does not cause harm to human health or damage to the environment. In particular, the person must ensure that:

10

(a) waste generation is avoided and where such waste cannot be avoided, minimise the toxicity and amounts of waste;

(b) waste is reduced, reused, recycled or recovered;

(c) where waste must be disposed of, the waste is treated and disposed in an environmentally sound manner;

(d) the waste is managed in such a manner that it does not endanger health or the environment or cause a nuisance through noise, odour or visual impacts.

(2) Any person subject to the duty imposed in subsection (1) may be required by the Municipality or an authorised official to take measures to ensure compliance with the duty.

(3) The measures referred to in subsection (2), that a person may be required to undertake include –

(a) investigation, assessment and evaluation of the impact that their activities, the process or a situation have on the environment;

(b) informing and educating employees about the environmental risks of their work and the manner in which their tasks must be performed in order to avoid causing damage to the environment;

(c) ceasing, modifying or controlling any act, process, situation or activity which causes damage to the environment;

(d) containing or preventing the movement of pollutants or other causes of damage to the environment;

(e) eliminating or mitigating any source of damage to the environment; or (f) rehabilitating the effects of the damage to the environment.

This gazette is also available free online at **www.gpwonline.co.za**

CHAPTER 2: SERVICE PROVIDERS

7. Service providers/Contractors

(1) The Municipality may discharge any of its obligations by entering into a service delivery agreement with a service provider or service providers in terms of the Municipal Systems Act, 2000.

(2) Subject to the provisions of the Municipal Systems Act or any other legislation, the Municipality may assign to a service provider any power enjoyed by the Municipality under these by-laws: provided that the assignment is required for the service provider to discharge an obligation under its service delivery agreement, but the accountability shall remain with the Municipality.

(3) Any reference in these by-laws to “Municipality or service provider” should be read as the “Municipality” if the Municipality has not entered into a service delivery agreement, and should be read as “service provider” if the Municipality has entered into a service delivery agreement.

(4) Service providers must provide services in accordance with a customer charter which must be drawn up in consultation with the Municipality and which must-

(a) accord with the provisions of these by-laws;

(b) be accessible to the public;

(c) establish the conditions of the service including collection times; and

(d) provide for the circumstances in which Municipal services may be limited.

This gazette is also available free online at **www.gpwonline.co.za**

CHAPTER 3: PROVISION OF WASTE SERVICES

8. Provision of refuse bins

(1) The Municipality will determine the number of bins required on premises;

(2) If a bin is supplied by the Municipality, such bin will be supplied at the prescribed tariff;

(3) If required by the municipality, the owner of a premises will be responsible for the supply of the pre-determined number and type of bins;

(4) The municipality may at the tariff determined, deliver container units to premises if, having regard to the quantity of business refuse generated on the premises concerned, the suitability of such refuse for storage in bins, and the accessibility of the space provided by the owner of the premises in terms of Section 5, to the municipality's refuse collection vehicles, municipality considers container units more appropriate for the storage of refuse than bins; Provided that container units shall not be delivered to the premises unless the space provided by the owner of the premises in terms of Section 5 is accessible to the municipality refuse collection vehicles for container units.

9. Provision of bins

(1) The owner of the premises must provide adequate space on the premises for the storage of the bins or containers delivered by the municipality in terms of Section 4 or for the equipment and receptacle mentioned in Section 7;

(2) The space provided in terms of sub section (1) must –

(a) Be in such a position on the premises as will allow the storage of bins or containers without their being visible from the street or a public place;

(b) Where domestic refuse is generated on the premises –

be in such a position as will allow the collection and removal of refuse by the municipalities employees without hindrance; (ii) be not more than 10m from the entrance to the premises, used by the municipality's employees;

(c) if required by the municipality, be so located as to permit convenient access to and egress from such space for the municipality refuse collection vehicles;

This gazette is also available free online at **www.gpwonline.co.za**

(d) Be sufficient to house any receptacle used in the sorting and storage of the refuse contemplated in Section 6 (1) (a) (i) and 7 (9), as well as any such refuse not being stored in a receptacle:

(e) Provided that this requirement shall not apply in the case of buildings erected, or buildings the building plans whereof have been approved, prior to the coming into operation of these bylaws

.

(3) The occupier of the premises, or in the case of premises being occupied by more than one person the owner of such premises, must place the bins or containers delivered in terms of Section 4 in the space provided in terms of subsection (1) and shall at all times keep them there;

(4) Notwithstanding anything to the contrary in subsection (3) contained –

(a) in the case of buildings erected, or buildings the building plans whereof have been approved prior to the coming into operation of these by-laws; and

(b) in the event of the municipality, in its opinion, being unable to collect and remove business refuse from the space provided in terms of subsection (1); the municipality may, having regard to the avoidance of nuisance and the convenience of collection of refuse, indicate a position within or outside the premises where the bins shall be placed for collection and removal of such refuse and such bins or containers shall then be placed in such position at such times and for such periods as the municipality may prescribe.

10. Use and care of containers and bin liners

(1) Every occupier of premises, or in the case of premises being occupied by more than one person, the owner of such premises must ensure that—

(a) all the domestic or business refuse generated on the premises is placed and kept in such bin liners for removal by the municipality: Provided that the provisions of this subsection shall not prevent any occupier, or owner, as the case may be -

(i) who has obtained the municipality prior written consent, from selling or otherwise disposing of any swill, corrugated cardboard, paper, glass or other material being an element of business refuse, for recycling in a manufacturing process or, in the case of swill, for consumption;

(ii)from utilizing such domestic refuse as may be suitable for making compost.

(b) no hot ash, unwrapped glass or other business or domestic refuse which may cause damage to bin liners or which may cause injury to the municipality employees while

This gazette is also available free online at **www.gpwonline.co.za**

carrying or handling bin liners, is placed in bin liners before he or she has taken such steps as may be necessary to avoid such damage or injury;

(c) no material, including any liquid which, by reason of its mass or other characteristics, is likely to render bin liners, unreasonably difficult for the municipality employees to handle or carry, is placed in such bin liners;

(d) every container on the premises is covered, save when refuse is being deposited therein or discharged therefrom, and that every container is kept in a clean and hygienic condition;

(e) no person deposits refuse in any other place than in the bins or containers provided for that purpose.

(2) No bin or container may be used for any purpose other than the storage of business, domestic or garden refuse and no fire shall be lit in such container;

(3) In the event of a container having been delivered to premises in terms of Section 4;

(4) the occupier of such premises shall, 24 hours before the container is likely to be filled to capacity, inform the Council thereof;

(5) The owner of premises to which bins or container units have been delivered in terms of Section 4 or 11, shall be liable to the Council for the loss thereof and for all damage caused thereto except for such loss or damage as may be caused by the employees of the Municipality;

(6) Plastic bin liners with domestic or garden refuse, or both, must be properly closed and be placed outside the property next to the fence and near the entrance or access road before 07h00 on the day determined by the Council for removal of refuse.

11. Compaction of waste

(1) Should the quantity of domestic or business waste generated on premises be such that, in the opinion of the Council, the major portion of such waste if compactable, or should the owner or occupier of premises wish to compact such waste, such owner or occupier, as the case may be, shall increase the density of that portion of such waste as is compactable by means of approved equipment designed to shred or compact refuse and shall put the refuse so treated into an approved steel, plastic, paper or other disposable receptacle or into a compaction unit

This gazette is also available free online at **www.gpwonline.co.za**

receptacle, and the provisions of Section 4 shall not apply to such compactable waste, but shall remain applicable to all other waste.

(2) The capacity of the steel, plastic, paper of the other disposable receptacle referred to in subsection (1) shall not exceed 0,1m³.

(3) After the refuse, treated as contemplated in subsection (1) has been put into a steel, plastic, paper or other disposable receptacle, such receptacle shall be placed in a bin or container unit;

(4) Insofar as the provisions of subsection (1) make the compaction of domestic or business refuse compulsory, such provisions shall not apply until a period of 6 months has elapsed from the date of the serving of a notice to this effect by the Council;

(5) "Approved" for the purpose of subsection (1) will mean approved by the Council, regard being had to the suitability of the equipment or container for the purpose for which it is to be used, as well as the reasonable requirements of the in regard to public health, storage and refuse collection and removal;

(6) The steel, plastic, paper or other disposable receptacle mentioned in subsection (1) shall be supplied by the owner or the occupier, as the case may be;

(7) If the container referred to in subsection (1) is made of steel, such container shall, after the collection thereof and after it has been emptied by the Council, be returned to the premises;

(8) The Council will remove and empty the containers referred to in subsection (1) at such intervals as the Council may deem necessary in the circumstances;

(9) The provisions of this section do not prevent any owner or occupier of premises, as the case may be, after having obtained the Council's prior written consent, from selling or otherwise disposing of any swill, corrugated cardboard, paper, glass or other material being an element of business refuse, for recycling in a manufacturing process or, in the case of swill, for consumption.

This gazette is also available free online at **www.gpwonline.co.za**

12. Storage and receptacles for general waste

(1) Any person or owner of premises where general waste is generated must ensure that such waste is stored in a receptacle provided or approved by the Municipality.

(2) Any person or owner of premises contemplated in subsection (1) must ensure that-

(a) the receptacle is stored inside the yard where applicable, away from the public area when still waiting for collection;
(b) on agreed collection date, it should be placed outside the premises in an area accessible to the municipal officials or service providers;
(c) pollution and harm to the environment is prevented;
(d) waste cannot be blown away and that the receptacle is covered or closed;
(e) measures are in place to prevent tampering by animals;
(f) nuisance such as odour, visual impacts and breeding of vectors do not arise; (g) suitable measures are in place to prevent accidental spillage or leakage;
(g) the receptacle is intact and not corroded or in any other way rendered unfit for the safe storage or transportation of the waste;
(h) that a receptacle(s) provided by the Municipality is not used for any other purpose other than storage of waste;
(i) in cases where a receptacle (s) is damaged or corroded, the owner or occupier must notify the Municipality and arrange for replacement as soon as it comes to their attention; (k) waste is only collected by the Municipality or authorised service provider; and
(j) in cases where an owner or occupier is not available on the day of collection, make necessary arrangements to ensure that waste is accessible for removal or collection.

13. Collection and transportation

(1) The Municipality may -
(a) only collect waste stored in approved receptacles;
(b) set collection schedules for both commercial and residential properties for reasons of health, safety or environmental protection.

This gazette is also available free online at **www.gpwonline.co.za**

(c) collect waste outside the set schedule on request by any person and at a fixed tariff agreed to by both parties prior to collection.

(d) set the maximum amount of quantities of waste that will be collected;

(e) identify waste streams which may not be collected by the Municipality or which are unsuitable for collection; and where such a case exists, advice the owner of alternatives

(2) Any person transporting waste within the jurisdiction of the Municipality must –

(a) ensure that the receptacle or vehicle or conveyance is adequate in size and design for the type of waste transported;

(b) remove or transport the waste in a manner that would prevent any nuisance or escape of material;

(c) maintain the receptacle or vehicle or conveyance in a clean, sanitary condition at all times;

(d) not permit waste transported to become detached, leak or fall from the receptacle or vehicle or conveyance transporting it;

(e) ensure that waste is transported or deposited at a waste transfer station, recycling facility and/or disposal facility licensed to accept such waste;

(f) ensure that the vehicle is not used for other purposes whilst transporting waste;

(g) apply to the Municipality to register as a transporter of waste in accordance with the requirements set out by the Municipality and adhere to all the conditions attached to the registration.

14. Waste transfer stations

(1) Any holder of waste must –

(a) utilise appropriate waste transfer stations as directed by the Municipality or service provider; and

(b) adhere to the operational procedures of a transfer station as set out by the Municipality.

15. Waste disposal

(1) Waste generated in the municipal area must be disposed of at a waste disposal facility as directed by the Municipality.

This gazette is also available free online at **www.gpwonline.co.za**

(2) In disposing of waste, the operator of the site must comply with the provisions of any other legislation regulating the disposal of waste.

(3) Any person disposing waste at a Municipal owned disposal site must adhere to the site operational procedures approved by the Municipality.

(4) All private waste disposal sites within the jurisdiction of the Municipality, must comply to a local norms and standards and any other relevant legislation.

CHAPTER 4: INFECTIOUS WASTE

16. Storage of Infectious Waste

(1) All infectious waste must be placed at the point of generation into a container approved by the Council;

(2) The container used for the storage of sharp objects must be constructed of such a material that the object cannot pierce the container. The container must be fitted with a safe and hygienic lid which must be sealed after use;

(3) The container used for the disposal of other infectious waste must be constructed of a suitable material, preventing the leakage of the contents. The container must be fitted with a safe and hygienic lid which must be sealed after use;

(4) All containers must be adequately labelled and marked with the universal bio-hazardous waste symbol.

17. Transport of Infectious Waste

(1) All containers of infectious waste must be sealed at the point of generation;

(2) The vehicle transporting infectious waste must be clearly marked/ indicating infectious waste in transit;

This gazette is also available free online at **www.gpwonline.co.za**

(3) All loads being carried must be invoiced, indicating the premises from which the infectious waste was generated and the premises where the waste will be disposed of.

18. Removal and Disposal of Infectious Waste

(1) The Council may remove infectious waste from the premises of generation and dispose thereof in a safe, sanitary and supervised manner, and the owner of such premises shall be liable to the Council for payment of the tariff charges in respect of such services;

(2) Approved private contractors may remove and dispose of infectious waste after written consent has been granted to such contractor by the Council;

(3) Infectious waste may be disposed of in an approved high temperature pollution free incinerator on the premises of origin after written consent has been granted by the Council;

(4) The burning temperatures in the primary and secondary chambers of the incinerator will exceed 800 degrees C and 1000 degrees C respectively and also have rapid cooling to prevent carcinogenic chemicals from entering the atmosphere

CHAPTER 5: RECYCLING OF WASTE

19. Storage, separation and collection of recyclable domestic waste

(1) Any person who is undertaking any activity involving reduction, re-use, recycling or recovery of waste including scrap dealers, by-back centres and formalised recycling groups must before undertaking that activity, make sure that the activity is less harmful to the environment than the disposal of such waste and must notify the Municipality of an intention to undertake such an activity in writing.

(2) Any person undertaking the activities contemplated in subsection (1) must adhere to the requirements set out in national or provincial legislation.

(3) The Municipality may require any person or owner of premises to separate their waste and use different receptacles provided by the Municipality or service provider.

This gazette is also available free online at **www.gpwonline.co.za**

(4) In cases where the Municipality, service provider or industry has provided separate receptacles for recyclable material, no person may use other receptacles for recyclable material.

CHAPTER 6: WASTE INFORMATION

20. Registration and provision of waste information

(1) Any person who conducts an activity, which has been identified in terms of provincial and/or national waste information system must, upon request, present to the Municipality proof that such an activity is registered and reporting the required information.

(2) The Municipality may, at its own discretion and as reasonably possible, require any facility, person of activity to register and report to the Municipality any other information for the purpose of facilitating effective waste management within its jurisdiction.

CHAPTER 7: PROVISION FOR REGISTRATION OF TRANSPORTERS

21. Requirements for registration

(1) Any person who transports waste for gain must adhere to the requirements as set out in section 25 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008).

(2) The Municipality may, by notice in the provincial gazette, require any person or category of transporters to register and report to the Municipality information as set out in that notice. The notice may include but not limited to-

(a) the application forms;
(b) a prescribed fee;
(c) renewal intervals;
(d) list of transporters, types and thresholds of waste transported; (e) minimum standards or requirements to be complied with.

This gazette is also available free online at **www.gpwonline.co.za**

CONTINUES ON PAGE 130 OF BOOK 2

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065

This gazette is also available free online at **www.gpwonline.co.za**



Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 685 22 July Julie 2022 No. 47061

PART 2 OF 2

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-5845

9 771682 584003 47061



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

CHAPTER 8: LISTED WASTE MANAGEMENT ACTIVITIES

22. Commencement, conducting or undertaking of listed waste management activities

(1) Any person conducting a listed waste management activity listed in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), must upon request by an official of the Municipality, provide proof of compliance with the requirements of a licence issued by the competent authority.

(2) Any person conducting or intending to conduct any activity contemplated in subsection 7 (1) must, at least sixty (60) days before commencement, conducting or undertaking such activity, inform the Municipal waste management officer in writing of the intention.

CHAPTER 9: GENERAL PROVISIONS

23. Duty to provide facilities for litter

(1) The Municipality, or owner of premises in the case of privately owned land, must take reasonable steps to ensure that sufficient and appropriate receptacles are provided for the discarding of litter by the public, in any place to which the public has access.

(2) The Municipality, or owner of privately owned land, must ensure that all receptacles installed on the premises for the collection of litter are –

(a) maintained in good condition;
(b) suitably weighted and anchored so that they cannot be inadvertently overturned;
(c) constructed in such a manner as to ensure that they are weatherproof and animal proof; (d) of suitable size to contain all litter likely to be generated on the premises and by the users thereof;
(d) placed in locations convenient for the use by users or occupants of the premises to discourage littering or the unhealthy accumulation of waste; and
(e) emptied and cleansed periodically or when full. The emptying and cleansing of receptacles must be done frequently to ensure that no receptacle or its contents may become a nuisance or provide reasonable grounds for complaint.

This gazette is also available free online at **www.gpwonline.co.za**

(3) In any public place where a receptacle has been placed for the depositing of litter, the Municipality may put up notices about littering.

24. Prohibition of littering

(1) No person may –

(a) cause litter;

(b) sweep any waste into a gutter, onto a road reserve or onto any other public place;

(c) disturb anything in, or remove anything from any receptacle which has been placed for the purposes of collecting litter in such a manner as to cause the contents of the receptacle to spill or fall onto the ground around it; and

(d) allow any person under his control to do any of the acts contemplated in paragraphs (a), (b) or (c) above.

(2) Notwithstanding the provisions of subsection 8 (1), the Municipality, or owner in the case of privately owned land to which the public has access, must within a reasonable time after any litter has been discarded, dumped or left behind, remove such litter or cause it to be removed.

25. Prohibition of nuisance

(1) Any person handling waste within the Municipality, either through storage, collection, transportation, recycling or disposal must-

(a) take reasonable measures to prevent nuisance, injury, harm, damage, annoyance or inconvenience to any person and the environment;

(b) take measures to remedy any spillages, harm, damage or nuisance referred to in section (a) above;

(c) at their own cost, clean any waste causing nuisance to any person or the environment;

(d) ensure compliance to the notice contemplated in sub section (1) (c); the Municipality may clean or remedy waste causing nuisance to any person or the environment, at the Municipality's cost and claim such cost from the offender.

26. Burning of waste

(1) No person may-

This gazette is also available free online at **www.gpwonline.co.za**

(a) dispose of waste by burning it, either in a public or private place;

(b) incinerate waste either in a public or private place except in an incinerator licensed by the relevant national or provincial authorities to do so, or at a place designated by the Municipality for such purpose.

27. Unauthorised disposal/dumping

(1) No person may except with the permission of the occupier, owner or of the person or authority having control thereof, dump, accumulate, place, deposit, leave or cause or allow to be dumped, accumulated, placed, deposited or left any waste whatsoever, whether for gain or otherwise, on or in a public place; any drain, watercourse, flood prone areas, tidal or other water in or in the vicinity of any road, highway, street, lane, public footway or pavement, roadside or other open space to which the public have access; or private or municipal land.

(2) The local authority may at the expense of an owner of land, person in control of land or a person who occupies the land rehabilitate any damage caused to the environment as a result of the activity or failure of the person referred to in subsection (1) to take reasonable measures to prevent unauthorised disposal or dumping.

28. Conduct at disposal sites

(1) Any person who, for the purpose of disposing of refuse enters a refuse disposal site controlled by the Council must –

(a) enter the disposal site only when authorized to enter and at an authorized access point and time;

(b) give the Council all the particulars requested in regard to the composition of the refuse; and

(c) follow all instructions given to him or her in regard to access to the actual disposal point, the place where and the manner in which the refuse should be deposited.

(2) Person may bring intoxicating substances onto a disposal site controlled by the Council;

This gazette is also available free online at **www.gpwonline.co.za**

(3) No person may enter a disposal site controlled by the Council for any purpose other than the disposal of refuse in terms of these by-laws and then only at such times as the Council may from time-to-time determine.

29. Abandoned articles

(1) Any article, other than a motor vehicle deemed to have been abandoned in terms of the Road Traffic Act, which, in the light of such factors as the place where it is found, the period it has been lying at such place and the nature and condition of such article, is reasonably regarded by the Municipality as having been abandoned, may be removed and disposed of by the Municipality as it may deem fit.

(2) The Municipality may remove and dispose of any article which is chained or fastened to any pole, parking meter or any other property belonging to the council, without authorisation as it may deem fit.

30. Liability to pay applicable tariffs

(1) The owner of premises where the Municipality is rendering waste services contemplated in this by-law is liable for the payment of prescribed tariffs for such services, and is not exempted from or reduction of such tariffs due to non-usage, partial or limited use of such services.

(2) The Municipality reserves the right to review such tariffs contemplated in subsection (1) on an annual basis.

(3) The Municipality may exempt any person or category of persons deemed to be falling in the indigent category from paying prescribed tariffs for waste management services as outlined in the Municipal Indigent Policy.

31. On-site disposal

(1) The Municipality may, as it deems fit in an area where a municipal waste management service is not already provided, after consultation with the concerned community, declare an area(s) as demarcated for on-site disposal of general waste.

This gazette is also available free online at **www.gpwonline.co.za**

(2) A declaration contemplated in subsection (1) must be published in a provincial gazette and may include but not limited to—

(a) time frames for such a declaration;

(b) minimum standards to be adhered to for on-site disposal; and

(c) quantity of waste that may be disposed.

(3) The Municipality has a right to inspect the areas contemplated in subsection (1) on a regular basis.

32. Storage, collection, composting and disposal of garden waste

(1) The owner or occupier of the premises on which garden waste is generated, may compost garden waste on the property, provided that such composting does not cause a nuisance or health risk.

(2) The owner or occupier of the premises on which garden waste is generated and not composted, must ensure that such waste is collected and disposed within a reasonable time after the generation thereof.

(3) The Municipality may, as far it is reasonably possible, direct any transporter of garden waste or any person providing garden maintenance services, to transport their garden waste to a designated transfer station or facility provided by the Municipality.

(4) At the written request of the owner or occupier of premises the Municipality or service provider may, in its sole discretion, deliver an appropriate receptacle for the purpose of storing garden waste in addition to any approved receptacle delivered to the premises for the storage of domestic waste; at a prescribed additional tariff.

33. Collection and disposal bulky waste

(1) Any person generating bulky waste must ensure that such waste is collected and recycled or disposed of at a designated facility and may not put such waste as part of the municipal routine collection.

This gazette is also available free online at **www.gpwonline.co.za**

(2) At a request of the owner or occupier of any premises, the Municipality may remove bulky waste from premises at a prescribed tariff, provided that the Municipality is able to do so with its refuse removal equipment.

(3) In case a Municipality has been called to remove illegally dumped waste on vacant land, the Municipality may remove that waste subject to subsection (2) and charge the owner of that vacant land.

34. Generation, storage, collection, reuse and disposal of building waste

(1) The owner or occupier of premises on which building waste is generated and person conducting an activity which causes such waste to be generated, must ensure that—

(a) until disposal, all building waste, together with the containers used for the storage, collection or disposal thereof, is kept on the premises on which the waste was generated; (b) the premises on which the building waste is generated does not become unsightly or cause a nuisance as a result of accumulated building waste;

(c) any building waste which is blown off the premises is promptly retrieved; and

(d) pursuant to any instructions from the Municipality, any structure necessary to contain the building waste is constructed.

(2) Any person may operate a building waste removal service subject to adherence to relevant legislation.

(3) Should the Municipality provide such a service, it shall be done at a prescribed tariff.

(4) The owner or occupier of premises may apply to the Municipality for written consent to place an appropriate receptacle for the storage and collection of building waste in the road reserve for the period of such consent.

(5) Every receptacle, authorised in terms of subsection (4) and used for the removal of building waste, must –

(a) have a clearly marked name, address and telephone number of the person in control of such approved receptacle;

This gazette is also available free online at **www.gpwonline.co.za**

(b) be fitted with reflecting chevrons or reflectors which must completely outline the front and the back thereof; and

(c) be covered at all times other than when actually receiving or being emptied of such waste so that no displacement of its contents can occur.

(6) The owner or occupier of premises on which building waste is generated must ensure that the waste is disposed of at a facility designated for that purpose by the Municipality.

(7) For the purpose of reclamation of land, reuse or recycling, building waste may with written consent of the Municipality, be deposited at a place other than the Municipality's waste disposal sites.

(8) A consent given in terms of subsection (7) shall be subject to the conditions, as the Municipality may deem necessary.

35. Special industrial, hazardous or health care risk waste

(1) Any waste generator who generates special industrial, hazardous or health care risk waste or an owner of premises where such waste is generated must contract with an accredited service provider to collect and dispose of such waste at a licensed hazardous waste disposal facility.

(2) Subsection (1) does not apply to generators of waste who have the capacity to conduct the service.

(3) Any person transporting industrial, hazardous or health care risk waste must ensure that the facility or place to which such waste is transported is authorised to accept such waste prior to offloading the waste from the vehicle.

CHAPTER 10: COUNCIL SPECIAL SERVICES

36. Notice to Council

This gazette is also available free online at **www.gpwonline.co.za**

(1) The occupier of premises, or in the case of premises being occupied by more than one person, the owner of such premises, on which business refuse or domestic refuse is generated, must within seven days after the commencement of the generation of such refuse notify the Council –

(a) that the premises are being occupied;

(b) whether business refuse or domestic refuse is being generated on the premises.

(2) At the request of the owner or any occupier of any premises, the Council will at the prescribed tariff remove bulky garden and other refuse from premises, provided that the Council is able to do so with its refuse removal equipment. All such refuse shall be placed within 3m of the boundary loading point, but not on the sidewalk.

37. Responsibility for builders' waste

(1) The owner of premises on which builders waste is generated and the person engaged in the activity which causes such refuse to be generated must ensure that –

(a) such waste be disposed of in terms of Section 12 within a reasonable time after the generation thereof, but at any rate within 30 days from being notified by Council to remove such waste;

(b) until such time as builders waste is disposed of in terms of Section 12 and subject to the provisions of Section12 (2) such refuse together with the containers used for the storing or removal thereof, be kept on the premises on which it was generated.

(2) Any person may operate a builder waste removal service. Should the Council provide such a service it shall be done at the tariff charge

38. Containers

(1) If containers or other receptacles used for the removal of builders refuse, bulky refuse of other waste material from premises can in the opinion of the Council not be kept on the premises, such containers or other receptacles may with the written consent of the Council be placed in the roadway for the period of such consent;

This gazette is also available free online at **www.gpwonline.co.za**

(2) Any consent given in terms of subsection (1) will be subject to such conditions as the Council may deem necessary: Provided that in giving or refusing its consent or in laying down conditions the Council shall have regard to the convenience and safety of the public;

(3) The written consent of the Council referred to in subsection (1) will only be given on payment of the tariff charge for the period of such consent;

(4) Every container or other receptacle used for the removal of builders refuse, must –

(a) have clearly marked on it, the name and address or telephone number of the person in control of such container or other receptacle;

(b) be fitted with reflecting chevrons or reflectors which shall completely outline the front and the back thereof; and

(c) be covered at all times other than when actually receiving or being emptied of such refuse, so that no displacement of its consent or dust nuisance occur.

CHAPTER 11: ADMINISTRATIVE MATTERS COMPLIANCE AND ENFORCEMENT

39. Exemptions

(1) Any person may by means of a written application, in which the reasons are given in full, apply to the Municipality for exemption from any provision of this by-law.

(2) The Municipality may –

(a) grant an exemption in writing and the conditions in terms of which, if any, and the period for which such exemption is granted be stipulated therein;

(b) alter or cancel any exemption or condition in an exemption; or (c) refuse to grant an exemption.

(3) In order to consider an application in terms of subsection (1), the municipality may obtain the input or comments of the owners or occupants of surrounding premises.

This gazette is also available free online at **www.gpwonline.co.za**

(4) An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the municipality under subsection (2), however, if an activity is commenced before such undertaking has been submitted to the Municipality, the exemption lapses.

(5) If any condition of an exemption is not complied with, the exemption lapses immediately.

40. Appeals

(1) A person whose rights are affected by a decision taken by the Municipality in terms of these by-laws, may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) to the municipal manager or delegated official within 21 days of the date of the notification of the decision.

41. Offences

(1) Any person who –

(a) obstructs or hinders the Municipality in exercising the powers or performance of functions or duties as outlined in this by-law;

(b) contravenes or fails to comply with any provision of these by-laws; or

(c) fails to comply with the terms of a notice served upon him or her in terms of these by-laws, shall be guilty of an offence.

42. Penalties

(1) Any person who contravenes or fails to comply with a provision of these by-laws is guilty of an offence and liable on conviction to imprisonment for a period not exceeding fifteen years or to a fine or to both such fine and imprisonment.

43. Short title and commencement

This gazette is also available free online at **www.gpwonline.co.za**

(1) These by-laws are called Waste Management By-laws of the Collins Chabane Local Municipality, and take effect on the date determined by the Municipality in the provincial gazette.

(2) Different dates may be so determined for different provisions of these by-laws.

44. Repeal of by-laws

(1) Any by-law relating to waste management or refuse removal or disposal within the Municipality or any of its predecessors or areas formerly existing under separate Municipalities or other organs of State is repealed from the date of promulgation of these bylaws.

This gazette is also available free online at **www.gpwonline.co.za**

DEPARTMENT OF SPORTS, ARTS AND CULTURE

NO. 2307 **22 July 2022**

PROPOSED REVISED SCHEDULE OF FEES FOR APPLICATIONS MADE TO THE SOUTH AFRICAN HERITAGE RESOURCES AGENCY (SAHRA)

In terms of Section 25(2)(l) of the National Heritage Resources Act, No. 25 of 1999 (NHRA), applications for the services listed below must, as of 1 January 2023, be accompanied by appropriate payment of fees as indicated. The proposed Guideline and Schedule is listed below.

Any comments should reach the Chief Executive Officer (info@sahra.org.za or P.O. Box 4637, Cape Town, 8001) no later than 1 October 2022.

Guideline to SAHRA Fees for Services

Applications for provision of services submitted to the South African Heritage Resources Authority (SAHRA), in terms of the National Heritage Resources Act, No. 25 of 1999 (NHRA) must be accompanied by a payment of the appropriate fee. This will take effect from 1 January 2023 for the following applications:

1. PERMIT APPLICATIONS

All permit applications made to SAHRA shall be charged as follows:

COST PER APPLICATION (ZAR)	TYPE	SECTION(S) OF NHRA
	Application for a permit to:	48
500	*Conduct a pre-disturbance survey of, or search for, a wreck*	35
800	*Destroy, damage, excavate, alter, deface, or otherwise disturb archaeological or palaeontological material or sites, objects, or meteorites for research purposes*	
	Permanently export for destructive analysis any archaeological or palaeontological material or any meteorite	
	Temporarily export for research purposes, or in respect of a loan agreement with a recognised repository, any archaeological or palaeontological material, heritage object, or any meteorite	
	Destroy, damage, excavate, alter, deface, or otherwise disturb archaeological or palaeontological material or sites, objects, meteorites, or structures[1] for the purposes of mitigation in respect of a proposed development	
	Construct, alter, demolish, remove, or change the use of a structure or place[2]	34

[1] Where such a structure or place is older than 60 years or protected in terms of Section 27 or Section 29
[2] Where such a structure or place is older than 60 years or protected in terms of Section 27 or Section 29

2,000.00	*Disturb, destroy, damage, alter, remove, relocate, or exhume a grave or burial ground*	36
	Carry out filming/capture photographs for a commercial production at an archaeological or palaeontological site	35, 27
	Reproduce for a commercial production any National Heritage Site	
2,500.00	*Carry out work related to specifically declared heritage objects*	
	Permanently export objects described in the Gazetted List of Types for sale[3]	32

2. DEVELOPMENT APPLICATIONS

All requests for input from SAHRA for development applications shall be charged as follows:

COST PER APPLICATION (ZAR)	TYPE	SECTION(S) OF NHRA
800.00	Submission of Notification of Intent to Develop (NID)	38(1)
2,000.00	Review of an impact assessment report related to an application for a proposed development	38(4)
2,000.00	Review of an impact assessment report related to an application for Environmental Authorisation made in terms of legislation other than NHRA	38(8)

3. OTHER SERVICES

All other services provided by SAHRA shall be charged as follows:

COST PER ACTIVITY (ZAR)	TYPE	SECTION(S) OF NHRA
1,500.00	*Lodgement of an appeal against a SAHRA decision to the SAHRA Council*	49
Up to 20,000.00[4]	*Site monitoring/inspection visit by SAHRA in respect of specific requests*	N/A

[3] This includes pre-approval inspection/investigation, assessment, and identification of heritage objects by SAHRA (export or archaeological or palaeontological material in private collections is excluded)
[4] Inclusive of R2,000.00 service fee and all related travel, accommodation, and subsistence expenses at cost

Exemptions:

Charges may be waived, at the discretion of SAHRA CEO, for certain permit applications.

In addition to the levying of fees SAHRA may, in terms of section 48(1)(d) of the NHRA and Regulation 3(1) and (2) of Government Notice 21239 (2 June 2000), require that a financial deposit is lodged with it against the satisfactory completion of the action for which the permit is required.

PAYMENT may be made by depositing the relevant amount into the SAHRA bank account and producing the proof of payment (stamped deposit slip, internet banking confirmation, etc.).

PLEASE TAKE NOTE THAT APPLICATIONS NOT ACCOMPANIED BY PROOF OF PAYMENT MAY NOT BE PROCESSED UNLESS ACCOMPANIED BY A WAIVER FROM THE CEO.

SAHRA banking details:

Account holder name	SOUTH AFRICAN HERITAGE RESOURCES AGENCY
Account name	CURRENT ACCOUNT
Absa account number	3-6068-0606
Branch	ABS PBLCS W/C
Branch code	632005

Should you have any queries please contact the appropriate unit via:

Tel. +2721 462-4502

Email info@sahra.org.za

As indicated above, any comment on the above Schedule should reach SAHRA CEO (info@sahra.org.za or P.O. Box 4637, Cape Town, 8001) by 1 October 2022.

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

STATISTICS SOUTH AFRICA

NOTICE 1161 OF 2022

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: **May 2022 – 6.5**

STATISTICS SOUTH AFRICA

NOTICE 1162 OF 2022

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: **April 2022 – 5.9**

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 1163 OF 2022

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 62052-11 Ed 2	*Electricity metering equipment — General requirements, tests and test conditions Part 11: Metering equipment*. Specifies requirements and associated tests, with their appropriate conditions for type testing of AC and DC electricity meters.	2022-08-31
SANS 15118-2 Ed 1	*Road vehicles — Vehicle-to-Grid Communication Interface Part 2: Network and application protocol requirements*. Specifies the communication between battery electric vehicles (BEV) or plug-in hybrid electric vehicles (PHEV) and the Electric Vehicle Supply Equipment. It contains additional use case elements (Part 1 Use Case Element IDs: F4 and F5) describing the bidirectional energy transfer.	2022-08-31
SANS 15118-3 Ed 1	*Road vehicles — Vehicle to grid communication interface Part 3: Physical and data link layer requirements*. Specifies the requirements of the physical and data link layer for a high-level communication, directly between battery electric vehicles (BEV) or plug-in hybrid electric vehicles (PHEV), termed as EV (electric vehicle) [ISO-1], based on a wired communication technology and the fixed electrical charging installation [Electric Vehicle Supply Equipment (EVSE)] used in addition to the basic signalling, as defined in [IEC-1]. It covers the overall information exchange between all actors involved in the electrical energy exchange.	2022-08-31
SANS 15118-4 Ed 1	*Road vehicles — Vehicle to grid communication interface Part 4: Network and application protocol conformance test*. Specifies conformance tests in the form of an Abstract Test Suite (ATS) for a System Under Test (SUT) implementing an EVCC or SECC according to ISO 15118-2. These conformance tests specify the testing of capabilities and behaviours of an SUT as well as checking what is observed against the conformance requirements specified in ISO 15118-2 and against what the supplier states the SUT implementation's capabilities are.	2022-08-31
SANS 62885-5 Ed 1	*Surface cleaning appliances Part 5: High pressure cleaners and steam cleaners for household and commercial use — Methods for measuring performance*. Lists the characteristic performance parameters for high pressure cleaners and steam cleaners in accordance with IEC 60335-2-79 (published in South Africa as an identical adoption under the designation SANS 60335-2-79).	2022-08-31
SANS 62106-1 Ed 1	*Radio data system (RDS) — VHF/FM sound broadcasting in the frequency ranges from 64,0 MHz to 108,0 MHz Part 1: Modulation characteristics and baseband coding*. Defines the basic layer of the Radio Data System (RDS) intended for application to VHF/FM sound broadcasts in the range 64,0 MHz to 108,0 MHz, which can carry either stereophonic (pilot-tone system) or monophonic programmes (as stated in ITU-R Recommendation BS.450-3 and ITU-R Recommendation BS.643-3).	2022-08-31
SANS 62135-1 Ed 2	*Resistance welding equipment Part 1: Safety requirements for design, manufacture, and installation*. Specifies electrical safety requirements for design, manufacture and installation.	2022-08-31

SANS 60730-2-12 Ed 2	*Automatic electrical controls - Part 2-12: Particular requirements for electrically operated door locks.* Applies to electrically operated door locks for use in, on or in association with equipment, including equipment for heating, air-conditioning and similar applications. The equipment may use electricity, gas, oil, solid fuel, solar thermal energy, etc., or a combination thereof. This standard also applies to electrically operated door locks for equipment that may be used by the public, such as equipment intended to be used in shops, offices, hospitals, farms and commercial and industrial applications. This standard does not apply to electrically operated door locks intended exclusively for industrial process applications unless explicitly mentioned in the equipment standard. This standard does not apply to electrically operated door locks intended for security access applications.	2022-08-31
SANS 60034-2-3 Ed 1	*Rotating electrical machines Part 2-3: Specific test methods for determining losses and efficiency of converter-fed AC motors.* Specifies test methods and an interpolation procedure for determining losses and efficiencies of converter-fed motors within the scope of IEC 60034-1:2017. The motor is then part of a variable frequency power drive system (PDS) as defined in IEC 61800-9-2:2017.	2022-08-31
SANS 14063 Ed 2	*Environmental management — Environmental communication — Guidelines and examples.* Gives guidelines to organizations for general principles, policy, strategy and activities relating to both internal and external environmental communication	2022-08-31
SATS 62257-1 Ed. 1	*Recommendations for renewable energy and hybrid systems for rural electrification Part 1: General introduction to IEC 62257 series and rural electrification.* Introduces a methodology for implementing rural electrification using autonomous hybrid renewable energy systems.	2022-08-31
SANS 3001-CO3-5 Ed 1	*Civil engineering test methods Part CO3-5: The drilling, preparation, and testing for compressive strength of cores taken from hardened concrete.* Describes a method of taking cores from hardened concrete, preparing them for testing and determining their compressive strengths.	2022-09-06
SANS 62104 Ed 3	*Characteristics of DAB receivers.* Describes the digital audio broadcasting (DAB) receiver characteristics for consumer equipment intended for terrestrial and cable reception operating in VHF band III.	2022-08-31
SANS 17060 Ed 1	*Conformity assessment — Code of good practice.* Recommends good practices for all elements of conformity assessment, including objects of conformity assessment, specified requirements, activities, bodies, systems, schemes and results.	2022-09-05
SATS 60034-27-5 Ed 1	*Rotating electrical machines Part 27-5: Off-line measurement of partial discharge inception voltage on winding insulation under repetitive impulse voltage.* Provides an off-line measurement method of the partial discharge inception and extinction voltage on winding insulation under repetitive impulse voltage. This document is relevant to rotating machines supplied by a voltage source converter.	2022-09-10
SATR 33017 Ed 1	*Information technology — Process assessment — Framework for assessor training.* Provides a framework for assessor training aimed at training providers who design, develop, and/or deliver training courses for assessors conducting assessments conformant with ISO/IEC 33002.	2022-09-10

SCHEDULE A.1: AMENDMENT OF EXISTING STANDARDS

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

Draft Standard No. and Edition	Title	Scope of amendment	Closing Date
SANS 945-2 Ed 2.1	*Support and compression bandages Part 2: Warp-knitted bandages.*	Amended to delete the annex on notes to purchasers.	2022-08-28
SANS 1038 Ed 2.2	*Cotton eyelet fabric.*	Amended to delete notes to purchasers.	2022-08-28
SANS 1229	*Processed core-spun ducks.*	Amended to update referenced standards	2022-08-28

Ed 1.1		and to delete the annex on notes to purchasers.	
SANS 1647 Ed 1.1	*Approved market names for South African fish and related seafood species.*	Amended to update the scientific name in Annex B.	2022-08-29
SANS 1112 Ed 1.2	*Open-end, box, and combination wrenches.*	Amended to delete the appendix on notes to purchasers.	2022-08-29
SANS 1211 Ed 1.3	*Adjustable wrenches.*	Amended to delete the appendix on notes to purchasers.	2022-08-29
SANS 1285 Ed 1.4	*Woodworking saws for hand use.*	Amended to delete the appendix on notes to purchasers.	2022-08-29
SANS 1520-3 Ed 1.1	*Flexible electric trailing cables for use in mines Part 3: Cables with operating voltage of 1 500 V d.c.*	Amended to delete annex on notes to purchasers.	2022-09-06
SANS 1520-1 Ed 2.1	*Flexible electric trailing cables for use in mines - Part 1: cables with operating voltages of 640/1100 V and 1900/3300 V.*	Amended to delete annex on notes to purchasers, to delete a definition of acceptable and to renumber definitions.	2022-09-06
SANS 5526 Ed 3.1	*Dielectric resistance of electric cables.*	Amended to change to formula to calculate resistivity	2022-09-06
SANS 3001-BT12 Ed 1.1	*Civil engineering test methods Part BT12: Determination of the in-situ permeability of a bituminous surfacing (Marvel test)*	Amended to update referenced standard(s).	2022-09-06
SANS 1186-1 Ed 3.8	*Symbolic safety signs Part 1: Standard signs and general requirements.*	Amended to delete reference to Note to purchase annex.	2022-08-31
SANS 385 Ed 4.2	*Fabric linings for footwear.*	Amended to delete the annex on notes to purchasers.	2022-09-07
SANS 770 Ed 2.3	*Footwear laces.*	Amended to delete the annex on notes to purchasers.	2022-09-07
SANS 179 Ed 2.2	*Mutton cloth.*	Amended to delete notes to purchasers.	2022-09-07
SANS 688 Ed 1.1	*Warp-knitted fabric for mosquito netting.*	Amended to delete notes to purchasers.	2022-09-07

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

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

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

SCHEDULE A.3: WITHDRAWAL OF INFORMATIVE AND NORMATIVE DOCUMENTS

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

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

SECTION B: ISSUING OF THE SOUTH AFRICAN NATIONAL STANDARDS

SCHEDULE B.1: NEW STANDARDS

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

Standard No. and year	Title, scope and purport
SANS 60287-3-1:2022 Ed 2	*Electric cables — Calculation of the current rating - Part 3-1: Operating conditions - Site reference conditions*. Applies to the conditions of steady-state operation of cables at all voltages, buried directly in the ground, in ducts, troughs or in steel pipes, both with and without partial drying-out of the soil, as well as cables in air.

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 1706:2022 Ed 1.1	*Analysis of copper-chromium-arsenic (CCA) treated wood by X-ray fluorescence spectroscopy. Consolidated edition incorporating amendment No.1.* Amended to update referenced standards, the clause on sampling, the footnote on dry wood samples, the clause on calculations, the footnote on total wood volume, the footnote on oven-dry wood density, the annex on preparation and treatment of standard wood samples and treating solutions, calculations and calibration of XRFS, and the annex on elemental ratios of CCA.

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
CKS 67:1987 Ed 2	*Paper bags.*
CKS 554:1980 Ed 1	*Processed core-spun ducks.*

SCHEDULE B4: ESTABLISHMENT OF TECHNICAL COMMITTEES

Committee No.	Title	Scope

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

SCHEDULE 5: ADDRESS OF THE SOUTH AFRICAN BUREAU OF STANDARDS HEAD OFFICE

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

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 1164 OF 2022

INTERNATIONAL TRADE ADMINISTRATION COMMISSION

NOTICE OF INITIATION OF INVESTIGATION INTO THE ALLEGED DUMPING OF WINDSCREENS FOR VEHICLES CLASSIFIABLE UNDER TARIFF SUBHEADING 7007.21.20 ORIGINATING IN OR IMPORTED FROM THE PEOPLE'S REPUBLIC OF CHINA ("CHINA") TO BE USED IN THE SOUTHERN AFRICAN CUSTOMS UNION ("SACU") MARKET AS REPLACEMENT GLASS IN THE AFTERMARKET ("ARG")

Shatterprufe, a division of PG Group (Proprietary) Limited ("the Applicant") submitted an application to the Commission alleging that windscreens for vehicles to be used in the SACU market as replacement glass in the aftermarket ("ARG") originating in or imported from China is being dumped on the SACU market, causing material injury and a threat of material injury to the SACU industry concerned.

THE APPLICANT

The application was lodged by Shatterprufe, a division of PG Group (Proprietary) Limited ("the Applicant"). The Applicant alleges that the dumped product is causing material injury and that a threat of material injury exists. The Applicant submitted sufficient evidence and established a *prima facie* case to enable the Commission to arrive at a reasonable conclusion that an investigation should be initiated on the basis of dumping, material injury; threat of material injury and causality.

THE PRODUCT

The product allegedly being dumped is windscreens for vehicles, to be used in the SACU ARG market, classified under tariff subheading 7007.21.20 originating in or imported from China.

THE ALLEGATION OF DUMPING

The allegation of dumping is based on the comparison between the normal value in China and the export price from China respectively.

The weighted average normal value for China was determined based on a price quotation of windscreens for vehicles in China's domestic ARG market. The weighted average export price was determined based on import statistics from the South African Revenue Services ("SARS"). The weighted average dumping margin was calculated taking the adjustment claimed for inland transportation cost on export prices into account. On this basis, the Commission found that there was *prima facie* proof of dumping of the subject product from China. The dumping margin was calculated to be 10,69%.

THE ALLEGATION OF MATERIAL INJURY; THREAT OF MATERIAL INJURY AND CAUSAL LINK

The Applicant submitted evidence showing price undercutting, price depression, price suppression, decline in sales volumes, market share, net profit, productivity, return on investment, capacity utilisation, cash flow, growth and employment from 2019 to 2021.

The Applicant alleged that a threat of material injury exist and submitted evidence with regards to the freely disposable capacity of the exporters, significant increase of the alleged dumped imports , the state of the economy in China and prices of imports which will have a significant depressing or suppressing effect on domestic prices .

On this basis the Commission found that there was *prima facie* proof of material injury; a threat of material injury and causal link.

PERIOD OF INVESTIGATION

The period of investigation for purposes of determining the dumping margin in the exporting country of origin will be from 1January 2021 to 31 December 2021. The period of investigation for purposes of determining material injury will be from 1 January 2019 to 31 December 2021.

PROCEDURAL FRAMEWORK

Having decided that there is sufficient evidence and a *prima facie* case to justify the initiation of an investigation, the Commission has begun an investigation in terms of section 16 of the International Trade Administration Act, 2002 (the ITA Act). The Commission will conduct its investigation in accordance with the relevant sections of the ITA Act and the Anti-Dumping Regulations of the International Trade Administration Commission of South Africa (ADR). Both the ITA Act and the ADR are available on the Commission's website (www.itac.org.za) or from the Trade Remedies section, on request.

In order to obtain the information it deems necessary for its investigation, the Commission will send non-confidential versions of the application and questionnaires to all known importers and exporters and known representative associations. The trade representative of the exporting country has also been notified. Importers, exporters and other interested parties are invited to contact the Commission as soon as possible in order to determine whether they have been listed and were furnished with the relevant documentation. If not, they should immediately ensure that they are sent copies. The questionnaire has to be completed and any other representations must be made within the time limit set out below.

CONFIDENTIAL INFORMATION

Please note that if any information is considered to be confidential then a non-confidential version of the information must be submitted for the public file, simultaneously with the confidential version. In submitting a non-confidential version the following rules are strictly applicable and parties must indicate:

- where confidential information has been omitted and the nature of such information;
- reasons for such confidentiality;
- a summary of the confidential information which permits a reasonable understanding of the substance of the confidential information; and
- In exceptional cases, where information is not susceptible to summary, a sworn affidavit setting out the reasons why it is impossible to comply should be provided.

A sworn affidavit is defined as a written sworn statement of fact voluntarily made by an affiant or deponent under an oath or affirmation administered by a person authorized to do so by law. Such statement is witnessed as to the authenticity of the affiant's signature by a taker of oaths, such as a notary public or commissioner of oaths. An affidavit is a type of verified statement or showing, or in other words, it contains verification, meaning it is under oath or penalty of perjury and this serves as evidence to its veracity and is required for court proceedings.

This rule applies to all parties and to all correspondence with and submissions to the Commission, which unless indicated to be confidential and filed together with a non-confidential version, will be placed on the public file and be made available to other interested parties.

If a party considers that any document of another party, on which that party is submitting representations, does not comply with the above rules and that such deficiency affects that party’s ability to make meaningful representations, the details of the deficiency and the reasons why that party’s rights are so affected must be submitted to the Commission in writing forthwith (and at the latest 14 days prior to the date on which that party’s submission is due). Failure to do so timeously will seriously hamper the proper administration of the investigation, and such party will not be able to subsequently claim an inability to make meaningful representations on the basis of the failure of such other party to meet the requirements.

Subsection 33(1) of the ITA Act provides that any person claiming confidentiality of information should identify whether such information is *confidential by nature* or is *otherwise confidential* and, any such claims must be supported by a written statement, in each case, setting out how the information satisfies the requirements of the claim to confidentiality. In the alternative, a sworn statement should be made setting out reasons why it is impossible to comply with these requirements.

Section 2.3 of the ADR provides as follows:

"The following list indicates "information that is by nature confidential" as per section 33(1) (a) of the Main Act, read with section 36 of the Promotion of Access to Information Act (Act 2 of 2000):

(a) management accounts;
(b) financial accounts of a private company;
(c) actual and individual sales prices;
(d) actual costs, including cost of production and importation cost;
(e) actual sales volumes;
(f) individual sales prices;
(g) information, the release of which could have serious consequences for the person that provided such information; and
(h) information that would be of significant competitive advantage to a competitor;

Provided that a party submitting such information indicates it to be confidential."

ADDRESS

The response to the questionnaire and any information regarding this matter and any arguments concerning the allegation of dumping and the resulting material injury and threat of material injury must be submitted in writing to the following address:

Physical address
Senior Manager: Trade Remedies I
International Trade Administration Commission

Postal address
Senior Manager: Trade Remedies I
Private Bag X753

Block E – The DTI Campus
77 Meintjies Street
SUNNYSIDE
PRETORIA
SOUTH AFRICA

PRETORIA
0001
SOUTH AFRICA

PROCEDURES AND TIME LIMITS

All responses, including non-confidential copies of the responses, should be received by the Senior Manager: Trade Remedies I not later than 30 days from the date hereof, or from the date on which the letter accompanying the abovementioned questionnaire was received. The said letter shall be deemed to have been received seven days after the day of its dispatch.

Late submissions will not be accepted except with the prior written consent of the Commission. The Commission will give due consideration to written requests for an extension of not more than 14 days on good cause shown (properly motivated and substantiated), if received prior to the expiry of the original 30-day period. Merely citing insufficient time is not an acceptable reason for extension. Please note that the Commission will not consider requests for extension by the Embassy on behalf of exporters.

The information submitted by any party may need to be verified by the Investigating Officers in order for the Commission to take such information into consideration. The Commission may verify the information at the premises of the party submitting the information, within a short period after the submission of the information to the Commission. Parties should therefore ensure that the information submitted will subsequently be available for verification. It is planned to do the verification of the information submitted by the exporters within three to five weeks subsequent to submission of the information. This period will only be extended if it is not feasible for the Commission to do it within this time period or upon good cause shown, and with the prior written consent of the Commission,

which should be requested at the time of the submission. It should be noted that unavailability of, or inconvenience to consultants will not be considered to be good cause.

Parties should also ensure when they engage consultants that they will be available at the requisite times, to ensure compliance with the above time frames. Parties should also ensure that all the information requested in the applicable questionnaire is provided in the specified detail and format. The questionnaires are designed to ensure that the Commission is provided with all the information required to make a determination in accordance with the rules of the ADR. The Commission may therefore refuse to verify information that is incomplete or does not comply with the format in the questionnaire, unless the Commission has agreed in writing to a deviation from the required format. A failure to submit an adequate non-confidential version of the response that complies with the rules set out above under the heading *Confidential Information* will be regarded as an incomplete submission.

Parties, who experience difficulty in furnishing the information required, or submitting in the format required, are therefore urged to make written applications to the Commission at an early stage for permission to deviate from the questionnaire or provide the information in an alternative format that can satisfy the Commission's requirements. The Commission will give due consideration to such a request on good cause shown.

Any interested party may request an oral hearing at any stage of the investigation in accordance with Section 5 of the ADR, provided that the party indicates reasons for not relying on written submission only. The Commission may refuse an oral hearing if granting such hearing will unduly delay the finalisation of a determination.

Parties requesting an oral hearing shall provide the Commission with a detailed agenda for, and a detailed version, including a non-confidential version, of the information to be discussed at the oral hearing at the time of the request.

If the required information and arguments are not received in a satisfactory form within the

time limit specified above, or if verification of the information cannot take place, the Commission may disregard the information submitted and make a finding on the basis of the facts available to it.

Should you have any queries, please do not hesitate to contact the following investigating officers: Ms Regina Peta at RPeta@itac.org.za and and Ms Charity Mudzwiri at CRamaposa@itac.org.za.

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 1165 OF 2022

CODES OF GOOD PRACTICE ON BROAD-BASED BLACK ECONOMIC EMPOWERMENT

I, Ebrahim Patel, Minister of Trade, Industry and Competition by virtue of the powers vested in me in terms of section 9 (5) of the Broad-Based Black Economic Empowerment Act, (B-BBEE Act No. 53 of 2003) as amended by the Act No.46 of 2013 ('the Act'), hereby issue the following **Draft Legal Sector Code** for public comment upon recommendation by the Minister of Justice and Correctional Services.

Background

1. In 2007, prior to the establishment of the Legal Practice Council, the Council of the Law Society of South Africa, developed and adopted a non-binding Legal Sector Charter as a Transformation Charter in terms of section 12 of B-BBEE Act. It came about as a result of an extensive process of consultations which culminated in the legal profession undertaking the responsibility for the drafting of the Legal Sector in consultation with the DOJ.

2. In 2020, the Legal Practice Council, which exercises jurisdiction over all legal practitioners and candidate legal practitioners and has a mandate to facilitate transformation in the legal profession, initiated the process for the development of a transformation sector code. The process was guided by the B-BBEE Act as well as the Amended Codes of Good Practice and it culminated in the adoption of the proposed sector code in February 2021.

3. The proposed sector code was submitted to the Minister of Trade, Industry and Competition for consideration in terms of the Broad-Based Black Economic Empowerment Act. The Minister, prior to submitting the proposed Code for review and discussion by Cabinet, seeks the views of interested parties on the content of the Code.

Purpose

4. The Draft Legal Sector Code (“Draft LSC”) aims to address inequities resulting from the systematic exclusion of black people from meaningful participation in the economy to access South Africa’s productive resources, economic development, employment creation and poverty eradication.

5. The objectives of the Draft LSC are to facilitate the transformation of the legal sector to ensure that it is representative of the demographics of South Africa, ensuring that a body of well-trained

This gazette is also available free online at **www.gpwonline.co.za**

and competent providers of legal services are developed and also to enable equitable and representative appointments to be made to the judiciary.

6. The Draft LSC seeks to eliminate barriers of entry and provide equal opportunities by empowering Black practitioners - especially persons from designated categories - through ensuring equal participation in the economic opportunities within the legal sector; and also by implementing measures to address the provision and availability of pro bono services and community-based legal services, thus ensuring access to affordable legal services for all people in South Africa, particularly marginalized, poor and rural communities

Consultation and development of the Sector Codes

7. The Legal Practice Council undertook extensive consultations with sector stakeholders, including the establishment of a steering committee with representation from across the legal fraternity and received approximately 140 submissions from legal practitioners and other interested parties, culminating in the development and adoption of a Draft Legal Sector Code in February 2021.

8. The LPC-established steering committee consisted of representatives from a number of major commercial associations across the legal sector, including: the Black Lawyers Association ("BLA"); Pan African Bar Association of South Africa ("PABASA"); National Association of Democratic Lawyers ("NADEL"); National Bar Council of South Africa ("NBCSA"); General Council Bar of South Africa ("GCBSA"); Law Society of South Africa ("LSSA"); Black Conveyancers Association ("BCA"); The Corporate Counsel Association of South Africa ("CCSA"); Advocates for Transformation ("AFT"); and the South African Woman Lawyers Association ("SAWLA").

9. The Legal Sector Code Steering Committee supported by the Minister of Justice and Correctional Services submitted an application to the Minister of Trade, Industry and Competition requesting approval of the Draft Legal Sector Code.

10. The Draft Legal Sector Code sets out a new framework for determining B-BBEE compliance in the legal sector, which reflects the unique characteristics of the industry. As such, the Draft Legal Sector Code have deviated from the amended B-BBEE Codes of Good Practice on compliance targets and weighting points to address specific peculiarities in the sector and profession. In particular the draft codes have specified deviation in the following areas of interest:
    a. the thresholds for determining qualifying enterprises;
    b. the targets to be achieved under each element of the codes;
    c. the weighting of each element of the codes; and
    d. the targets pertaining to public organs of state in respect of the procurement of legal services.

This gazette is also available free online at **www.gpwonline.co.za**

11. The Draft LSC proposes the establishment of a Charter Council, established by the Minister of Justice and Correctional Services after consultation with stakeholders in the legal profession, and consisting of stakeholders in the legal profession.

Deviations from the Generic Codes

12. The Draft LSC proposes a number of targets and weightings which differ from the generic codes. In addition, the Draft LSC established its own thresholds for the determination of qualifying and exempt entities in the sector.

13. In terms of overall structure, the Draft LSC includes the same five elements as are present in the generic codes, namely (i) ownership; (ii) management control; (iii) skills development; (iv) enterprise and supplier development; and (v) socio-economic development; however the Draft LSC proposes different weightings and overall points tally when compared to the generic scorecards.

14. In terms of thresholds for qualifying entities, the Draft LSC proposes unique thresholds for three categories, namely: attorneys, advocates and start-ups. These are specific to the Draft LSC and reflect the specific structure of the legal services profession.

15. In terms of ownership (20 points out of 104), the Draft LSC is applicable to attorneys only and sets higher targets for the ownership element and lower weighting points; the total weighting points is 20 compared to 25 points set in the Amended Generic Codes of Good Practice. The main deviation under the ownership element is that the target is set at 30% in year 1 (one), 35% in year 2 (two) and 40% in year 3 (three), whilst the Amended Codes of Good Practice sets a target of 25% + 1 vote.

16. In terms of management control (16 points), the Draft LSC is applicable to attorneys only and is made up of total weighting points of 16 for Large LSMEs compared to the 19 points set in the Amended Generic Codes of Good Practice. The percentage of equity participation of black women legal practitioners as a percentage of board members is set at 35% in year 1, 40% in year 2 and 45% in year 3, which is higher, by 10 percentage points than the 25% in the Amended Generic Codes of Good Practice for exercisable voting rights of black female board members as a percentage of all board members.

17. In terms of skills development (20 points), the Draft LSC is applicable to both attorneys and advocates and sets higher targets compared to the 3.5% set in Amended Generic Codes of Good Practice by reserving 6.5% in the 1st year, 7.0% in the 2nd year and 7.5% in the 3rd year for a range of skills development programmes aimed at young black professionals in the sector. The LSC has also added a sub-element targeted at the training and tutoring of black junior advocates for 40 hours per annum in programmes established by an association of advocates accredited by the Legal Practice Council and through mentorship and cash contributions.

This gazette is also available free online at **www.gpwonline.co.za**

18. In terms of enterprise and supplier development (40 points), the Draft LSC is applicable specifically to attorneys and sets a 50% target and a higher percentage for procurement spend from suppliers that are at least 75% Black owned and at least 51% Black women Owned. (These ownership thresholds are higher than the generic codes which specify a 51% threshold for black-owned businesses, and 30% black women-owned businesses.)

19. In terms of socio-economic development (6 points), the Draft LSC is applicable to both attorneys and advocates, and introduces new measurement indicators and targets, which are a deviation from the Amended Codes of Good Practice, which target 1% of Net Profit After Tax (NPAT). The LSC makes provision for contributions to socio economic development by recognising pro bono legal services which are measured hourly with an option of a financial contribution to community organisations or charitable entities in lieu of pro bono legal services.

Request for public comment

20. The Minister of Justice and Correctional Services has reviewed the Draft Legal Sector Code, and has written to me in support of draft codes and the proposed framework.

21. It is upon this basis that I publish these Draft Legal Sector Codes for public comment, in terms of Section 9(5) of the Act.

Interested parties (in both the public and private sector) are requested to forward their comments in writing within 60 days from the date of this publication, for the attention of **Ms Lindiwe Mavundla or Ms Kumbe Mhlongo** to the following address below:

E-mail: legal@dtic.gov.za

or

c/o B-BBEE Unit
77 Meintjies street
Sunnyside, Pretoria
0002

or

the dtic Campus
Private Bag X 84
Pretoria
0002

Ebrahim Patel
Minister of Trade, Industry and Competition

This gazette is also available free online at **www.gpwonline.co.za**

This gazette is also available free online at www.gpwonline.co.za

DRAFT

BROAD-BASED BLACK ECONOMIC EMPOWERMENT LEGAL SECTOR CODE ISSUED IN TERMS OF SECTION 9 (5) OF THE BROAD-BASED BLACK ECONOMIC EMPOWERMENT ACT NO: 53 OF 2003, AS AMENDED BY ACT 46 OF 2013

This gazette is also available free online at www.gpwonline.co.za

CONTENTS

1. BACKGROUND 9
2. VISION 10
3. MISSION 10
4. INTERPRETATION AND DEFINITIONS 10
5. INTRODUCTION AND PREAMBLE 23
6. BUSINESS CASE AND IMPERATIVES FOR THE LSC 26
7. UNDERTAKINGS AND COMMITMENTS BY THE INDUSTRY STAKEHOLDERS 29
8. UNIQUE FEATURES AND STRATEGIC OBJECTIVES OF THE LSC 29
9. SCOPE OF APPLICATION 30
10. RESPONSIBILITY FOR MONITORING THE IMPLEMENTATION OF THE LSC 32
11. PRIORITY ELEMENTS AND SUB-MINIMUM 34
12. KEY MEASUREMENT PRINCIPLES 35

This gazette is also available free online at www.gpwonline.co.za

13. INTERPRETATION OF B-BBEE INITIATIVES IN THE LSC 36

14. ELIGIBILITY TO QUALIFY AS AN ELE 36

15. START - UP LSMES 39

16. B-BBEE RECOGNITION LEVELS IN THE LSC 40

17. THE SUMMARY OF THE SCORECARDS 41

18. THE OWNERSHIP SCORECARD KEY MEASUREMENT PRINCIPLES RELATING TO OWNERSHIP44

19. MANAGEMENT CONTROL SCORECARD 47

20. KEY MEASUREMENT PRINCIPLES RELATING TO MANAGEMENT CONTROL 52

21. REMUNERATION PARITY AND JUSTICE 53

22. MEASUREMENT OF THE MANAGEMENT CONTROL CRITERIA 53

23. SKILLS DEVELOPMENT SCORECARD THE KEY MEASUREMENT PRINCIPLES RELATING TO SKILLS DEVELOPMENT 53

24. SUB-MINIMUM AND DISCOUNTING PRINCIPLE 60

25. GENERAL PRINCIPLES 60

26. MEASUREMENT OF SKILLS DEVELOPMENT INDICATORS 61

27. PREFERENTIAL PROCUREMENT AND SUPPLIER ENTERPRISE DEVELOPMENT SCORECARD61

28. SPECIALISED SCORECARD 66

29. KEY MEASUREMENT PRINCIPLES IN DETERMINING THE SUITABILITY OF PREFERENTIAL PROCUREMENT IN THE LEGAL SECTOR CODE 68

30. SUPPLIER & ENTERPRISE DEVELOPMENT INITIATIVES AND INTERVENTIONS....70
31. THE LEGAL SECTOR TRANSFORMATION FUND....71
32. INCLUSION OF RURAL AREAS....73
33. THE SED SCORECARD FOR ATTORNEYS AND ADVOCATES....73
34. KEY MEASUREMENT PRINCIPLES AND INDICATIVE FACTORS....75
35. EFFECTIVE DATE....76

This gazette is also available free online at www.gpwonline.co.za

This gazette is also available free online at www.gpwonline.co.za

1. BACKGROUND

1.1 The history of apartheid in the Republic of South Africa is well documented. The apartheid legislation, policies and practices have created inequalities and injustice in the socio-economic and political landscape of the Republic of South Africa. Such legislation, policies and practices have created high levels of poverty amongst black people and resulted in racial inequalities in South Africa. They have also excluded, by and large, black people from meaningful participation in the economy of the country. The fundamental objective of apartheid legislation, policies and practices was to ensure that black people, who constitute the majority of the people in the Republic of South Africa, should only provide unskilled labour to their white counterparts. This has resulted in a shortage of skills and expertise among black people. The consequences of such legislation, policies and practices remain in the democratic era with the economy largely owned and controlled by whites while black people have a minimal role therein.

1.2 There was a change in the political dispensation with the adoption and promulgation of the new [1]Constitution ("**the Constitution**") of the Republic of South Africa and the establishment of democracy. However, the legacy of apartheid requires a robust legislative intervention. The adoption of the Constitution assisted in the eradication of the apartheid laws and in the promotion of the important principles of democracy and values including recognizing the human dignity of the majority of the people in the country. The Constitution further seeks to improve the quality of life of persons who were disadvantaged by the unfair discriminatory legislation, policies and practices under apartheid.

1.3 The right for all South Africans to fully participate in the economy of South Africa, is enshrined in the Constitution. This is not only a fundamental right, but it is also an important tool designed to assist the government to grow the economy of the country. It is in this context that the government of the Republic of South Africa promulgated the Broad-Based Black Economic Empowerment Act No.: 53 of 2003, as amended, to address the imbalances created by the apartheid laws, policies and practices and to promote socio-political equality and equal participation in the economy of the country.

1.4 Members of the legal profession, do not have a sector code to guide them in addressing imbalances and inequality within the legal profession. Reliance has been placed on the principles of the Codes of Good Practice issued under Government

[1] the Constitution of the Republic of South Africa Act No.: 108 of 1996, as amended

This gazette is also available free online at www.gpwonline.co.za

Gazette No: 36928 of May 2015 ("**the Generic Codes**"), which are generic in nature and apply broadly and therefore do not address the unique nature of the legal profession as a sector in the economy. The Legal Sector Code ("**LSC**") is therefore intended to address this.

2. VISION

The aim and objective of the LSC is to transform the legal sector to give effect to the objectives of the Constitution of promoting effective and sustainable economic participation by black people in the economy of the Republic of South Africa in general and in the legal profession in particular.

3. MISSION

The LSC is intended to provide a legislative framework for the meaningful and sustainable transformation and growth of the legal sector in the Republic of South Africa.

4. INTERPRETATION AND DEFINITIONS

4.1 In this LSC, unless the context otherwise requires, the words, expressions, definitions and/or qualifications used have the meaning assigned to them, and should be read together with the Generic Code.

4.2 In the event of a conflict between the provisions of the LSC and the Generic Codes, the provisions of the LSC shall prevail. Where a matter is not expressly dealt with in terms of this LSC, then the relevant provisions of the Generic Codes of Good Practice shall be deemed to apply.

4.3 In addition, words and expressions defined in B-BBEE Act, shall, unless the context dictates otherwise, bear the same meanings used but not defined in the LSC.

4.4 The following words, expressions, definitions and/or qualifications shall bear the following meanings:

This gazette is also available free online at www.gpwonline.co.za

Concept	Definitions
advocate	means a legal practitioner who is admitted and enrolled as such in terms of the LPA;
annual revenue	means the income generated by an LSME in providing its services in the course of rendering professional services as regulated by the LPA;
associate	means an attorney employed in such a capacity, by an LSME in terms of an employment agreement concluded by these parties;
associate director	means an attorney employed in that capacity by an LSME, in terms of an employment agreement, ranking above a position of a senior associate or senior professional assistant and below a position of a director or partner, as the case may be, in that LSME;
attorney	means a legal practitioner who is admitted and enrolled as such in terms of the LPA;
B-BBEE Act	means the Broad-Based Black Economic Act No.: 53 of 2003, as amended;
B-BBEE	means broad-based black economic empowerment, a national government policy that enables the participation of black people in the mainstream of the economy;
B-BBEE Commission	means the regulatory monitoring and compliance commission responsible for investigating and prosecuting B-BBEE contraventions and fronting;

This gazette is also available free online at www.gpwonline.co.za

B-BBEE compliant LSME	means legal services measured entity that has achieved a level 1 to level 8 B-BBEE status level as set out in the B-BBEE Act;
B-BBEE verification agency	means an entity which has been confirmed, approved and classified as such, by the B-BBEE verification regulator, to verify compliance with the LSC in terms of the provisions of the B-BBEE Act;
B-BBEE verification certificate	means any certificate prepared and issued by a B-BBEE verification agency verifying compliance with the LSC by the LSME in terms of the provisions of the B-BBEE Act;
B-BBEE verification regulator	means a body appointed by the Minister for the accreditation of rating agencies or the authorisation of B-BBEE verification professionals;
black people	shall for the purposes of the LSC means black people as defined in the B-BBEE Act;
board of directors	means, in respect of an incorporated LSME, a body that is constituted by the directors of such LSME, and in respect of a partnership, a body which is constituted by the partners of such an LSME, which, in each event, is responsible for the executive management decisions and/or strategic direction of such an LSME;
candidate attorney	this term shall the same meaning as defined in the LPA;

This gazette is also available free online at www.gpwonline.co.za

Charter Council	means the Legal Sector Code Charter Council to be established by the Minister to oversee and implement the LSC, as set out in paragraph 10 of this LSC;
Companies Act	means Companies Act No.: 71 of 2008, as amended;
continuous legal education	means the practical legal training, which is intended to improve the practical knowledge and skills of the practitioners (including the skills and knowledge of the candidate attorneys and pupils);
designated categories	means black women, black youth, black people with disabilities and/or from the rural, as contemplated in this LSC;
director	this term shall bear the same meaning as defined in the Companies Act;
discretion	means the unfettered and absolute discretion;
DOJ&CD	means the Department of Justice and Constitutional Development;
DTIC	means the Department of Trade, Industry and Competition;
EAP	means the economically active population, comprising persons between the ages of 15 and 65, as may be determined, from time to time, by the quarterly labour force survey published periodically by Statistics South Africa. The operative EAP for the purposes of any calculation under the LSC shall be the most recently published EAP statistics;
economic interest	means a legal practitioner's right to a share in the profits and liabilities of an LSME, receive distributions from that LSME, representing a return on ownership similar in nature to a dividend right and to receive distributions from that LSME;
ELE	means an exempted law firm or an advocate as the case may be, as contemplated in the LSC;

This gazette is also available free online at www.gpwonline.co.za

employment agreement	means any written agreement concluded between an LSME and an attorney for the employment of the attorney by the LSME;
ESD	means an enterprise and supplier development programme as set out in this LSC;
equity partner/director	means a partner or a director, the latter, notwithstanding the definition ascribed to that term in the Companies Act who has an ownership interest in an LSME and shares in the profits of that LSME and is liable for the expenses and liabilities of such an LSME;
executive management	for the purposes of this LSC, executive management shall be constituted by the various sub-committees established by the board, to carry out and implement specific functions and/or duties, as may be delegated to such sub-committees, by the board, from time to time;
GDP	means gross domestic product;
goods and services	for the purpose of this LSC, goods and services shall without limiting the generality thereof refrer to and include, text books, technology hardware and software, furniture, accounting services and electrical equipment and services and all other goods and services that are essential for the carrying on of legal practices.
incorporated LSME	means an LSME constituted, organised and incorporated by one or more attorneys, in accordance with the provisions of the Companies Act, and registered and established as a law firm with the LPC, in terms of the provisions of the LPA;
in-service training	means practical training which is intended to improve and enhance the skills and knowledge of the support staff in any relevant LSME;

This gazette is also available free online at www.gpwonline.co.za

junior management	for the purposes of this LSC, shall be constituted by associates and/or professional assistants, within an LSME with no specific management duties and/or responsibilities, unless the board determines otherwise;
large enterprise	means an LSME with more than 15 directors and/or partners and which generates a total revenue of more than R15 million per annum;
law firm	means an LSME which has been established by one or more attorneys and is duly registered with the LPC, in terms of the provisions of the LPA, for the purposes of engaging in the business and practice of law in South Africa;
legal entity	shall, for purposes of this LSC, have similar meaning as a law firm, and the two terms may be used interchangeably throughout this LSC;
legal practitioner	shall bear the meaning ascribed to that term in the LPA, but for the purposes of the LSC, it shall include only: • attorneys registered with the LPC and practicing as such; and • advocates, registered with the LPC and practicing as such.
LPA	means the Legal Practice Act No.: 28 of 2014, as amended;
LPC	means the Legal Practice Council, which is a national, statutory body established in terms of section 4 of the LPA. The LPC and its provincial councils regulate the affairs of and exercise jurisdiction over all legal practitioners (attorneys and advocates) and candidate attorneys and pupils;
LSC	means this Legal Sector Code, gazetted in terms of section 9(1) of the B-BBEE Act;

This gazette is also available free online at www.gpwonline.co.za

LSME	means a legal sector measured entity in the form of a law firm in the case of attorneys whether as sole practitioner, partnership or incorporated legal entity or an individual advocate;
LSTF	means the Legal Sector Transformation Fund, to be established in terms of paragraph 31 of this LSC, by the Charter Council, for the purpose of receiving and administering contributions made by LSMEs and ELEs in terms of this LSC, to provide financial assistance and support to black legal practitioners and for related purposes as may be determined by the Charter Council from time to time;
measurement date	means the last day of the measurement period (or such later date agreed upon with the LSME) that is as close as practically possible to the commencement of the verification or to the date of making of the LSME confirmation affidavit, whichever the case may be;
medium enterprise	means an LSME with a minimum of 4 partners or directors but not more than 15 partners or directors, with an annual revenue of not less than R3 million and not more than R15 million;
middle management	means an associate directors), (or) senior associates and/or senior professional assistants, where applicable, within any LSME, who carry out and/or implement any decisions, functions and/or management duties, as may be delegated to them by directors, partners or practice group heads from time to time;
Minister	means the Minister of Trade, Industry and Competition of the government of the Republic of South Africa;
Minister of Justice	means the Minister of Justice and Constitutional Development of the government of the Republic of South Africa;

NDP	means the National Development Plan which is a set of proposals devised by the government of South Africa aimed at eliminating poverty and reducing inequality by 2030;
organs of state	means any of the following institutions: • a national or provincial department as defined in the Public Finance Management Act No.: 1 of 1999, as amended; • a municipality as contemplated in section151 of the Constitution; and • a constitutional institution listed in schedule 1 of the Public Finance Management Act No.: 1 of 1999, as amended.
partner	means an attorney who has been employed in such capacity, by an LSME, who is entitled to the profits of such LSME and is liable for its expenses and losses;
partnership	means an LSME other than an incorporated LSME established and constituted by two or more attorneys, registered with the LPC, in accordance with relevant provisions of the LPA, to manage and oversee the business operations of such LSME and share the profits and liabilities of such LSME;
PGL	means practice group leaders, who are generally equivalent and have the same rank as the heads of departments, within the LSME, and carry out the same mandate and/or functions, as heads of departments, as the case may be, within an LSME;
priority scorecard elements	means the compulsory elements that must be complied with in terms of the LSC, as outlined in the scorecards, referring to ownership, skills development and enterprise and supplier development;
professional assistant	this term shall bear a similar meaning as an associate, unless the context indicates otherwise;

This gazette is also available free online at www.gpwonline.co.za

This gazette is also available free online at www.gpwonline.co.za

PSED	means procurement, supplier and enterprise development element as a measurement statement as contained in this LSC;
pupil	this term shall bear the same meaning as defined in the LPA;
public entities	means enterprises that are listed as public entities in Schedule 2 or 3 of the Public Finance Management Act No.: 1 of 1999, as amended;
QPB	means a qualifying procurement beneficiary who is a recipient that qualifies, in terms of the qualifying enterprise and supplier development contributions and interventions, as set out in this LSC;
QSE	means a qualifying small measured LSME or an advocate, as the case may be, which or who for the purposes of this LSC, is measured as such in terms of the LSC;
QSED	means qualifying supplier enterprise development initiatives that are intended to benefit communities and/or individuals, measured in monetary value or hourly rates, using generally accepted standards of valuation methods, as may be approved by the Charter Council from time to time;
rural areas	means for the purposes of this LSC, low population density geographical areas which are located outside towns and cities, and are recognised as such by the Statistics SA, and have limited access to ordinary public services, such as water, sanitation, infrastructure and/or economic opportunities;
salaried director	means, for the purposes of this LSC, and notwithstanding the definition ascribed to that term in the Companies Act, an attorney employed in that capacity by an LSME who does not participate in the profits of the LSME nor has a legal

This gazette is also available free online at www.gpwonline.co.za

	entitlement to such profits and is not liable for the expenses and liabilities of such LSME;
SANAS	means the South African National Accreditation Agency, an agency responsible for carrying out accreditations in respect of conformity assessments mandated through the Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act No. 19 of 2006, as amended;
SED	means the socio-economic development element as contained in this LSC;
senior associate	means an attorney employed by an LSME, in that capacity, who is at a senior level above an associate but who is not a partner or a director at such LSME;
senior management	for the purposes of this LSC, shall be constituted and refer to the heads of departments or PGLs, as the case may be, of the various departments, within a relevant LSME, who are the leaders of such departments, and oversee the performance, effectiveness and efficiency of such departments;
senior professional assistant	this term shall bear a similar meaning as a senior associate, unless the context indicates otherwise;
SOEs	means the state-owned enterprises which are entities that are wholly or partly owned by the state or any organs of state;
sole practitioner	means an LSME, in case of attorneys, a law firm which has been established and registered by a single attorney, as a law firm, with the LPC, in terms of the provisions of the LPA;

This gazette is also available free online at www.gpwonline.co.za

specialised areas of law	means those areas of law where black people have been historically excluded from and remain largely excluded or have limited exposure to, including, but not limited to the following: 1. corporate and commercial law; 2. intellectual property law; 3. information technology ; 4. maritime law; 5. regulatory law; 6. conveyancing and property law; 7. pension law; 8. aviation law; 9. entertainment law; 10. arbitration and mediation; 11. insolvency and business rescue; 12. banking law; 13. initial public offerings and the securities exchange; 14. business and corporate tax law; 15. assets restructuring;

	16. mergers, acquisitions and take overs; 17. competition law; 18. mining, energy and natural resources; 19. international trade; 20. corporate governance; 21. due diligences and compliance; 22. forensic and fraud investigation; 23. transaction advisory services; 24. environmental law; 25. project finance; 26. corporate finance; 27. structured finance; 28. construction and engineering law; 29. media law; 30. telecommunication law; 31. sports law; and 32. B-BBEE transaction advisory and related services.

This gazette is also available free online at www.gpwonline.co.za

This gazette is also available free online at www.gpwonline.co.za

Statistics SA or Statistics South Africa	means the Department referred to in section 4 of the Statistics Act No.: 6 of 1999, as amended;
Steering Committee	means a committee which has been established by the LPC, in terms of the B-BBEE Act, to facilitate and co-ordinate the drafting and the gazetting of the LSC and which is constituted by major commercial associations in the legal profession, including the following: • Black Lawyers Association ("**BLA**"); • Pan African Bar Association of South Africa ("**PABASA**"); • National Association of Democratic Lawyers ("**NADEL**"); • National Bar Council of South Africa ("**NBCSA**"); • General Council Bar of South Africa ("**GCBSA**"); • Law Society of South Africa ("**LSSA**"); • Black Conveyancers Association ("**BCA**"); • Department of Justice and Constitutional Affairs ("**DOJ&CD**"); • Department of Trade, Industry & Competition ("**DTIC**"); • The Corporate Counsel Association of South Africa ("**CCSA**"); • Advocates for Transformation ("**AFT**") • Legal Aid South Africa ("**Legal Aid SA**"); and • South African Woman Lawyers Association ("**SAWLA**").

This gazette is also available free online at www.gpwonline.co.za

targeted procurement	means procurement from preferred categories of bidders, such as persons previously disadvantaged by unfair discrimination, provided that such procurement (a) does not compromise the value for money requirement; and (b) is an incentive for recognising and rewarding genuine innovators in the case of unsolicited proposals, provided that such incentives do not compromise the competitive bidding process and (c) complies with the provisions of the Preferential Procurement Policy Framework Act 5 of 2000;
top management	refers to a board of directors, in case on an incorporated LSME, or a board of partners, in case of a partnership, constituted by equity directors or partners and salaried directors or partners, as a case may be, who participate in the overall strategic direction of an LSME and have the final decision-making powers in relation to the professional and business affairs of such relevant LSME; and
voting rights	the term shall have similar meaning as defined in the Companies Act.

5. INTRODUCTION AND PREAMBLE

5.1 As indicated above, despite the dawn of democracy and the new dispensation in April 1994, the South African legal profession has continued to face challenges in achieving transformation. The top positions and roles in this sector, from senior partners and directors of law firms, to senior advocates, remain largely homogenous and are mainly occupied by white male practitioners. There is a marked absence of diversity on the basis of race and gender.

5.2 Although there have been pockets of improvement, an overview of the South African legal profession shows that despite an increase in the numbers of admitted black legal practitioners, there are still not enough black-owned large legal firms in the country that can compete in size, scale and service offerings with the traditionally large established white-controlled law firms. Many of these large firms have become multi-national firms with global brands and guidance, at times, at the expense of the local transformation and empowerment policies.

This gazette is also available free online at www.gpwonline.co.za

5.3 According to research conducted by the Centre for Applied Legal Studies and the Foundation for Human Rights, in 2014, it was established that:

> *"South Africa's corporate law firms are still dominated by white men, especially in the upper echelons: 80 percent of the chief executives of the 12 firms canvassed in the survey were white men, as were 72 percent of all managing partners. The picture at the CEO/managing partner level was replicated in the ownership and remuneration structures of the firms: 53 percent of all equity partners were also white and males."*[2]

5.4 Furthermore, in his research for the Masters Business Administration programme, submitted to the Faculty of Commerce, Law and Management, of the University of the Witwatersrand, in 2018, Boitumelo Shalliam Phungwayo[3] submits, at page 8, that:

> *"The systematic, structural and social-economic inequalities that were prevalent under the apartheid government distorted the ability of the people in accessing courts, legal services and legal work on the basis of race, gender and disability (Roopram, 2007). The socio-economic status and geographic location factors were further hindrances for black people from being able to gain access to legal services. In their media release on 29 November 2007, the co-chairpersons of the LSSA acknowledged "that although much had been done to improve the structural and systematic issues of the past; inequality and discrimination still prevailed in the new democratic dispensation" (Ramatlhodi, 2010). According to the meeting report shared at the LSSA briefing on legal profession transformation, statistics showed that there were 24% fully female-owned attorney practices, 60% fully male-owned practices and 9.1% practices which were gender mixed (Law Society of South Africa, 2007). Ramatlhodi (2010) in his briefing further advised that 80% of the practices were fully owned by whites, only 6.5% fully owned by Africans, 6.2% by Indians, 1.4% by coloureds and 6.5% had mixed ownership (Ramatlhodi, 2010)."*

5.5 Against this background, in 2007, prior to the establishment of the LPC, the Council of the Law Society of South Africa, developed and adopted a Legal Sector Charter as a Transformation Charter ("**the Transformation Charter**") in terms of section 12 of B-BBEE Act. The Transformation Charter represented an historic milestone in the commitment towards the

[2] Transformation of the Legal Profession [2014] para 2 at page 5

[3] South African Broad-Based Black Economic Empowerment and the Provision of Legal Services in the Financial Services Sector, Johannesburg, 2018, protocol number WBS/BA1738718/952

This gazette is also available free online at www.gpwonline.co.za

transformation of the legal transformation of the legal profession. It came about as a result of an extensive process of consultations which culminated in the legal profession undertaking the responsibility for the drafting of the Legal Sector Charter ("**the Legal Sector Charter**"), in consultation with the DOJ&CD. The Legal Sector Charter embodies the profession's commitment to transformation and recognises that a strong, independent and representative profession is essential to ensure access to justice and to promote the Bill of Rights, as contained in the Constitution.

5.6 The Legal Sector Charter recognised that, whereas significant progress has been made in restructuring and transforming our society and its institutions, systemic inequalities and unfair discrimination remain deeply embedded in social structures, practices and attitudes, undermining the aspirations and values underpinning the country's constitutional democracy.

5.7 The LPC was established as a national statutory body to, together with its provincial councils, regulate the affairs of and exercise jurisdiction over all legal practitioners in South Africa, that is, attorneys, advocates and candidate legal practitioners.

5.8 The purpose of the LPA is to, *inter-alia*:

(a) *"Provide a legislative framework for the transformation and restructuring of the legal profession that embrace the values underpinning the Constitution and ensures that the rule of law is held…"*
(b) *Broaden access to justice by putting in place:*
…
(iii) measures that provide equal opportunities for all aspirant legal practitioners in order to have a legal profession that broadly reflects the demographics of the Republic;

5.9 Section 5 (a) of the LPA provides that one of the objects of the LPC is to facilitate the realisation of a transformed and restructured legal profession.

5.10 Section 6(1) (b) (v) of the LPA further enjoins the Council to develop programmes to empower black legal practitioners as well as candidate legal practitioners.

5.11 The development of the LSC should be seen in this context as well as in the context of the legal profession as one of the cornerstones of a constitutional democracy.

This gazette is also available free online at www.gpwonline.co.za

6. BUSINESS CASE AND IMPERATIVES FOR THE LSC

6.1 There has been a lack of sufficient and/or quality legal instructions to black attorneys and advocates from the private sector, and organs of state and public entities. The marginalisation of black law firms and advocates manifests itself in the continuing award of major instructions in specialised areas of law and litigation to white-owned law firms or foreign-owned or associated law firms and white advocates. This condemns black law firms and advocates to fulfilling largely peripheral roles and to areas of law such as criminal and personal injury cases or being black economic empowerment partners rather than as leading partners in such large transactions and/or litigation matters.

6.2 Until now, law firms have used the generic scorecards contained in the Generic Codes to measure their compliance with the provisions of the B-BBEE Act and commitment to empowerment. Whilst the Generic Codes have proven to be useful in certain ways, there is a need for a sector specific code in the legal profession that recognises the specific unique features and characteristics of the industry. For example advocates cannot, because of the nature of their practice, be measured under ownership and management control.

6.3 It is important to ensure that the following outcomes and objectives of the LSC, are achieved:

6.3.1 to deal with and manage the legal sector's unique features and characteristics that require specific measurements and interventions;

6.3.2 to ensure that industry stakeholders commit to the implementation of the LSC;

6.3.3 that industry specific and practical thresholds, targets, measurement principles and weighting points are clearly defined and outlined in the LSC for all to understand and implement;

6.3.4 to implement more effective interventions in certain elements of the scorecard; and

6.3.5 to ensure that incentives for innovation and progressive implementation of the LSC in a unique manner are promoted, encouraged and protected.

This gazette is also available free online at www.gpwonline.co.za

6.4 It is important that in achieving the objectives of the LPA and the B-BBEE Act:

6.4.1 the entire legal sector in all its forms supports the vision of and commitment to a transformed, quality legal profession in compliance with the B-BBEE Act, which establishes a legislative framework for the promotion of B-BBEE and economic inclusiveness;

6.4.2 the LSC is aligned to the principles underpinning the NDP, which aims to, *inter alia*, eliminate poverty and reduce inequality at least by 2030;

6.4.3 the introduction of EAP targets which are aimed at addressing the unequal representation of racial sub-groups participating in the industry, based on regional and demographic representations, being Africans, Coloured and Indians ("**ACI**");

6.4.4 the setting aside of minimum levels of procurement spend and the procurement of work from LSMEs having regard to racial and gender demographics at a national level, with specific reference to LSMEs that are at least 75% black owned or at least 51% black women owned;

6.4.5 the setting aside of minimum levels of allocations of work for LSMEs that are, having regard to the racial and gender demographics at a national level, with specific reference to LSME sthat are at least 75% black owned or 51% black women owned are affected; and

6.4.6 the promotion, enhancement and consolidation of *pro-bono* legal work, which is a unique feature of the legal profession that ensures that the poor, rural and disadvantaged individuals and/or communities, which as a result of past discrimination are primarily black, have access to quality legal services.

6.5 At all relevant and material times, the implementation of the LSC should be underpinned by the following objectives:

6.5.1 **ensuring that black women are equitably** represented in the management and ownership structures of legal practices;

6.5.2 **providing access to justice** and outlining the responsibilities and obligations of stakeholders in addressing those challenges;

6.5.3 improving the **availability of quality legal services** by ensuring the provision of continuing and sustained education and skills development;

6.5.4 enhancing, developing and empowering legal professionals, and in particular **designated categories,** in all fields of legal practice especially specialised areas of law;

6.5.5 addressing challenges of **entry into the legal profession**, with specific emphasis on challenges experienced by law students and trainees from designated categories;

6.5.6 ensuring the availability of **quality legal training and education** by ensuring the availability of continuing legal training and education; and providing quality in–service training and learnership opportunities;

6.5.7 implementing measures to address the provision and availability of ***pro bono* services and community-based legal services**, thus ensuring access to affordable legal services for all people in South Africa, particularly marginalized, poor and rural communities;

6.5.8 facilitating the **transformation of the legal services** sector so as to ensure that it is representative of the demographics of South Africa, ensuring that a body of well-trained and competent providers of legal services are developed to enable equitable appointments to be made to the judiciary;

6.5.9 adopting measures to promote the **equitable distribution of all areas of legal work effectively** and meaningfully, to eliminate barriers of entry and provide equal opportunities by empowering black legal practitioners especially persons from designated categories through ensuring equal participation in the economic opportunities within the legal sector;

6.5.10 ensuring and enhancing demographic **representativity in respect of ownership, management, control and** employment within legal practices;

6.5.11 creating conditions **conducive to ensuring that providers of legal services** are able to establish, manage and build sustainable practices; and

6.5.12 creating an **enabling environment to reflect the diversity of our** society and to ensure the promotion of equality and the prevention of discrimination.

This gazette is also available free online at www.gpwonline.co.za

This gazette is also available free online at www.gpwonline.co.za

7. UNDERTAKINGS AND COMMITMENTS BY THE INDUSTRY STAKEHOLDERS

7.1 The LPC facilitated the process of developing the LSC and provided the necessary resources and technical support to the process. This included the establishment of the steering committee, consisting of representatives of stakeholders in the legal sector and the co-ordination of the consultations with stakeholders in the legal profession and other affected and interested parties and the drafting of the LSC.

7.2 In view of this, the development of the LSC is based on the definitions, principles and methodologies of transformation as outlined in the B-BBEE Act and the Generic Codes, and is necessitated by the prevailing conditions and the need to foster equitable representation from all races.

7.3 All stakeholders within the legal profession represented on the Steering Committee committed their support for, and undertook to be bound by, the applicable provisions of the LSC and compliance with the LSC scorecard.

8. UNIQUE FEATURES AND STRATEGIC OBJECTIVES OF THE LSC

8.1 The LSC is premised on the recognition that a B-BBEE measurement framework in the legal sector is necessary to address transformation as a whole, B-BBEE in general, and the promotion of black persons as well as the need for a significant increase in the fair and equitable procurement of specialised areas of law by black practitioners from both the private and public sectors.

8.2 The LSC therefore seeks to ensure that the continuing adverse consequences of past discriminatory practices for black practitioners are addressed by providing for certain measures, including the following:

8.2.1 seeking to achieve a substantial, meaningful and accelerated change in the racial and gender composition of ownership, control and management of legal practices in the legal services sector;

8.2.2 promoting employment patterns in the sector that adhere to the principles of non-racialism and non-sexism by addressing the underrepresentation of black practitioners in many LSMEs;

8.2.3 addressing the shortage and lack of relevant skills and increasing the skills pipeline in order to accelerate the advancement of black legal practitioners, black women legal practitioners and practitioners with disabilities, including

This gazette is also available free online at www.gpwonline.co.za

legal internships, learnerships, employment of candidate attorneys and pupils with specific reference to legal technical and management skills;

8.2.4 increasing the procurement of the legal services from the private and public sectors by LSMEs that are at least 75% black owned and/or 51% black women owned;

8.2.5 enhancing enterprise and supplier development in the core value chain of the legal services that leads to sustainable empowerment of qualifying supplier development beneficiaries in the legal services sector;

8.2.6 contributing to the creation of sustainable LSMEs that are majority or wholly owned by black legal professionals through effective enterprise and supplier development initiatives;

8.2.7 increasing preferential procurement spend on LSMEs that contribute to local employment creation through the investment in various forms of community projects that contribute to employment opportunities;

8.2.8 by increasing on-going qualitative and quantitative methods for monitoring and evaluating the progress towards realising the goals of this LSC and B-BBEE in general and thereby contributing to measures of eradicating fronting and other mechanisms for circumventing such goals;

8.2.9 promoting access to quality legal services, through *pro bono* legal services to rural and under resourced communities and individuals; and

8.2.10 ensuring reporting to the Charter Council in order to monitor progress of LSMEs toward implementing the provisions of B-BBEE as reflected in this LSC.

9. SCOPE OF APPLICATION

9.1 In terms of section 10 of the B-BBEE Act every organ of state and public entity must apply any relevant code of good practice issued under that Act. In terms paragraph 4 of Statement 003 a sector code enjoys equal status with that of any other code. In terms of paragraph 3 of Statement 000, any enterprise that undertakes any business with any organ of state or public entity and any other enterprise which undertakes any business with such enterprise and which seeks to establish its own B-BBEE compliance are measurable under the relevant Codes of Good Practice, including this LSC.

This gazette is also available free online at www.gpwonline.co.za

9.2 This LSC shall accordingly be applicable to and binding on all organs of state and public entities to the extent set out in paragraph 9.4 herein as well as on the following private entities and advocates who elect to be measured in terms of and benefit from the provisions of the B-BBEE Act and B-BBEE policies and therefore to establish their compliance with this LSC:

9.2.1 **attorneys**
except in the case of ELEs in defined categories, all law firms registered with the LPC whether they are sole practitioners, partnerships, or incorporated legal entities; and

9.2.2 **advocates**
all advocates who are enrolled and registered on the roll of practicing advocates with the LPC and practicing as such.

9.3 All references in this LSC to LSMEs shall be to those which have elected to be measured in terms of and benefit from the provisions of the B-BBEE Act and B-BBEE policies and practices.

9.4 The following organs of state and public entities shall be measured under this LSC:

9.4.1 office of the state attorney and all organs of state and public entities whose primary focus is the procurement of legal services on behalf of the state from law firms and advocates;

9.4.2 all organs of state other than those referred to in paragraph 9.4.1 of this LSC which procure legal services from law firms and advocates; and

9.4.3 Legal Aid South Africa.

9.5 Notwithstanding anything to the contrary contained herein, all private sector entities that provide legal services to the public or procure legal services and notwithstanding that they are measured in terms of a different industry sector code, may nevertheless elect to submit their reports to the Charter Council reflecting the extent to which their procurement of legal services comply with this LSC.

9.6 It is specifically recorded herein that this LSC shall not apply and be binding on:

9.6.1 private sector entities that are measured in terms of a different industry sector code; and

9.6.2 save for the provisions of paragraph 9.5, legal practitioners who are not enrolled and registered as practising legal practitioners with the LPC.

10. RESPONSIBILITY FOR MONITORING THE IMPLEMENTATION OF THE LSC

10.1 Subsequent to the Minister gazetting the LSC, the responsibility to monitor compliance with it and to oversee its implementation shall reside with the Charter Council.

10.2 The Charter Council shall be established by the Minister of Justice after consultation with stakeholders in the legal profession.

10.3 The Charter Council shall consist of stakeholders in the legal profession and shall be constituted in terms of the relevant provisions of the B-BBEE Act.

10.4 The Charter Council shall have executive authority and shall be supported by administrative staff.

10.5 The establishment, operations and/or activities of the Charter Council shall be jointly funded by the LSTF, DOJ&CD and the LPC, in proportions and manner to be agreed to by such parties from time to time or as may be regulated by the B-BBEE Act.

10.6 On an ongoing basis, the Charter Council shall:

10.6.1 monitor compliance with the LSC;

10.6.2 subject to guidance and directives from the DTIC, provide clarification, support and assistance in the interpretation and implementation of the LSC and on B-BBEE insofar as it relates to the legal sector;

10.6.3 liaise with all government departments, agencies and other relevant stakeholders for the purpose of facilitating the implementation of the LSC;

This gazette is also available free online at www.gpwonline.co.za

This gazette is also available free online at www.gpwonline.co.za

10.6.4 initiate and supervise revisions to the LSC; and

10.6.5 publish annual reports reviewing progress in the transformation of the legal profession and submit such reports to all relevant stakeholders including the Minister, the Minister of Justice, and the B-BBEE Commission.

10.7 The following provisions shall apply to the measurement of all LSMEs in terms of this LSC:

10.7.1 an ELE is only required to obtain a sworn affidavit confirming the following:

10.7.1.1 annual total revenue of R3,000,000 (three million Rand) or less; and

10.7.1.2 level of black ownership.

10.7.1.3 any misrepresentation in terms of paragraph 10.6.1 above constitutes a criminal offence as set out in the B-BBEE Act.

10.7.2 Any B-BBEE verification certificate submitted by LSMEs shall be incomplete unless it is accompanied by a verification report that details the applicable LSME's performance and scoring against the scorecard elements in the LSC;

10.7.3 the information relied upon for providing the B-BBEE verification certificates and reports must be accurate, correct and verifiable by suitable evidence;

10.7.4 B-BBEE verification certificates and reports are valid for a period of 12 (twelve) months from the date of issue;

10.7.5 the Charter Council shall use the information, data and detail contained in the B-BBEE verification certificate and report to assess the performance of each LSME to provide accurate and reliable state of the industry reports to the DTIC and the DOJ&CD;

10.7.6 no contractual obligations between the B-BBEE verification agencies and the LSMEs shall preclude the B-BBEE verification agencies from providing such information and data as the Charter Council may require from time to time for measurement purposes; and

This gazette is also available free online at www.gpwonline.co.za

10.7.7 the Charter Council must, in accordance with the provisions of the B-BBEE Act and established working protocols that may be finalised with the B-BBEE Commission, report all suspected incidents of fronting and fraudulent scorecards to the office of the B-BBEE Commission to enable investigation of any fronting and circumvention practices within the legal services profession.

10.8 The Charter Council shall ensure that:

10.8.1 the LSC is effectively complied within both the public and private sector; and

10.8.2 the relevant public sector clients and procurers of legal services achieve targeted procurement as set out in this LSC.

10.9 Notwithstanding anything to the contrary contained herein, the role of the Charter Council shall not override that of the B-BBEE Commission and in the event of any ambiguities in interpretation, the decisions and/or directives of the B-BBEE Commission shall be final and binding. The obligation to file reports to the Charter Council shall be in addition to the obligation to file reports with the B-BBEE Commission not in substitution.

11. PRIORITY ELEMENTS AND SUB-MINIMUM

11.1 The priority elements are as follows:

11.1.1 **ownership**
the sub-minimum requirement for ownership is 40% of net value points;

11.1.2 **skills development**
the sub-minimum requirement for skills development is 40% of the total weighting points for skills development; and

11.1.3 **enterprise and supplier development**
the sub-minimum requirement for enterprise and supplier development is 40% for each of the enterprise and supplier development elements.

This gazette is also available free online at www.gpwonline.co.za

11.2 **enterprise and supplier development**
the sub-minimum requirement for enterprise and supplier development is 40% for each of the enterprise and supplier development elements.

12. KEY MEASUREMENT PRINCIPLES

12.1 The fundamental principle for measuring B-BBEE compliance by any LSME is that substance takes precedence over legal form.

12.2 In interpreting the provisions of the LSC, any reasonable interpretation consistent with the objectives of the B-BBEE Act and the B-BBEE strategy must take precedence.

12.3 The basis for measuring B-BBEE initiatives under the LSC shall:

12.3.1 for the ownership and management control elements, be the B-BBEE compliance of the LSME at the date of measurement (as defined); and

12.3.2 for skills development, ESD and SED elements, be B-BBEE compliance of the LSME throughout the measured period.

12.4 Initiatives which split, separate or divide an LSME with the intent of ensuring eligibility as an LSME, a QSE or a start-up enterprise shall constitute an offence and shall be dealt with in accordance with the provisions of the B-BBEE Act.

12.5 Any representation made by an LSME about its B-BBEE compliance must be supported by suitable evidence or documentation. An LSME that does not provide suitable evidence or documentation supporting any initiative shall not receive any recognition for that initiative.

12.6 Throughout the interpretation of the LSC, effect shall be given to the following underlying principles:

12.6.1 in the event that there is uncertainty, or conflict, any reasonable interpretation consistent with the objectives of the B-BBEE Act must take precedence; and

12.6.2 any misrepresentation or attempt to misrepresent an LSME's true B-BBEE status shall be dealt with in accordance with the provisions as set out in the B-BBEE Act, and may lead to the disqualification of the entire scorecard of the entities' concerned.

13. INTERPRETATION OF B-BBEE INITIATIVES IN THE LSC

13.1 LSMEs are only measurable in respect of their South African operations and not their global operations and partnerships. This applies to the measurement of all the elements and indicators of the scorecard. The LSC is a relevant, binding and applicable sector code for all activities listed in section 10 of the B-BBEE Act. This means that all LSMEs are, unless exempted, obliged to be measured in terms of this LSC.

13.2 The LSC is a relevant, binding and applicable sector code for all activities listed in section 10 of the B-BBEE Act. This means that all LSMEs are, unless exempted, obliged to be measured in terms of this LSC.

13.3 The requirement to submit data to the Department of Labour under the Employment Equity Act 55 of 1998 is only applicable to 'designated employers' who employ 50 or more employees. However, for the purpose of measurement in terms of this LSC both large enterprises and QSEs that employ less than 50 employees are required to submit sufficient evidence for verification purposes.

14. ELIGIBILITY TO QUALIFY AS AN ELE

14.1 For the purposes of measurement in terms of the LSC, an LSME shall qualify as an ELE based on the criteria set out below, for both attorneys and advocates, which are based on the annual revenue and the number of years after being admitted as attorneys and advocates, respectively.

14.2 Any LSME with a total annual revenue set out in the relevant categories in this LSC for attorneys and advocates respectively, shall comply with the elements of the LSC scorecard.

The following tables set out the exempted legal entities;

This gazette is also available free online at www.gpwonline.co.za

This gazette is also available free online at www.gpwonline.co.za

LSC 000 - EXEMPTED LEGAL ENTITIES

ELEs – Attorneys

Applicable to law firms registered with the LPC either as sole practitioners, partnerships and/or incorporated law firms

Monetary Annual Threshold	Number of Partners / Directors & type of Firm	Number of years in existence as a law firm	Indicator	B-BBEE Level Contributor Status	Level of Black Ownership	Suitable Evidence
For attorneys generating **R0 up to R3 million** annual revenue	1 – 3	Less than 3 years	Fully exempted from the LSC	B-BBEE Level 1	100% Black or 51% Black Women owned	Confirmatory Affidavit
			Partially exempted *Can choose any one of the following* • LSTF for this purpose. • LSC 300 contribution • LSC 500 contribution	**Enhanced recognition for other categories of ELEs**		
				B-BBEE Level 4	Only if the firm is owned by less than 51% Black persons	B-BBEE Certificate where enhancement is elected otherwise confirmatory affidavit
				B-BBEE Level 5	if the firm is owned by less than 35% black persons	B-BBEE Certificate where enhancement is elected otherwise confirmatory affidavit
				B-BBEE Level 5	Is a start-up and new entrant as	Independent confirmation of status

This gazette is also available free online at www.gpwonline.co.za

					defined in paragraph 15 of this LSC	

- *The exempted legal entities scorecard applies to at least 84.6% of the total number of legal practices in South Africa.*
- *Enhanced Recognition above means that an otherwise white or majority white owned ELE that is either a B-BBEE level 4 or 5 may enhance itself one level up if they implement at least one of the three indicators, namely;*
  1) *contribution to LSTF;*
  2) *training in specialized areas of law for black legal practitioners; or*
  3) *any contribution towards either the enterprise or supplier development element.*
- *Notwithstanding anything to the contrary contained herein, it is recorded that any law firm with 3 or less partners/directors with less than 3 years in existence but which has exceeded the monetary threshold, shall be excluded from this exemption and shall be measured in accordance to the applicable measurement, depending on monetary threshold achieved.*

LSC 001 - EXEMPTED LEGAL ENTITIES

ELE– Advocates

All advocates who have an annual revenue of R0 –R3 million and have practiced for less than 3 years are exempted from complying with the LSC. An advocate who is so exempted and is black, qualifies for elevation to Level 1 Contributor and an advocate who is so exempted and is white, qualifies for elevation to Level 4 Contributor.

Monetary Threshold	Practicing for their own account as such	Number of years in practice	Applicable scorecard	This therefore means (B-BBEE Contributor Status)	Suitable Evidence

This gazette is also available free online at www.gpwonline.co.za

Fully Exempted				B-BBEE Level 1	Only if the advocate is black	Confirmatory Affidavit
For advocates with an annual revenue of **R 0 - R 3 million**	Junior Advocates	Less than 3 years	Fully exempted from the LSC	B-BBEE level 4	Only if the advocate is white	Confirmatory Affidavit

- *Notwithstanding anything to the contrary contained herein, it is recorded that any advocate with less than 3 years in practice but who has exceeded the monetary threshold of R3 million, shall be excluded from this exemption and shall be measured in accordance to the applicable measurement, depending on monetary threshold achieved.*

15. START - UP LSMEs

15.1 For the purposes of this LSC, a start-up LSME shall constitute a new entrant and shall, for purposes of measurement, constitute a recently formed, constituted, established or incorporated law firm or an advocate who has been in practice for less than 3 years and generates not more than R3 million in annual revenue.

15.2 **H**owever a start–up LSME does not include any newly formed, constituted, established or incorporated LSME which is merely a continuation or a breakaway of a pre-existing LSME or a newly established or incorporated law firm which is constituted established or incorporated by legal practitioners who have been in practice for a period of more than 3 (three) years and/or turns over more than R3 million per annum.

15.3 A start-up LSME, unless it is black owned or a black advocate, shall qualify as an automatic B-BBEE level 5 LSME, in accordance with the provisions of this LSC. Consequently, a start-up LSME shall qualify to be measured as an ELE, in terms of this LSC In order to qualify as a Start-up LSME, the LSME must provide an independent confirmation of its status.

15.4 Despite the provisions of this paragraph, a start-up LSME shall be required to submit a QSE scorecard B-BBEE verification certificate when tendering for legal services with a value higher than R10 million (ten million Rand) but less than R50

million (fifty million Rand). In the event that the value of the legal services exceeds R50 million, then in that event, such LSME shall be deemed to be a large enterprise.

16. B-BBEE RECOGNITION LEVELS

16.1 FOR ATTORNEYS IN THE LSC

B-BBEE Status	B-BBEE Qualification	B-BBEE Recognition Level
Level One (1)	Has reached the minimum of 100 weighting points	135%
Level Two (2)	Has achieved the minimum of 95 but no more than 100 weighting points	125%
Level Three (3)	Has achieved the minimum of 90 but no more than 95 weighting points	110%
Level Four (4)	Has achieved the minimum of 80 but no more than 90 weighting points	100%
Level Five (5)	Has achieved the minimum of 75 but no more than 80 weighting points	80%
Level Six (6)	Has achieved the minimum of 70 but no more than 75 weighting points	60%
Level Seven (7)	Has achieved the minimum of 55 but no more than 70 weighting points	50%

This gazette is also available free online at www.gpwonline.co.za

This gazette is also available free online at www.gpwonline.co.za

Level Eight (8)	Has achieved the minimum of 40 but no more than 55 weighting points	10%
Non-Compliant Contributor	Has achieved less than 40 points in the measurement scorecard	0%

16.2 **FOR ADVOCATES IN THE LSC**

B-BBEE Status	B-BBEE Qualification	B-BBEE Recognition Level
Level One (1)	Has reached the minimum of 50 weighting points	135%
Level Two (2)	Has achieved the minimum of 45 but no more than 100 weighting points	125%
Level Three (3)	Has achieved the minimum of 40 but no more than 95 weighting points	110%
Level Four (4)	Has achieved the minimum of 35 but no more than 90 weighting points	100%
Level Five (5)	Has achieved the minimum of 30 but no more than 80 weighting points	80%
Level Six (6)	Has achieved the minimum of 25 but no more than 75 weighting points	60%

This gazette is also available free online at www.gpwonline.co.za

Level Seven (7)	Has achieved the minimum of 20 but no more than 70 weighting points	50%
Level Eight (8)	Has achieved the minimum of 15 but no more than 55 weighting points	10%
Non-Compliant Contributor	Has achieved less than 10 points in the measurement scorecard	0%

17. THE SUMMARY OF THE SCORECARDS

In this LSC, the following is the summary of the scorecards assigned to each element of the LSC:

Code Series	Relevant Scorecard	Categories		Weighting Points
LSC 000	ELE	Attorneys	R0 – R3 million	N/A
		Advocates	R0 – R 3million	N/A
LSC 100	Ownership	QSE	Above **R3 million** but not more than **R15 million**	20
LSC 001		Large	Above **R15 million**	20
LSC 200	Management Control	QSE	Above **R3 million** but not more than **R 15 million**	21
LSC 201		Large	Above **R15 million**	16

This gazette is also available free online at www.gpwonline.co.za

LSC 300	Skills Development	Attorneys	Above **R3 million** but not more than **R15 million**	20
		Advocates	Above **R3 million** but not more than **R15 million**	44
		Attorneys	Above R15 million	20
		Advocates	Above R15 million	44
LSC 400	PSED	QSE	Above **R3 million** but not more than **R15 million**	40
		Large	Above R15 million	40
LSC 500	SED	Attorneys	Above **R3 million** but not more than **R15 million**	6
		Advocates	Above **R3 million** but not more than **R15 million**	6
		Attorneys	Above R15 million	6
		Advocates	Above R15 million	6
LSC 401	Specialized Scorecard	For organs of state and public entities		46

This gazette is also available free online at www.gpwonline.co.za

18. THE OWNERSHIP SCORECARD

Key measurement principles relating to ownership

18.1 The fundamental principle for measuring B-BBEE compliance in any LSME is that substance takes precedence over legal form.

18.2 The purpose of measuring ownership element in this LSC is to acknowledge the following peculiar characteristics and dimensions of the legal profession:

18.2.1 that the legal profession is partly made up of advocates who are admitted, enrolled and practicing as such and who cannot be measured on ownership and management control elements; and

18.2.2 that the legal sector is partly made up of admitted and enrolled attorneys who practice as such, either as sole legal practitioners, in partnerships or in incorporated practices of different sizes, in which event the ownership element would be applicable.

18.3 Certain principles applicable to ownership measurement set out in the Generic Codes, such as bonus points and new entrants, may not necessarily find full expression in the LSC due to the nature of the legal profession, and where practically possible, such shall be aligned accordingly.

18.4 The ownership scorecards for QSEs and the large enterprises, are as set out below:

LSC 100 - OWNERSHIP SCORECARD FOR QSEs

Attorneys ownership scorecard – Qualifying Small Entities (QSEs) Applicable to LSMEs registered with the LPC as partnerships and incorporated LSMEs				
Monetary Threshold	**Number of Partners /**	**B-BBEE element**	**Measurement**	**Compliance Targets** ***Weighting Points (WP)***

This gazette is also available free online at www.gpwonline.co.za

	Directors & type of Firm					Targets (T)		
				Measurement Indicators	WP	T		
						Year 1	Year 2	Year 3
For LSMEs generating over **R3 million** but not more than **R15 million**	4 - 15 partners / directors	Ownership	Voting Rights	Exercisable voting rights held by black legal practitioners	7	30%	35% %	40%
				Exercisable voting rights held by black women legal practitioners	4	20%	25%	35%
			Economic Interest	Economic Interest held by black legal practitioners	4	30%	35%	40%
				Economic Interest held by black women legal practitioners	3	20%	25%	35%
			Bonus Points	Exercisable voting rights held by black legal practitioners with disabilities	1	0.5%	0.6%	0.7%
				Economic Interest held by black legal practitioners with disabilities	1	0.5%	0.6%	0.7%
			Total Weighting Points		**20**			

- *For the purposes of the above scorecard, an LSME with less than 4 directors/partners, but which exceeds the monetary threshold of R3 million, shall be deemed to be a QSE.*

- *The QSE ownership scorecard applies to LSMEs made up of 4 -15 partners/directors accounting for at least 14.6% of the total number of legal practices in South Africa.*

This gazette is also available free online at www.gpwonline.co.za

LSC 001- OWNERSHIP SCORECARD FOR LARGE ENTITIES

Attorneys Ownership Scorecard – Large LSME

Applicable to LMSE registered with the LPC as partnerships and incorporated LSMEs

Monetary Threshold	Number of Partners / Directors & type of Firm	B-BBEE element		Measurement		Compliance Targets *Weighting Points (WP) Targets (T)*		
				Measurement Indicators	WP	T		
						Year 1	Year 2	Year 3
For LSMEs generating more than **R15 million** per annum	More than 15 partners / directors	Ownership	Voting Rights	Exercisable voting rights held by black legal practitioners	8	40%	45%	50%
				Exercisable voting rights held by black women legal practitioners	3	25%	30%	35%
			Economic Interest	Economic Interest held by black legal Practitioners	4	40%	45%	50%
				Economic Interest held black women legal practitioners	3	25%	30%	35%

This gazette is also available free online at www.gpwonline.co.za

			Bonus Points	Exercisable voting rights held by black legal practitioners with disabilities	1	0.5%	0.6%	0.7%
				Economic interest held by black legal practitioners with disabilities	1	0.5%	0.6%	0.7%
			Total Weighting Points		**20**			

- *For the purposes of the above scorecard, an LSME with less than 15 directors/partners, but exceeds the monetary threshold of R15 million shall be deemed to be a large enterprise LSME.*
- *The ownership scorecard for large enterprises applies to approximately 97 LSMEs made up of more than 15 partners accounting for approximately 0.6% of the total number of legal practitioners in South Africa.*

19. MANAGEMENT CONTROL SCORECARD

19.1 In view of the unique features of the legal sector and profession, the measurement of LSMEs shall not take the usual form of categories of management as found in other commercial entities and/or sectors or as they may apply in the generic scorecard.

19.2 The following table represents the criteria used for deriving a scorecard for the management control element under this LSC in respect of practicing attorneys (W represents the weighting points, while T represents targets).

LSC 200 - MANAGEMENT CONTROL STATEMENT – QSE

Attorneys Applicable to LSMEs made up of attorneys whether as partnerships or incorporated LSMEs				
Monetary Threshold	**Number of Partners / Directors**	**Applicable Sub-element**	**Measurement Indicator**	**Compliance targets Weighting Points (WP) Targets (T)**

This gazette is also available free online at www.gpwonline.co.za

				WP	T		
					Year 1	**Year 2**	**Year 3 >>**
For LSMEs generating over **R3 million** but not more than **R15 million** per annum	between 4 - 15 partners / directors	**Board Participation**	Measures the percentage of equity participation of black legal practitioners as a percentage of board members	4	**40%**	**45%**	**50%**
			Measures the percentage of equity participation of black women legal practitioners as a percentage of board members	2	**25%**	**30%**	**35%**
		Executive Management	Measures the percentage of equity participation of black legal practitioners as a percentage of top management	3	30%	35%	40%
			Measures the percentage of equity participation of black women legal practitioners as a percentage of top management	2	20%	25%	30%
		Senior Management (HoDs or PGL))	Measures the percentage of black legal practitioners as a total number of members of senior management/heads of departments within the LSME.	2	40%	45%	50%
			Measures the percentage of black women legal practitioners as a total number of members of	2	20%	25%	30%

			senior management/ heads of functions within the LSME.				
		Middle Management	***Senior Associates /Senior Professional Assistants***	Black legal practitioners as a total of senior associates in the LSME	1	20%	22%	27%
				Persons from designated categories as a total of senior associates in the LSME	1	20%	22%	27%
		Junior Management	***Associates/Professional Assistants***	Black legal practitioners as a total of associates/professional assistants in the LSME	1	5%	7%	09%
				Persons from designated categories who are associates or professional assistants in the LSME	1	05%	07%	09%

This gazette is also available free online at www.gpwonline.co.za

This gazette is also available free online at www.gpwonline.co.za

		Support and consulting management role of people who are not legal practitioners	Measures the appointment of black people in support roles within the LSME	1	06%	09%	13%
			Measures the appointment of persons from black designated categories in support roles within the LSME	1	03%	06%	10%
		Total Weighting Points		**21**			

LSC 201 - MANAGEMENT CONTROL STATEMENT – Large LSME

Attorneys
Applicable to LSMEs made up of attorneys whether as partnerships or incorporated firms

Monetary Threshold	**Number of Partners / Directors**	**Applicable Sub-element**	**Measurement Indicator**	**Compliance targets Weighting Points (WP) Targets (T)**			
				WP	**T**		
					Year 1	**Year 2**	**Year 3 >>**
Above R15 million	More than 15 partners / directors	**Board participation**	Measures the percentage of equity participation of black legal practitioners as a percentage of board members	3	50%	55%	60%
			Measures the percentage of equity participation of black women legal practitioners as a percentage of board members	2	35%	40%	45%
		Executive Management	Measures the percentage of black legal practitioners as a total number of members of executive management within the LSME.	1	35%	40%	45%

This gazette is also available free online at www.gpwonline.co.za

			Measures the percentage of persons from designated categories as a total number of members of executive management within the LSME.	1	10%	13%	16%
		Heads of Departments (HoDs) (senior management)	Measures the number of black legal practitioners as a percentage of HoDs and PGLs in the LSME.	1	20%	25%	30%
			Measures the number of persons drawn from black designated categories of legal practitioners as a percentage HODs and/or PGLs appointed in the LSME.	1	12%	15%	18%
		Middle Management	***Senior Associates /Senior Professional Assistants*** Black legal practitioners as a total of seniors associates in the LSME	1	25%	30%	35%
			Senior Associates /Senior Professional Assistants Black legal practitioners from designated categories as a total of senior associates in the LSME	1	12%	15%	18%
		Junior Management	***Associates/Professional Assistants*** Black legal practitioners as a total of associates or professional assistants in the LSME	1	25%	30%	35%
			Associates/Professional Assistants Black legal practitioners from designated categories who are associates in the LSME	1	12%	15%	18%
		Support and Other Consulting	Measures the appointment of black people in the support roles within the LSME	1	06%	09%	13%

		Management role of people who are not legal practitioners	Measures the appointment of persons from designated categories in the support roles within the LSME	1	03%	06%	10%
		Total Weighting Points		**16**			

20. KEY MEASUREMENT PRINCIPLES RELATING TO MANAGEMENT CONTROL

20.1 An LSME shall only receive points for its achievement towards the targets for participation of black legal practitioners and black women legal practitioners at board, senior management, middle management, senior management and junior management.

20.2 The compliance targets for executive senior, middle and junior management in the management control scorecard are based on the national and regional demographic representation of black people as defined in the Regulations of the Employment Equity Act no.55 of 1998 as amended from time to time.

20.3 In determining an LSME score, the targets should be further broken down into specific criteria according to the different race sub-groups within the definition of black in accordance with the Employment Equity Act, being African, Coloured and Indian on an equitable demographic representation and weighted accordingly.

20.4 An LSME measured in terms of the management control must provide the following documentary information for the purpose of measuring management control:

20.4.1 employment agreements and/or letters of engagement; and

20.4.2 any other acceptable evidence that is deemed suitable to support the existence of a management level role in the LSME.

This gazette is also available free online at www.gpwonline.co.za

This gazette is also available free online at www.gpwonline.co.za

21. REMUNERATION PARITY AND JUSTICE

21.1 The LSME must strive for parity in remuneration between race groups and gender at all management levels. To this end the LSME must provide full payroll access together with a copy of the payment parity report EEA4 to the B-BBEE verification agency during the verification. In the absence of such, the staff management levels shall be declined by the B-BEE verification agency.

21.2 In cases where measured entities are exempt from submitting the Department of Labour Employment Equity reports, then a remuneration parity statement, similar to form EEA4 report, must be signed by the authorised signatory of the LSME as part of the verification process. This is to ensure that a person's responsibilities and remuneration are in line with their job grade.

22. MEASUREMENT OF THE MANAGEMENT CONTROL CRITERIA

The formulae applicable in measuring the principles of the management control element shall be aligned to the Generic Codes.

23. SKILLS DEVELOPMENT SCORECARD

The key measurement principles relating to skills development

23.1 The criteria for recognition of skills development spend by legal practitioners under this LSC must be underpinned by unique, enhancing and value-adding attributes for the targeted beneficiaries. This means that over and above the skills development spend that merely facilitates entrance into the profession, such as bursaries, stipends and mandatory training programmes including in relation to candidate attorneys and pupils, all other training interventions that enhance the ability of candidates/targeted beneficiaries, subject to the approval by the Charter Council, should be recognised.

Statutory and mandatory training intervention

23.2 The statutory and mandatory training initiatives which shall not be recognised shall include, but not be limited to the following:

23.2.1 the completion and submission of workplace skills plan, an annual training report;

This gazette is also available free online at www.gpwonline.co.za

23.2.2 the report that needs to be submitted to the relevant Sector Education and Training Authority; and

23.3 the implementation of priority skills programmes generally and more specifically, for black people.

Other interventions

23.4 In line with the YES initiatives, gazetted by the Minister in terms of Notice 640 of 2018, LSMEs must be encouraged to employ young people (as defined in the Youth Services Plan) in particular in professional capacities.

23.5 The Charter Council may, from time to time, announce specific sector training and capacity building initiatives to enhance the above initiatives.

23.6 The skills development expenditure on black people that are counted under the skills development scorecard may not be counted again under any other B-BBEE element of the QSE or large enterprise scorecard.

23.7 The following tables set out the targets under the skill development element:

LSC 300 - SKILLS DEVELOPMENT ELEMENT FOR ATTORNEYS

Measurement indicator		Monetary Threshold	Targets and Weighting Points (WP)			
			WP	Compliance Target		
				Year 1	Year 2	Year 3 >
Skills development expenditure /spend means the % of the leviable amount spent by the LSME		Any reference to % target				
Skills development expenditure/spend on initiatives undertaken by the LSMEs in pursuing training of a percentage (%) of black candidate attorneys within the LSME as part of the leviable amount.						
	spend incurred on recognizable training programmes on the percentage of black candidate attorneys as a	Above **R3 million** but not more than **R15 million**	3	6.5%	7.0%	7.5%
		Above **R15 million**	2	7.5%	8.0%	8.5%

This gazette is also available free online at www.gpwonline.co.za

	total number in the LSME in a particular year.					
	spend incurred on recognizable training programmes (essential) on the percentage of persons from designated categories as a total number in the LSME in a particular year.	Above **R3 million** but not more than **R15 million**	3	6.5%	7.0%	7.5%
		Above **R15 million**	3	6.5%	7.0%	7.5%
Recognition of skills development expenditure on black candidate attorneys and junior black legal practitioners from designated categories as a percentage of the measured entity's annual training budget						
	Points allocated **for the recruitment or training** initiatives directed at black candidate attorneys as a total number in the LSME	Above **R3 million** but not more than **R15 million**	3	6.0%	6.5%	7.0%
		Above **R15 million**	3	6.0%	6.5%	7.0%
	Points allocated **for recruitment or training initiatives** directed at black candidate attorneys drawn from black designated categories	Above **R3 million** but not more than **R15 million**	2	5.5%	6.0%	6.5%
		Above **R15 million**	3	6.5%	7.0%	7.5%
Recognition for specialised areas of the law as defined in this LSC						
Recognition for expenditure on training in **specialised areas of law** for candidate black legal practitioners and post-qualification training for black legal practitioners.		Above **R3 million but** not more than **R15 million**	3	2.0%	2.5%	3.0%
		Above **R15 million**	5	2.0%	2.5%	3.0%

This gazette is also available free online at www.gpwonline.co.za

Registration of Learnerships and continuous legal training					
Number of black trainees and/or candidate attorneys registered by an LSME in any of the following programmes: • SASSETA through the learnership programmes for a period of no more than 12 months. • At any legal training institute for pursuing compulsory training for qualification as attorneys.	Above **R3 million** but not more than **R15 million**	2	3.0%	3.5%	4.0%
	Above **R15 million**	2	2.5%	3.0%	3.5%
Recognition of enhanced levels training for non-legal and support members of staff					
Recognition of training of persons from designated categories in areas that enhances their functionality to provide efficient support in a law firm (such as debt collection, forensic and other areas of legal functionality)	Above **R3 million** but not more than **R15 million**	2	1.0%	2.0%	3.0%
	Above **R15 million**	2	2.0%	2.5%	3.0%
Mentorship and creation of employment opportunities					
Implementation of an approved and verifiable mentorship programme implemented by an attorney where beneficiaries are in the black designated categories.	By all categories of the LSMEs.	2	2.0%	4%	5.5%

	R3 - R15 million	**20**			
	Above R15 million	**20**			

LSC 301 - SKILLS DEVELOPMENT ELEMENT FOR ADVOCATES - QSEs

Applicable Category	**Measurement Indicator**		**Targets and Weighting Points**			
			W	T		
				Year 1	Year 2	Year 3 >
Recognition of skills development expenditure on initiatives undertaken by advocates in the training of black junior advocates of not more 5 years experience						
Training	Expenditure incurred on recognisable training and tutoring of black junior advocates in a one year	Generating above **R 3 million** but not more than **R 15 million**	10	40 hours per annum spent on participation in training programmes established by an association of advocates accredited by the LPC (an accredited associatio)	45 hours per annum	50 hours per annum
		Generating more than **R 15 million** per annum	10	40 hours per year spent on participation in training programmes	45 hours per annum	50 hours per annum

This gazette is also available free online at www.gpwonline.co.za

This gazette is also available free online at www.gpwonline.co.za

				established by an accredited association		
	Spend incurred on recognisable training and tutoring of black junior advocates from **designated categories** in a one year	Generating above **R 3 million** but not more than **R 15 million**	8	A contribution to the LSTF of not less than R20 000 per annum	A contribution to the LSTF of not less than R30 000 per annum	A contribution to the LSTF of not less than R40 000 per annum
		Generating more than **R 15 million** per annum	8	contribution to the LSTF of not less than R30 000 per annum	A contribution to the LSTF of not less than R40 000 per annum	A contribution to the LSTF of not less than R50 000 per annum
Recognition of skills development expenditure/spend on mentorship programmes for black junior advocates of not more 5 years experience						
Mentorship	Recognition of Advocates spend in each year in the mentorship programme in mentoring junior black advocates who have no more than **5 years**' experience.	Generating above **R 3 million** but not more than **R 15 million**	8	50 hours per annum spent on mentoring programmes	50 hours per annum spent on mentoring programmes	50 hours per annum spent on mentoring programmes
		Generating more than **R 15 million** per annum	8	50 hours per annum spent on mentoring programmes	50 hours per annum spent on mentoring programmes	50 hours per annum spent on mentoring programmes
Contribution to the Legal Sector	Monetary contribution into the LSTF	Generating above **R 3 million** but not	6	R20 000 per annum	R30 0000 per annum	R40 000 per annum

This gazette is also available free online at www.gpwonline.co.za

Transformation Fund (LSTF)		more than **R 15 million**				
	Monetary contribution into the LSTF	Generating more than **R 15 million** per annum	6	R50 000 per annum	R 60 000 per annum	R70 000 per annum
Recognition of advocacy training, including training in specialised areas of the law						
Training in pursuit of specialized legal skills and services	Initiatives established by an accredited association to train black junior advocates in specialised areas of the law, [with special emphasis on the training of female black junior advocates and advocates from designated categories]	Generating above **R 3million** but not more than **R 15 million**	7	Participation in at least 2 lectures or training sessions per year supervised by an accredited association	At least 3 lectures or training sessions per annum	At least 3 lectures or sessions per annum
		Generating more than **R 15 million** per annum	7	At least 2 lectures or training sessions per year supervised by an accredited association	At least 3 lectures or training sessions	At least 3 lectures or training sessions per annum
	Initiatives to ensure the training in specialized areas of the law of black junior with special emphasis	Generating above **R 3 million** but not more than **R 15 million**	5	at least 2 black junior advocates,	at least 2 black junior advocates	at least 2 black junior advocates

This gazette is also available free online at www.gpwonline.co.za

	on Black woman junior advocates and"advocates from designated categories	Generating more than **R 15 million** per annum	5	at least 2 black junior advocates	at least 2 black junior advocates	at least 2 black junior advocates
	Total number of points	**R 3 – R 15 million**	**44**			
		R15 million & above	**44**			

24. SUB-MINIMUM AND DISCOUNTING PRINCIPLE

24.1 In order to have complied with this element, an LSME must have achieved a minimum of 40% (forty percent) of the total weighting points set out in the skills development scorecard.

24.2 non-compliance with the threshold targets shall result in the overall achieved B-BBEE status level being discounted in accordance with the above.

25. GENERAL PRINCIPLES

25.1 The general principles underpinning the skills development element in the LSC are that it must:

25.1.1 contribute to the achievement of the country's economic growth and social development goals that shall promote the creation of decent work and sustainable livelihoods;

25.1.2 promote the development of the skills base of black legal practitioners in critical and specialised areas of law within the legal profession; and

This gazette is also available free online at www.gpwonline.co.za

25.1.3 strengthen the skills and human resource base by encouraging the support of skills development initiatives with an emphasis on skills development and career pathing for both legal practitioners and non-legal support staff in order to support employment creation.

25.2 Recognisable skills development expenditure includes any legitimate training expenses, as may be recognised by the Charter Council as such, incurred for any learning programme offered by an LSME to black people.

25.3 The legitimate training expenses, shall include but not be limited to the following:

25.4 costs of training materials

25.4.1 costs of trainers;

25.4.2 costs of training facilities including costs of catering;

25.4.3 course fees;

25.4.4 accommodation and travel; and

25.4.5 administration costs such as the organization of training including, where appropriate, the cost of the LSME of employing a skills development facilitator or a training manager.

26. MEASUREMENT OF SKILLS DEVELOPMENT INDICATORS

The formulae and example that explains the method of measurement of the criteria in the skills development scorecard shall be aligned to the formulae in the Generic Codes.

27. PREFERENTIAL PROCUREMENT AND SUPPLIER ENTERPRISE DEVELOPMENT SCORECARD

27.1 As a general principle, section 217(1) of the Constitution provides that:

This gazette is also available free online at www.gpwonline.co.za

"when an organ of state in the national, provincial or local sphere of government, or any other institution identified in national legislation, contracts for goods or services, it must do so in accordance with a system which is fair, equitable, transparent, competitive and cost-effective",

to ensure that there is an equitable distribution of access to procurement.

27.2 In addition, section 217(2) of the Constitution provides that:

"subsection (1) does not prevent the organ of state or institutions referred to in that subsection from implementing a procurement policy providing for:
(a) categories of preference in the allocation of contracts; and
(b) the protection or advancement of persons, or categories or person, disadvantaged by unfair discrimination".

27.3 Skewed procurement from both public and private sector which prejudices black legal practitioners has been a cause for concern, which has been one of the reasons for the development of this LSC.

27.4 Having regard to the content of paragraphs 27.1 and 27.2 above, the LSC must provide for a transparent measurement or mechanism that shall provide for an enabling environment for the state and all its arms, including but not limited to the state-owned enterprises, the public and private sector entities, to procure legal services from black legal practitioners, in line with the provisions of section 217 (2) of the Constitution.

27.5 There are 3 (three) categories, within the enterprise and supplier development element, namely, preferential procurement, supplier and enterprise development. This statement therefore seeks to specify the measurement for preferential procurement, supplier and enterprise development and/or programmes that shall benefit all black qualifying legal practitioners in the legal profession.

27.6 It shall further outline the key measurement principles applicable in calculating preferential procurement and enterprise and/or supplier development spend.

27.7 In addition, this LSC:

This gazette is also available free online at www.gpwonline.co.za

27.7.1 defines the principles applicable when calculating B-BBEE procurement spend and supplier/enterprise development spend; and

27.7.2 indicate the formulae for calculating the individual criteria specified in the preferential procurement and supplier development scorecard

27.8. The table set out below represents the criteria for deriving a score for preferential procurement, supplier development and enterprise development and/or programmes for all designated and qualifying legal practitioners.

LSC 400 - PREFERENTIAL PROCUREMENT, SUPPLIER AND ENTERPRISE DEVELOPMENT (PSED ATTORNEYS

Measurement Category	**Indicator**	**monetary thresholds**	**Weighting Points (WP) and Compliance Targets (T)**			
Preferential Procurement			*W*	*T*		
Procurement of legal services and briefing of advocates by LSMEs				*Year 1*	*Year 2*	*Year 3*
Measurement of procurement of legal services from advocates, as a percentage of the total fee expenditure on advocates over the LSMEs last financial year	Measuring the procurement of legal services from a black advocate.	By LSMEs in the category of above **R3 million** but not more than **R15 million**	10	60%	70%	80%
		By LSMEs in the category of above **R15 million**	10	60%	70%	80%
		By LSMEs in the category of above	8	30%	35%	40%

	Measuring the procurement of legal services from a black woman advocate.	**R3 million** but not more than **R15 million**				
		By LSMEs in the category of above **R15 million**	7	40%	45%	50%
Procurement of goods and services that support the business of a legal practitioner						
Measurement of procurement of goods, equipment and assets that are core to the business of the LSME, as a percentage of the total expenditure on goods, equipment and assets.	Recognition of procurement spend from suppliers that are at least 75% black owned	By LSMEs in the category of above **R3 million** but not more than **R15 million**	5	35%	40%	45%
		By LSMEs in the category of above **R15 million**	6	50%	55%	60%
	Recognition of procurement spend from suppliers that are at least 51% owned by persons from designated groups.	By LSMEs in the category of above **R3 million** but not more than **R15 million**	6	25%	30%	35%
		By LSMEs in the category of above **R15 million**	6	50%	55%	60%
Supplier /Enterprise Development						
Partnering, Joint Venturing and Sub-Contracting of LSMEs to facilitate capacity and transfer of skills						
Measuring the partnering and joint ventures between large	Measuring sub-contracting or partnering with an ELE	By an LSME in the category of above **R3 million** but not	2	26%	28%	32%

This gazette is also available free online at www.gpwonline.co.za

This gazette is also available free online at www.gpwonline.co.za

firms and ELEs or QSEs firms	level 1 or 75% black owned LSME	more than **R15 million**				
		By an LSMEs in the category of above **R15 million**	2	30%	33%	36%
	Measuring sub-contracting or partnering with a 75% black owned LSME or 51% LSME owned by persons from designated categories	By an LSME in the category of above **R3 million** but not more than **R15 million**	3	10%	13%	16%
		By LSMEs in the category of above **R15 million**	3	15%	20%	25%
Recognition of enterprise or supplier development initiatives for black owned ELES, Start-ups and contribution to the Legal Sector Transformation Fund						
Measuring the impact of supplier development initiatives as outlined in this LSC.	Measuring the contributions made towards the development of black owned ELEs and start-ups.	By an LSME in the category of above **R3 million** but not more than **R15 million**	3	10%	13%	16%
		By an LSMEs in the category of above **R15 million**	3	10%	13%	16%
Contribution to the LSTF	Measuring monetary contributions made by LSMEs to the LSTF	By an LSME in the category of above **R3 million** but not more than **R15 million**	3	R5000	R7500	R12,000

		By an LSME in the category above **R15 million**	3	R10 000	R13,000	R18000
Total weighting points		**(R3 – R15 million)**	**40**			
		(above R15 million)	**40**			

28. SPECIALISED SCORECARD

28.1 Section 10 (1) (b) of the B-BBEE Act provides that every organ of state and public entity must apply any relevant code of good practice issued in terms of the Act including in developing and implementing a preferential procurement policy.

28.2 This LSC is intended to apply to organs of state and public entities, as well as institutions established in terms of chapter 9 of the Constitution.

28.3 All organs of state and public entities, procuring legal services from legal practitioners shall be measured in terms of this scorecard insofar as the procurement of legal services is concerned.

28.4 As a general rule and principle, all organs of state and public sector entities are generally exempted from measurement of elements except for management control, skills development and the preferential procurement, enterprise and supplier development elements in the Generic Codes. For the purpose of measuring management control and skills development and preferential procurement, enterprise and supplier development of general goods and services are concerned, all organs of state, public entities and SOEs shall apply the Specialised Scorecord in Code Series 000, Statement 004. However for the purpose of securing and procuring legal services from legal practitioners, all organs of state, public entities and SOEs shall apply and be measured in terms of the Specialised Scorecard issued in terms of this LSC.

This gazette is also available free online at www.gpwonline.co.za

This gazette is also available free online at www.gpwonline.co.za

LSC 401 - PREFERENTIAL PROCUREMENT, SUPPLIER AND ENTERPRISE DEVELOPMENT (PSED

Measurement Category	Indicator	monetary thresholds	Weighting Points (WP) and Compliance Targets (T)			
Preferential Procurement - Any reference to % in this scorecard refers to the annual procurement spend and budget			*W*	*T*		
Procurement of Legal services by the Office of the State Attorney, public entities and organs of state				*Year 1*	*Year 2*	*Year 3*
Measurement of the procurement of legal services from advocates	Measuring the procurement of legal services from a black advocate.		6	65%	70%	80%
	Measuring the procurement of legal services from a black woman advocate.		5	40%	45%	50%
	Measuring the procurement of legal services from a white advocate who is briefed with a black junior advocate		4	35%	40%	45%
Procurement of legal services from black LSMEs in complex matters in specialised areas of law by organs of state, public entities and the state attorney						
Measurement of legal services procured from black LSMEs	From black owned LSMEs in the category of ELE and level B-BBEE level 1 or black owned QSEs above **R3 million but not more than R15 million**		7	45%	50%	55%
	From LSMEs owned by persons drawn from designated categories in the category of above **R15 million**		4	25%	30%	35%
Supplier /Enterprise Development						

This gazette is also available free online at www.gpwonline.co.za

Partnering, Joint Venturing and Sub-Contracting of LSMEs to facilitate capacity of black owned LSMEs and transfer of skills to such LSMEs and black legal practitioners					
Measuring the partnering and joint ventures between large firms and ELEs or Black QSEs	Allocation of work to LSMEs in the category of above **R15 million** on condition that they partner and/or sub-contract with an LSMEs that are at least **75% black owned**	10	25%	30%	35%
Targeted procurement from designated categories of LSMEs					
Targeted procurement of certain legal services	Procurement from exclusively LSMEs owned by black legal practitioners and black women legal practitioners	10	65%	70%	75%
	Total weighting points	**46**			

29. KEY MEASUREMENT PRINCIPLES IN DETERMINING THE SUITABILITY OF PREFERENTIAL PROCUREMENT IN THE LEGAL SECTOR CODE

29.1 Preferential procurement, supplier and enterprise development spend in terms of the LSC must always seek to ensure the following:

29.1.1 facilitate preferential spend for legal commercial and specialised work from LSMES that are black-owned;

29.1.2 enterprise and supplier development initiatives targeted at small black owned LSMEs and black advocates with the view to enhance their legal, operational and economic independence; and

29.1.3 enterprise/ supplier development initiatives that seek to enhance businesses that are related to the business of the LSME.

29.2 To the extent that the LSC ESD is a compulsory element, non-compliance with it shall result in the discounting of LSMEs.

This gazette is also available free online at www.gpwonline.co.za

29.3 The weighting points in this statement represent the maximum number of points possible for each of the criteria applicable in the sub-categories.

29.4 **Total measurement inclusions under ESD**
In the LSC, measurable procurement spend shall include, but not limited to the following:

29.4.1 **operational expenditure**
all goods and services procured that comprise the operational expenditure of the LSME;

29.4.2 **capital expenditure**
all capital expenditure incurred by the LSME; and

29.4.3 **pension and medical aid contributions**

payments made to any post-retirement funding scheme or to a medical aid or similar medical insurer by an LSME for legal practitioners employed and other non-legal employees, excluding any portions of such payments which are a contribution to a capital investment of the employee. The scheme or insurer must issue a certificate dividing payment between the capital investment portion and the balance to establish the amount that is measurable within total measured procurement spend.

29.5 **Total measurement exclusions under the ESD**
The following shall constitute a non-exhaustive list of matters that shall not be recognised in the total measurement procurement spend:

29.5.1 **taxation**
any amount payable to any person which represents a lawful tax or levy imposed by an organ of state authorised to impose such tax or levy, including rates imposed by a municipality or other local government;

29.5.2 **salaries, wages, remunerations and emoluments**
any amount payable to South African employees as an element of their salary or wage and any emolument or similar payment paid to a director or partner of LSME;

29.5.3 **pass-through third-party procurement**
all procurement for a third-party or a client that is recorded as an expense in the third-party or client's annual financial statements but is not recorded as such in the measured entity's annual financial statements;

29.5.4 **empowerment related procurement**

29.5.4.1 investments in or loans to a black owned entity;

29.5.4.2 investments, loans or donations qualifying for recognition under any of the business activities in this LSC; and

29.5.5 **non-discretionary procurement**
where the LSME is forced to make use of a particular supplier due to tender requirements or client specifications it may exclude such procurement.

30. SUPPLIER & ENTERPRISE DEVELOPMENT INITIATIVES AND INTERVENTIONS

30.1 The LSC supplier and enterprise development initiatives may include the following, which is a non-exhaustive list:

30.1.1 support with rentals and overheads for ELEs and start-ups;

30.1.2 interest free loans made to a QPB for the payments of salaries, purchase of stationery and related tools of trades;

30.1.3 guarantees given or security provided on behalf of QPBs for operational costs;

30.1.4 credit facilities made available to a QPB;

30.1.5 support with the purchase of a library, subscription to precedents and case law;

30.1.6 direct costs incurred by an LSME in assisting and hastening development of the QPB;

30.1.7 overhead costs of a LSME directly attributable to qualifying supplier development contributions;

This gazette is also available free online at www.gpwonline.co.za

This gazette is also available free online at www.gpwonline.co.za

30.1.8 preferential credit terms granted by an LSME to a QPB;

30.1.9 preferential terms granted by an LSME in respect of its supply of goods and services to a QPB contributions made towards the settlement of the cost of services relating to the operational or financial capacity and/or efficiency levels of a QSE including, without limitation:

30.1.10 professional and consulting services;

30.1.11 statutory licensing and/or registration fee;

30.1.12 industry specific levies and/or other fees;

30.1.13 IT services;

30.1.14 payment for B-BBEE verification costs of a dedicated QPB;

30.1.15 discounts given to a QPB in relation to the acquisition and maintenance costs associated with the operations and management of such QPBs;

30.1.16 access to credit facility facilitating access to credit for a QPB that would not have access to traditional credit facilities owing to a lack of credit history, high-risk or lack of collateral on the part of the QPB;

30.1.17 early settlement of accounts or invoices (at least within 14 days) issued by black LSMEs or in relation to the normal payment period, issued to organs of state, entities and even private clients; and

30.1.18 payment of candidate attorney subscription fees on behalf of the QPBs.

31. THE LEGAL SECTOR TRANSFORMATION FUND

31.1 The stakeholders hereby agree to set up a LSTF.

This gazette is also available free online at www.gpwonline.co.za

31.2 The objective of the LSTF is to provide financial assistance and support to black legal practitioners especially black women and black people with disabilities.

31.3. The LSTF shall be administered by the Charter Council which may outsource the management of the LSTF to any entity with the requisite skills, experience and capacity subject to such entity complying with the Charter Council's directives and the aims and objectives of this LSC.

31.4. The Charter Council shall ensure that costs for the administration and management of the LSTF not exceed 5% (five) per cent of the total income of the LSTF in any financial year.

31.5. The Charter Council shall limit roll over for investment purposes and shall procure that any roll over not be effected for a period exceeding 3 years.

31.6. The LSTF shall be utilised for Skills Development and Enterprise and Supplier Development initiatives, including but not limited to the following:

31.6.1. Funding Black owned LSMEs, especially start-ups, including through the provision of technical equipment, library facilities, office rental and training in specialised areas of law;

31.6.2. Providing financial assistance and support to black pupils during their pupillage, including the giving of stipends;

31.6.3. providing financial assistance, training and support to black junior advocates, including subsidising their rental and/ or membership fees of Bar or subscription fees;

31.6.4. providing financial assistance to a black junior advocate or attorney to acquire and develop skills in specialised areas of law through training and other initiatives; and

31.2.1 31.6.5.providing financial assistance and support to black women attorneys and advocates during maternity leave from their law firms and chambers respectively.

31.3 31.6.6. The Charter Council shall upon its establishment develop a policy and criteria for the access of intended beneficiaries of the LSTF and the quantum of support as well as the manner of disbursement. Such policy shall be drafted after consultation with stakeholders in the legal profession and the Charter Council shall ensure that the criteria are based

This gazette is also available free online at www.gpwonline.co.za

on the guidelines and criteria set out in the compliance monitoring framework issued from time to time by the DTIC or B-BBEE Commission.

31.7. The LSTF shall also contribute to the funding of the Charter Council.

32. INCLUSION OF RURAL AREAS

32.1 The role played by legal practitioners, especially in the rural areas is significant in facilitating access to justice by poor and vulnerable communities, as envisaged by the Constitution. This is in the main because rural communities rarely have access to quality and affordable legal services, prompting institutions such as the Legal Resources Centre, the university law clinics and Legal Aid South Africa, to set up centres around these areas.

32.2 The SED element in the LSC therefore seeks to facilitate a comprehensive response of initiatives and measures to ensure that the rural and poor communities receive access to justice, through quality and affordable legal services.

32.3 This statement further outlines some key measurement principles that are applicable when certain specific SED initiatives, as contemplated in the LSC, are being assessed and evaluated.

33. THE SED SCORECARD FOR ATTORNEYS AND ADVOCATES

33.1 In view of the inherent differences in the operational nature of the attorneys and advocates' practices, the targets for the SED scorecard shall be based on the average time spend/billed (which is converted into hourly rates) by the LSME, over a three (3) financial year period that precedes the first date of the LSME being measured.

33.2 SED measurement scorecard for attorneys.

LSC 500 - SOCIO-ECONOMIC DEVELOPMENT (ATTORNEYS AND ADVOCATES

Socio-Economic Development	Weighting Points (WP) & Targets (T)

This gazette is also available free online at www.gpwonline.co.za

Measurement Category & Indicator	Monetary Threshold	*W*	*T*
***Pro bono* services and community work**			
Number of hours spent on a *pro bono* basis dedicated in rendering legal **services for the benefit of poor, marginalised and black clients from rural areas**.	By an **LSME (attorneys)** in the category above **R3 million** but not more than **R15 million**	2	At least 24 hours per annum implemented by each Legal practitioner within an LSME
	By an **LSMEs attorneys** in the category above **R15 million**	2	At least 24hours per annum implemented by each LSME
	By all **LSMEs advocates** of above **R3 million** category	2	At least 24 hours per annum implemented by the Advocate
Number of hours spent on a *pro bono* basis dedicated in **rendering legal services for the benefit of poor, marginalised and black clients** in community legal centres.	By an **LSME attorneys** in the category of above **R3 million** but not more than R15 million	2	At least 24 hours per annum implemented by each Legal practitioner in the LSME
	By an **LSMEs attorneys** in the category above **R15 million**	2	At least 100 hours per annum implemented by each LSME
	By all **LSMEs advocates** in the category above **R3 million**	2	At least 100 hours per annum implemented by the advocate
Number of hours spent on a *pro bono* basis dedicated in rendering legal **services for the benefit of poor, marginalised and black clients who require legal commercial and contractual assistance** for the enhancement	By an **LSME attorneys** in the category of above R3 but not above **R15 million**	2	At least hours 100 per annum implemented by each Legal practitioner
	By an **LSMEs attorneys** in the category above **R15 million**	2	At least 100 hours per annum implemented by each Legal practitioner
	By all **LSMEs advocates** in the category of above **R3 million**	2	At least 100 hours per annum implemented by the advocate
Total Weighting Points	R3 – R15 million LSMEs – Attorneys	6	
	R15 and above LSMEs – Attorneys	6	

This gazette is also available free online at www.gpwonline.co.za

	R 3 million and more LSMEs – Advocates	6	
ALTERNATIVE SED PROVISIONS For legal practitioners who wish to invest monetary contributions instead of pro bono hours			
Recognizable contributions into a community NGO, a community development fund or charitable entity	By an **LSME attorneys** in the category above R3 but not more than **R15 million**	2	Any contribution not less than R20 000 per annum
	By an **LSMEs attorneys** in the category above **R15 million**	2	Any contribution not less than R30 000 per annum
	By all **LSMEs advocates** in the category above **R3 million**	2	Any contribution not less than R20 000 per annum
Recognizable contributions into initiatives that enhances community's economic development initiatives	By an **LSME Attorneys** in the category above R3 million but not more than **R15 million**	2	Any contribution but not less than R20 000 per annum
	By an **LSMEs attorneys** in the category above **R15 million**	2	Any contribution not less than R 30 000 per annum
	By all **LSMEs advocates** in the category above **R3 million** category	2	Any contribution not less than R20 000 per annum
	R3 – R15 million LSMEs – Attorneys	6	
	Above R15 LSMEs – Attorneys	6	
	R 3 million and more LSMEs – Advocates	6	

- Pro bono services may be rendered in respect of each of the 3 categories above or in any combination for example to clients from rural areas or in community legal centres or those requiring commercial or contractual assistance or any combination.

  The Charter Council may amend the pro bono hours having regard to any regulations relating to community service that may be promulgated in terms of the LPA.

34. KEY MEASUREMENT PRINCIPLES AND INDICATIVE FACTORS

34.1 For purposes of measurement and verification, LSMEs shall only receive recognition for verifiable initiatives.

34.2 QSEDs and initiatives of any LSME are recognisable only on an annual basis and cannot be ceded nor apportioned in favour of another LSME.

34.3 Notwithstanding the provisions dealing with enterprise and supplier development initiatives referred to in this LSC, initiatives by any LSME may consist of monetary or non-monetary contributions actually initiated and implemented in favour of beneficiaries by an LSME with the specific objective of facilitating sustainable access to justice for the targeted beneficiaries.

34.4 LSMEs are encouraged to prioritise communities in areas where they operate.

34.5 The full value of QSEDs and initiatives by any LSME given to the beneficiaries is only recognisable if 100% of the value directly benefits black people.

35. EFFECTIVE DATE

35.1 The Sector Code shall come into effect on the date on which it is gazetted.

35.2 Notwithstanding the provisions of paragraph 35.1 above, all B-BBEE verification certificates which were validly issued prior to the gazetting of this LSC in terms of the Generic Codes shall remain valid and applicable for the period of their validity notwithstanding the date of gazetting of the LSC. In such event, the relevant LSME shall be required to apply for the relevant B-BBEE verification certificate under this LSC upon the expiry of the B-BBEE verification certificate which was issued in terms of the Generic Codes. LSMEs that had not been measured prior to the gazetting of this LSC shall be measured in terms of this LSC upon its gazetting.

This gazette is also available free online at www.gpwonline.co.za

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 1166 OF 2022

INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF SOUTH AFRICA

NOTICE OF INITIATION OF SUNSET REVIEW OF THE ANTI-DUMPING DUTY ON UNFRAMED GLASS MIRRORS ORIGINATING IN OR IMPORTED FROM THE REPUBLIC OF INDONESIA

In accordance with the provisions in Article 11.3 of the World Trade Organization Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade, any definitive anti-dumping duty shall be terminated on a date not later than five years from its imposition, unless the authorities determine, in a review initiated before that date, on their own initiative or upon a duly substantiated request made by or on behalf of the domestic industry within a reasonable period of time prior to that date, that the expiry of the duties would likely lead to continuation or recurrence of dumping and injury.

On 25 June 2020 the International Trade Administration Commission of South Africa ("the Commission") notified interested parties through Notice No. 387 of 2021 in *Government Gazette* No. 44761, that unless a substantiated request is made indicating that the expiry of the anti-dumping duty against imports of unframed glass mirrors originating in or imported from the Republic of Indonesia would likely lead to the continuation or recurrence of dumping and injury, the anti-dumping duty on unframed glass mirrors originating in or imported from the Republic of Indonesia would expire on 05 October 2022.

This gazette is also available free online at **www.gpwonline.co.za**

THE APPLICANT

The application was lodged by PFG Building Glass, a division of PG Group (Pty) Ltd ("the Applicant"), being the only producer of the subject product in the Southern African Customs Union ("SACU").

The Applicant alleges that the expiry of the duty would likely lead to the recurrence of dumping and material injury. The Applicant submitted sufficient evidence and established a *prima facie* case to enable the Commission to arrive at a reasonable conclusion that a sunset review investigation of the anti-dumping duty on unframed glass mirrors originating in or imported from Indonesia, should be initiated.

THE PRODUCT

The anti-dumping duty subject to this sunset review is applicable to unframed glass mirrors originating in or imported from Indonesia, classifiable under tariff subheading 7009.91.

THE ALLEGATION OF THE RECURRENCE OF DUMPING

The allegation of recurrence of dumping is based on the comparison between the normal values and the export prices.

In calculating the normal value for Indonesia, the independent consultant on behalf of the Applicant obtained a quotation for the domestic selling prices of the subject product in Indonesia.

In calculating the export price for Indonesia, an independent trader in Indonesia was used by the Applicant to obtain pricing information for Free On Board ("FOB") export prices of the subject product from Indonesia to a third country.

This gazette is also available free online at **www.gpwonline.co.za**

In obtaining the export data to a third country it was ensured that the country selected has also a subject product industry that is similar to that of South Africa and therefore an export quote from Indonesia to the Republic of Malaysia ("**Malaysia**") was used.

The dumping margin was determined to be 11.49%.

On this basis, the Commission found that there was *prima facie* proof of the likelihood of the recurrence of dumping.

THE ALLEGATION OF RECURRENCE OF MATERIAL INJURY

The Applicant alleges and submitted sufficient evidence to show that it would experience an increase in imports and inventories, a decline in sales, output, productivity, market share, and growth if the duty expires.

On this basis, the Commission found that there was *prima facie* proof of the recurrence of material injury if the duty expires.

PERIOD OF INVESTIGATION

The investigation period for likely recurrence of dumping is from 01 January 2022 to 31 December 2022 and the recurrence of material injury is from 01 January 2022 to 31 December 2022, if the anti-dumping duty expires.

PROCEDURAL FRAMEWORK

Having decided that there is sufficient evidence and a *prima facie* case to justify the initiation of an investigation, the Commission has begun an investigation in terms of section 16 of the International Trade Administration Act, 2002 ("the ITA Act").

This gazette is also available free online at **www.gpwonline.co.za**

The Commission will conduct its investigation in accordance with the relevant sections of the ITA Act, the World Trade Organisation Agreement on Implementation of Article VI of the GATT 1994 ("the Anti-Dumping Agreement") and the Anti-Dumping Regulations of the International Trade Administration Commission of South Africa ("ADR"). Both the ITA Act and the ADR are available on the Commission's website (www.itac.org.za) or from the Trade Remedies section, on request.

In order to obtain the information, it deems necessary for its investigation, the Commission will send non-confidential versions of the application and questionnaires to all known importers and exporters and known representative associations. The trade representative of the country of origin has also been notified. Importers and other interested parties are invited to contact the Commission as soon as possible in order to determine whether they have been listed and were furnished with the relevant documentation. If not, they should immediately ensure that they are sent copies. The questionnaire has to be completed and any other representations must be made within the time limit set out below.

CONFIDENTIAL INFORMATION

Please note that if any information is considered to be confidential then a non-confidential version of the information must be submitted for the public file, simultaneously with the confidential version. In submitting a non-confidential version, the following rules are strictly applicable and parties must indicate:

- X where confidential information has been omitted and the nature of such information;
- X reasons for such confidentiality;
- X a summary of the confidential information which permits a reasonable understanding of the substance of the confidential information; and
- X in exceptional cases, where information is not susceptible to summary, reasons must be submitted to this effect.

This gazette is also available free online at **www.gpwonline.co.za**

This rule applies to all parties and to all correspondence with and submissions to the Commission, which unless indicated to be confidential and filed together with a non-confidential version, will be placed on the public file and be made available to other interested parties.

If a party considers that any document of another party, on which that party is submitting representations, does not comply with the above rules and that such deficiency affects that party's ability to make meaningful representations, the details of the deficiency and the reasons why that party's rights are so affected must be submitted to the Commission in writing forthwith (and at the latest 14 days prior to the date on which that party's submission is due). Failure to do so timeously will seriously hamper the proper administration of the investigation, and such party will not be able to subsequently claim an inability to make meaningful representations on the basis of the failure of such other party to meet the requirements.

Subsection 33(1) of the ITA Act provides that any person claiming confidentiality of information should identify whether such information is *confidential by nature* or is *otherwise confidential* and, any such claims must be supported by a written statement, in each case, setting out how the information satisfies the requirements of the claim to confidentiality. In the alternative, a sworn statement should be made setting out reasons why it is impossible to comply with these requirements.

Section 2.3 of the ADR provides as follows:

"The following list indicates "information that is by nature confidential" as per section 33(1)(a) of the Main Act, read with section 36 of the Promotion of Access to Information Act (Act 2 of 2000):

(a) management accounts;
(b) financial accounts of a private company;
(c) actual and individual sales prices;
(d) actual costs, including cost of production and importation cost;
(e) actual sales volumes;
(f) individual sales prices;
(g) information, the release of which could have serious consequences for the person that provided

This gazette is also available free online at **www.gpwonline.co.za**

such information; and

(h) information that would be of significant competitive advantage to a competitor; provided that a party submitting such information indicates it to be confidential

ADDRESS

The response to the questionnaire and any information regarding this matter and any arguments concerning the allegation of dumping and the resulting material injury must be submitted in writing to the following address or on the emails below:

Physical address	**Postal address**
The Senior Manager: Trade Remedies I	The Senior Manager:
International Trade Administration Commission	Trade Remedies I
Block E – The DTI Campus	Private Bag X753
77 Meintjies Street	PRETORIA
SUNNYSIDE	0001
PRETORIA	SOUTH AFRICA
SOUTH AFRICA	

PROCEDURES AND TIME LIMITS

The Senior Manager: Trade Remedies I, should receive all responses, including non-confidential copies of the responses, not later than 30 days from the date hereof, or from the date on which the letter accompanying the abovementioned questionnaire was received. The said letter shall be deemed to have been received seven days after the day of its dispatch.

Late submissions will not be accepted except with the prior written consent of the Commission. The Commission will give due consideration to written requests for an extension of not more than 14 days on good cause shown (properly motivated and substantiated), if received prior to the expiry of the original 30-day period. Merely citing insufficient time is not an acceptable reason for an extension.

This gazette is also available free online at **www.gpwonline.co.za**

Please note that the Commission will not consider requests for extension by the Embassy on behalf of foreign producers.

The information submitted by any party may need to be verified by the Investigating Officers in order for the Commission to take such information into consideration.
The Commission may verify the information at the premises of the party submitting the information, within a short period after the submission of the information to the Commission. Parties should therefore ensure that the information submitted would subsequently be available for verification.
Specifically, it is planned to verify the information submitted by the foreign producers within three to five weeks subsequent to the submission of the information. This period will only be extended if it is not feasible for the Commission to do it within this time period or upon good cause shown, and with the prior written consent of the Commission, which should be requested at the time of the submission. It should be noted that unavailability of, or inconvenience to appointed representatives, will not be considered to be good cause.

Parties should also ensure when they engage representatives that they will be available at the requisite times, to ensure compliance with the above time frames. Parties should also ensure that all the information requested in the applicable questionnaire is provided in the specified detail and format. The questionnaires are designed to ensure that the Commission is provided with all the information required to make a determination in accordance with the ITA Act and the ADR. The Commission may therefore refuse to verify information that is incomplete or does not comply with the format in the questionnaire, unless the Commission has agreed in writing to a deviation from the required format. A failure to submit a non-confidential version of the response that complies with the rules set out above under the heading *Confidential Information* will be regarded as an incomplete submission.

This gazette is also available free online at **www.gpwonline.co.za**

Parties, who experience difficulty in furnishing the information required, or submitting information in the format required, are urged to make written applications to the Commission at an early stage for permission to deviate from the questionnaire or provide the information in an alternative format that can satisfy the Commission's requirements. The Commission will give due consideration to such a request on good cause shown.

Any interested party may request an oral hearing at any stage of the investigation in accordance with Section 5 of the ADR, provided that the party indicates reasons for not relying on written submissions only. The Commission may refuse an oral hearing if granting such hearing will unduly delay the finalisation of a determination.

Parties requesting an oral hearing must provide the Commission with a detailed agenda for, and a detailed version, including a non-confidential version, of the information to be discussed at the oral hearing at the time of the request.

If the required information is not received in a satisfactory form within the time limit specified above, or if verification of the information cannot take place, the Commission may disregard the information submitted and make a finding on the basis of the facts available to it.

Should you have any queries, please do not hesitate to contact us at the following e-mail addresses; Mr Zuko Ntsangani at zntsangani@itac.org.za or Mr Thabelo Tshikomba at TTshikomba@itac.org.za.

This gazette is also available free online at **www.gpwonline.co.za**

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 1167 OF 2022

CO-OPERATIVES THAT HAVE BEEN REMOVED FROM THE REGISTER

1. **GARMENT CONSTRUCTION WORKER CO-OP LTD (2017/006776/24)**
2. **GARMENT ASSEMBLY PRIMARY CO-OP LTD (2017/006776/24)**
3. **CUTTING ROOM PRIMARY CO-OP LTD (2020/003948/24)**
4. **KGATO-ENTLE PRIMARY CO-OP LTD (2017/011455/24)**
5. **LERTSEN MULTI-PURPOSE PRIMARY CO-OP LTD (2020/003334/24)**
6. **RMR MAINTENANCE AND SERVICES PRIMARY CO-OP LTD (2015/006195/24)**
7. **NGACANGCA TRADING AND SERVICES PRIMARY CO-OP LTD (2010/000162/24)**
8. **EYETHU SKILLS DEVELOPMENT PRIMARY CO-OP LTD (2013/003587/24)**
9. **ZIZAMELE AGRICULTURAL PROJECTS AND MULTI-PURPOSE CO-OP LTD (2015/003686/24)**
10. **U-FIKILE COMMUNITY PROJECT PRIMARY CO-OP LTD (2014/012583/24)**
11. **KULULEKANI GENERAL DEALERS PRIMARY CO-P LTD (2017/012171/07)**
12. **MOKOLO TRADING AND PROJECTS CO-OP LTD (2013/013631/07)**
13. **DAYS POULTRY AND LIVESTOCK FARMING CO-OP LTD (2010/008757/24)**
14. **WAKUWA VUKA WASTE MANAGEMENT AND MULTI-PURPOSE PRIMARY CO-OP LTD (2016/010476/24)**
15. **WILLABEL AGRICULTURAL PRIMARY CO-OP LTD (2012/002696/24)**
16. **SONONELANA HEALTH AND WELLNESS CO-OP LTD (2012/003737/24)**
17. **PHAPHAMANI COURT PRIMARY CO-OP LTD (2014/011834/24)**
18. **MCGREGOR KOOPERATIEWE WYNMAKERY BEPERK (1948/000003/24)**
19. **WOMAN IN THE MOVE PRIMARY CO-OP LTD (2018/011140/24)**
20. **KHULULA ISIZWE AGRICULTURAL AND OTHER PROJECTS PRIMARY CO-OP LTD (2020/003789/24)**
21. **SAMILA AGRICULTURAL PROJECTS PRIMARY CO-OP LTD (2016/007511/24)**
22. **MASITHOBELANE FARMING PRIMARY CO-OP LTD (2010/006454/24)**
23. **LAKESIDE WARD 7 PRIMARY CO-OP LTD (2006/000034/24)**
24. **EZAKWADELA PRIMARY CO-OP LTD (2017/000620/24)**
25. **TSAMAYA MULTI-PURPOSE CO-OP LTD (2012/016811/24)**
26. **MOI'S MAGIC CLEANING, CATERING AND EVENTS MANAGEMENT PRIMARY CO-OP LTD (2011/005711/24**
27. **SIYAHLUMA SEWING PRIMARY CO-OP LTD (2017/001679/24)**
28. **DZITHAVHANI AGRICULTURAL FARMING AND PROJECTS PRIMARY CO-OP LTD (2013/015911/24)**
29. **TSHITIMANIO FARMING PRIMARY CO-OP LTD (2011/006142/24)**
30. **ZAMISA PRIMARY CO-OP LTD (2021/301114/24)**

Notice is hereby given that the names of the abovementioned co-operatives have been removed from the register in terms of the provisions of section 71A of the Co-operatives Amendment Act, No 6 of 2013.
2Lodge any objections to this procedure, which interested persons may wish to raise, must together with the reasons therefore, with this office before the expiration of the period of thirty days.

REGISTRAR OF CO-OPERATIVES
Office of the Registrar of Co-operatives
Dti Campus
77 Meintjies Street
Pretoria
0002

Private Bag X237
Pretoria
0001

DEPARTMENT OF TRADITIONAL AFFAIRS

NOTICE 1168 OF 2022

PUBLICATION OF EXPLANATORY SUMMARY OF THE TRADITIONAL AFFAIRS GENERAL AMENDMENT BILL, 2022

Notice is hereby given in terms of Rule 276(1)*(b)* of the Rules of the National Assembly that the Minister of Cooperative Governance and Traditional Affairs intends to introduce the Traditional Affairs General Amendment Bill, 2022, in the National Assembly shortly.

The explanatory summary of the Bill is hereby published in accordance with Rule 276(1)*(c)* of the Rules of the National Assembly:

> The Bill proposes certain technical amendments to section 81 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) (Structures Act), and section 16 of the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019) (TKLA).
>
> Section 81 of the Structures Act contains references to the Code of Conduct as it was provided for in the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (Systems Act). However, the Code of Conduct was recently removed from the Systems Act and inserted into the Structures Act through the Local Government: Municipal Structures Amendment Act, 2021 (Act No. 3 of 2021). Therefore, the references to the Code of Conduct in section 81 are outdated and should be corrected.
>
> Section 16(3)*(a)* of the TKLA refers to a forum that has to be consulted by traditional leaders when they select the 60% component of a kingship/queenship council, principal traditional council and traditional council. However, the section contains a cross-reference to another forum provided for in the Act that may be interpreted as excluding senior traditional leaders. For purposes of legal certainty, it is proposed to amend section 16(3)*(a)* to provide clarity on which forum has to be consulted by the different leaders.

A copy of the Bill can be requested from RinaldiB@cogta.gov.za or Danie@cogta.gov.za. After introduction, a copy of the Bill may also be obtained from the Government Printers: Cape Town.

This gazette is also available free online at www.gpwonline.co.za

SACPCMP

The South African Council for the Project and Construction Management Professions

CONSTRUCTING NEW PERSPECTIVES

Mentorship bundle Fees and charges are for 2022/23 financial year 1 April 2022 to 31 March 2023 in terms of the Project and Construction Management Professions (Act 48 of 2000)

The South African Council for the Project and Construction Management Professions (SACPCMP) is empowered in terms of Section 12 (1) of the Project and Construction Management (Act 48 of 2000) to determine fees and charges payable to the Council. The relevant prescribed fees are set out in the schedule below and come into effect on 1 April 2022.

The fees prescribed herein include Value Added Tax (VAT)

Mentorship bundle fees		Mentorship bundle fees	
CPD No. of hours	**CPD No. of hours**	**CPD No. of hours**	**Fees**
Webinar Bundle 1	Webinar Bundle 1	5 CPD hours	R992.39
Webinar Bundle 2	Webinar Bundle 2	3 CPD hours	R595.43
Webinar Bundle 3	Webinar Bundle 3	3 CPD hours	R595.43
PCM Mentorship Bundle	PCM Mentorship Bundle	8 CPD hours	R1 587.82
CHS Mentorship Bundle	CHS Mentorship Bundle	8 CPD hours	R1 587.82
Webinar bundle 1 – 2	Webinar bundle 1 – 2	8 CPD hours	R1 111.45
Webinar bundle 1 – 3	Webinar bundle 1 – 3	11 CPD hours	R1 528.24

BANK : NEDBANK
ACC NAME : The SA Council for the Project and Construction Management Professions
ACC NO : 128 406 4557
BRANCH : BUSINESS CENTRAL
BRANCH CODE : 128 405
The document is downloadable from: www.sacpcmp.org.za

BOARD NOTICE 309 OF 2022

INDEPENDENT REGULATORY BOARD FOR AUDITORS

Building 2 Greenstone Hill Office Park Emerald Boulevard Modderfontein
PO Box 8237 Greenstone 1616 Johannesburg South Africa
Tel 010 496 0600 **Fax** 086 482 3250 **E-mail** board@irba.co.za
Internet www.irba.co.za

NOTICE OF REQUEST FOR PUBLIC COMMENTS ON

PROPOSED IRBA RULE ON ENHANCED AUDITOR REPORTING FOR THE AUDIT OF FINANCIAL STATEMENTS

Comments are requested by 5 October 2022

In accordance with Section 10 of the Auditing Profession Act, 2005 (Act No. 26 of 2005) (the Act), the Independent Regulatory Board for Auditors (IRBA) may, by notice in the Gazette, prescribe rules with regard to any matter that is required or permitted to be prescribed in terms of the Act. The IRBA hereby publishes a draft of the Proposed IRBA Rule on Enhanced Auditor Reporting for the Audit of Financial Statements (the Proposed IRBA Rule).

All stakeholders are invited to comment on the Proposed IRBA Rule by 5 October 2022. The Exposure Draft of the Proposed IRBA Rule is available and may be downloaded from the IRBA website at https://www.irba.co.za/guidance-to-ras/technical-guidance-for-auditors/exposure-drafts-and-comment-letters.

Proposed Rule on Enhanced Auditor Reporting for the Audit of Financial Statements

1. For all audits of annual financial statements, the audit firm shall disclose in the independent auditor's report:
   a. The materiality applied, and an explanation of significant judgements made by the auditor in determining materiality for the audit.
   b. How the auditor evaluated management's assessment of the entity's ability to continue as a going concern and, where relevant, key observations arising with respect to that evaluation.
   c. Audit procedures specific to the auditor's response to the material uncertainty related to going concern, where relevant.
   d. The following matters, where the disclosure has not been made by the preparer in the annual financial statements or the annual report:
      i. Fees paid or payable to the firm and network firms for the audit of the financial statements on which the firm expresses an opinion.
      ii. Fees, other than those disclosed under (d)(i), charged to the client for the provision of services by the firm or a network firm during the period covered by the financial statements on which the firm expresses an opinion. For this purpose, such fees shall only include fees charged to the client and its related entities over which the client has direct or indirect control that are consolidated in the financial statements on which the firm will express an opinion.

This gazette is also available free online at **www.gpwonline.co.za**

iii. Any fees, other than those disclosed under (d)(i) and (ii), charged to any other related entities over which the audit client has direct or indirect control for the provision of services by the firm or a network firm when the firm knows, or has reason to believe, that such fees are relevant to the evaluation of the firm's independence.

iv. If applicable, the fact that the total fees received by the firm from the audit client represent, or are likely to represent, more than 15% of the total fees received by the firm for two consecutive years, and the year that this situation first arose.

2. For the audit of all Public Interest Entities as defined in the IRBA Code, the audit firm, shall disclose in the independent auditor's report:

   a. Additional disclosures in the auditor's report about the scope of the audit in the context of group audits.

   b. The communication of Key Audit Matters, as defined in International Standard on Auditing 701 *Communicating Key Audit Matters in the Independent Auditor's Report* (ISA 701).

3. Where the auditor has communicated Key Audit Matters, as defined in ISA 701, the outcome of audit procedures or key observations with respect to Key Audit Matters shall be disclosed in the independent auditor's report.

Proposed Effective Date

Depending on the comments received, the IRBA recommends that the Proposed IRBA Rule be effective at least 12 months (one year) after the IRBA Board's prescription and/or publication of the IRBA Rule.

Comments

All interested parties and affected parties are reminded to submit their written comments (in both PDF and Word format) via email to standards@irba.co.za. Please note that all submissions received will be published and attributed to the respective respondents unless they expressly request the IRBA not to do so.

For further assistance, enquiries may be directed to standards@irba.co.za.

Mr I Nagy

Acting Chief Executive Officer

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065

This gazette is also available free online at **www.gpwonline.co.za**