Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Regulation Gazette **No. 11703** *Regulasiekoerant*

Vol. 707 **17 May Mei** **2024** **No. 50668**

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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.

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government printing
Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICA

HIGH ALERT: SCAM WARNING!!!

TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

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

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

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

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

Example of e-mails these fraudsters are using:

PROCUREMENT@GPW-GOV.ORG

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

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

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

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

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

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

Fake Tenders

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

How tender scams work

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

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

OR

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

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

Protect yourself from being scammed

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

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

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

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

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

Closing times for **ORDINARY WEEKLY** *REGULATION GAZETTE* 2024

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

- **28 December 2023,** Thursday for the issue of Friday **05 January 2024**
- **05 January,** Friday for the issue of Friday **12 January 2024**
- **12 January,** Friday for the issue of Friday **19 January 2024**
- **19 January,** Friday for the issue of Friday **26 January 2024**
- **26 January,** Friday for the issue of Friday **02 February 2024**
- **02 February,** Friday for the issue of Friday **09 February 2024**
- **09 February,** Friday for the issue of Friday **16 February 2024**
- **16 February,** Friday for the issue of Friday **23 February 2024**
- **23 February,** Friday for the issue of Friday **01 March 2024**
- **01 March,** Friday for the issue of Friday **08 March 2024**
- **08 March,** Friday for the issue of Friday **15 March 2024**
- **14 March,** Thursday for the issue of Friday **22 March 2024**
- **20 March,** Wednesday for the issue of Thursday **28 March 2024**
- **27 March,** Wednesday for the issue of Friday **05 April 2024**
- **05 April,** Friday for the issue of Friday **12 April 2024**
- **12 April,** Friday for the issue of Friday **19 April 2024**
- **19 April,** Friday for the issue of Friday **26 April 2024**
- **25 April,** Thursday for the issue of Friday **03 May 2024**
- **03 May,** Friday for the issue of Friday **10 May 2024**
- **10 May,** Friday for the issue of Friday **17 May 2024**
- **17 May,** Friday for the issue of Friday **24 May 2024**
- **24 May,** Friday for the issue of Friday **31 May 2024**
- **31 May ,** Friday for the issue of Friday **07 June 2024**
- **07 June,** Friday for the issue of Friday **14 June 2024**
- **13 June,** Thursday for the issue of Friday **21 June 2024**
- **21 June,** Friday for the issue of Friday **28 June 2024**
- **28 June,** Friday for the issue of Friday **05 July 2024**
- **05 July,** Friday for the issue of Friday **12 July 2024**
- **12 July,** Friday for the issue of Friday **19 July 2024**
- **19 July,** Friday for the issue of Friday **26 July 2024**
- **26 July,** Friday for the issue of Friday **02 August 2024**
- **01 August,** Thursday for the issue of Thursday **08 August 2024**
- **08 August,** Thursday for the issue of Friday **16 August 2024**
- **16 August,** Friday for the issue of Friday **23 August 2024**
- **23 August,** Friday for the issue of Friday **30 August 2024**
- **30 August,** Friday for the issue of Friday **06 September 2024**
- **06 September,** Friday for the issue of Friday **13 September 2024**
- **13 September,** Friday for the issue of Friday **20 September 2024**
- **19 September,** Thursday for the issue of Friday **27 September 2024**
- **27 September,** Friday for the issue of Friday **04 October 2024**
- **04 October,** Friday for the issue of Friday **11 October 2024**
- **11 October,** Friday for the issue of Friday **18 October 2024**
- **18 October,** Friday for the issue of Friday **25 October 2024**
- **25 October,** Friday for the issue of Friday **01 November 2024**
- **01 November,** Friday for the issue of Friday **08 November 2024**
- **08 November,** Friday for the issue of Friday **15 November 2024**
- **15 November,** Friday for the issue of Friday **22 November 2024**
- **22 November,** Friday for the issue of Friday **29 November 2024**
- **29 November,** Friday for the issue of Friday **06 December 2024**
- **06 December,** Friday for the issue of Friday **13 December 2024**
- **12 December,** Thursday for the issue of Friday **20 December 2024**
- **18 December,** Wednesday for the issue of Friday **27 December 2024**

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.

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

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. R. 4836 **17 May 2024**

COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT, 1993 (ACT NO 130 OF 1993)

I, Thembelani Waltermade Nxesi, Minister of Employment and Labour, after consultation with the Compensation Board, hereby make the following attached regulations for public comment in terms of Section 97 of Compensation for Occupational Injuries and Diseases Act, 1993 (Act No 130 of 1993) as amended. The proposed regulations are attached as Schedule A.

REGULATIONS FOR PUBLIC COMMENTS

These regulations are issued regarding the prescription period of claims.

Interested persons are invited to submit any substantiated comments in writing on the proposed regulations within 30 days from the date of publication hereof to the Department of Employment and Labour, Compensation Fund 167 Thabo Sehume Street, Delta Heights, Pretoria, 0001 or Sifiso.Dlamini@labour.gov.za

MR TW NXESI, MP
MINISTER OF EMPLOYMENT AND LABOUR
DATE: 25/04/2024

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

SCHEDULE A

Definition of regulation

In these regulations, "the regulations" means the regulations relating to Prescription under the Compensation for Occupational Injuries and Diseases Act, 1993; as amended and any word or expression to which a meaning has been assigned in these regulations shall have that meaning unless the context otherwise indicates.

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1. Preamble

The objective of these regulations is to clearly define the period of prescription of claims.

2. Application of the prescription period

(a) The provisions of these regulations shall apply to all occupational injuries and diseases claims, including death claims.

(b) The provisions of these regulations shall exclude all claims with the date of accident, the date of diagnosis of a disease and date of death which occurred prior to the effective date in terms of proclamation of Act 10 of 2022.

(c) Claims reported in terms of sections 38, 39 and 43 after a 3-year period from the date of accident, date of diagnosis of a disease or date of death, shall prescribe and not be considered.

(d) Claims for Domestic Employees shall be considered retrospectively to 27 April 1994, whether they were reported or not: however, such claims must be reported to the

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Compensation Commissioner within three years from the effective date in terms of the proclamation of Act 10 of 2022.

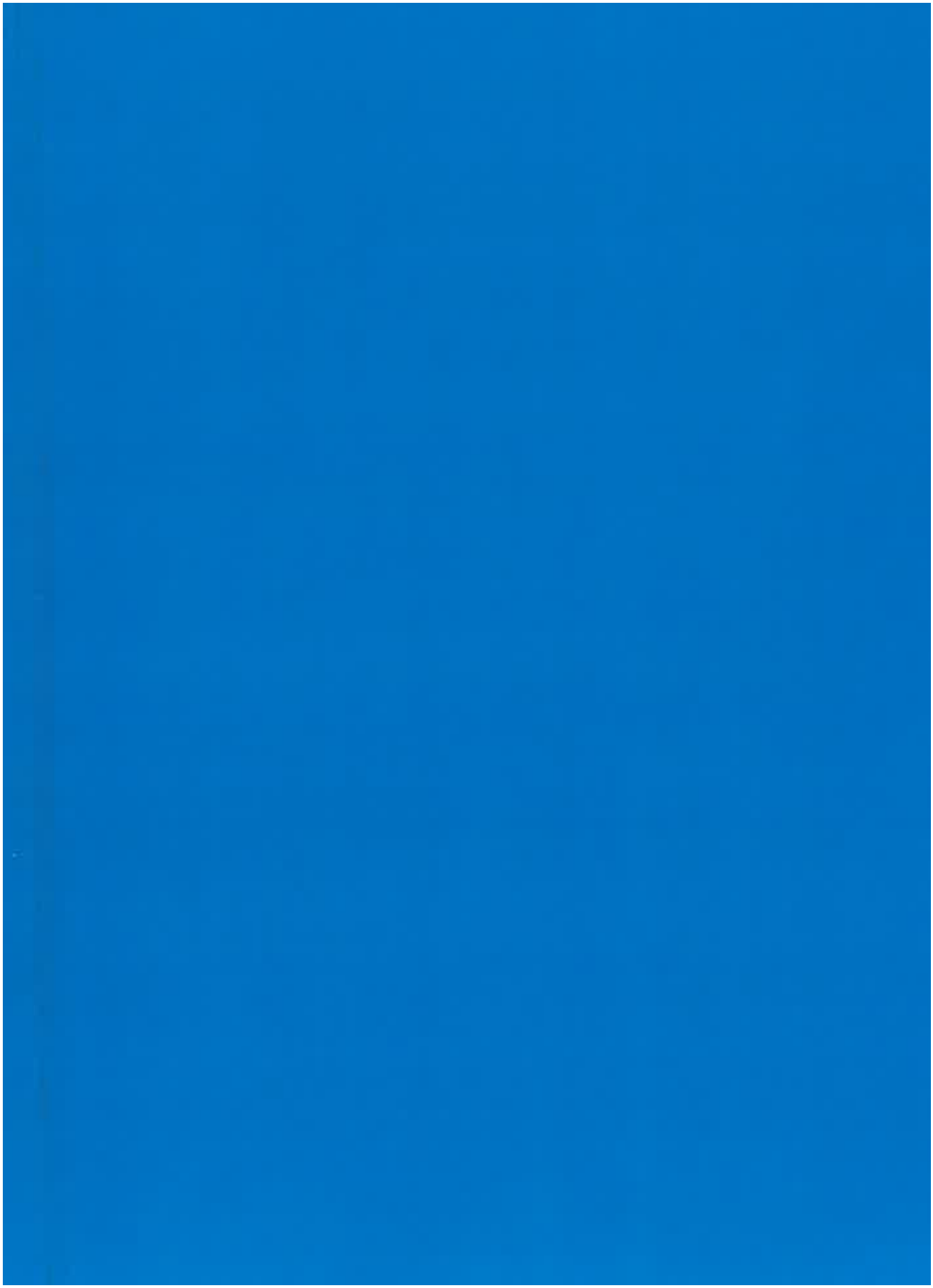
3. Reporting

a) An employee shall be deemed to have reported an accident in terms of section 38 in the prescribed manner by completing and submitting a duly completed form W.Cl.3 (Notice of accident and claims for compensation) or W.Cl.14 (Notice of occupational disease and claims for compensation).

b) An employer shall be deemed to have reported an accident in terms of section 39 to the Compensation Commissioner in the prescribed manner by completing and submitting a duly completed form W.Cl.1 (An Employer's report of occupational disease) or W.Cl.2 (Employer's report of an accident).

MR TW NXESI, MP
MINISTER OF EMPLOYMENT AND LABOUR
DATE: 25/04/2024

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COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT, 1993 (ACT NO 130 OF 1993)

REGULATIONS ON CHAPTER XA INSPECTION

I, Thembelani Waltermade Nxesi, Minister of Employment and Labour, after consultation with the Compensation Board, hereby make the following attached regulations for public comment in terms of Section 97 of Compensation for Occupational Injuries and Diseases Act, 1993 (Act No 130 of 1993) as amended. The proposed regulations are attached as Schedule A.

REGULATIONS

FOR PUBLIC COMMENTS

These regulations are issued regarding inspections in terms of Chapter XA.

Interested persons are invited to submit any substantiated comments in writing on the proposed regulations within 30 days from the date of publication hereof to the Department of Employment and Labour, Compensation Fund 167 Thabo Sehume Street, Delta Heights, Pretoria, 0001 or Kaizer.Makgamatha@labour.gov.za

MR TW NXESI, MP
MINISTER OF EMPLOYMENT AND LABOUR
DATE: 25/04/2024

SCHEDULE A

Definition of regulation

In these regulations, "the regulations" means the regulations relating to inspections, compliance and enforcement under the Compensation for Occupational Injuries and Diseases Act, 1993; and any word or expression to which a meaning has been assigned in these regulations shall have that meaning unless the context otherwise indicates.

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1. **DEFINITIONS**.....3
2. **Notice of accident by employer to Commissioner (Section 39)**.....**Error! Bookmark not defined.**
3. **Inquiry by Commissioner into accident (Section 40)**.....**Error! Bookmark not defined.**
4. **Certain compensation to employers prohibited (Section 64)**.....**Error! Bookmark not defined.**

SCHEDULE A

REGULATIONS ON CHAPTER XA INSPECTION, COMPLIANCE AND ENFORCEMENT

1. DEFINITIONS

"Particulars" means any information, book, document or thing that in the opinion of the Compensation Commissioner may be considered as relevant for the administration of the COID Act.

"Letter of good standing" means a valid letter of employer's compliance with Sections 80, 82, 83, 86, and 87 of the Act issued by Compensation Commissioner.

1) An Inspector appointed in terms of Section 93A shall be issued with a certificate bearing:
   (a) Full names of the Inspector;
   (b) Employee Persal number; and
   (c) Date of appointment;
2) When conducting inspections in terms of Section 93B, an Inspector may advise employees of their rights and obligations in terms of the COID Act which includes amongst others;
   (a) The obligation to report an incident in terms of the COID Act to her/his employer within the prescribed period;
   (b) The right to receive benefits or compensation;
   (c) The right of employees to object to a decision of the Compensation Commissioner in terms of Section 91;
   (d) The right to request the Compensation Commissioner to vary a decision in terms of section 90;
   (e) The employee has an obligation to submit themselves for medical examination for any occupational injury or disease suffered; or
   (f) The obligation to submit any information related to incident.
3) When conducting an inspection in terms of Section 93B, an Inspector may advise employers of their rights and obligations in terms of the COID Act which includes amongst others;
   (a) The obligation to register with the Compensation Fund in terms of Section 80 of the COID Act;
   (b) The obligation to keep records in terms of the Act;
   (c) The obligation to submit annual returns to the Compensation Fund in terms of the COID Act in order to be assessed in terms of Section 82;
   (d) The employers right to be assessed by the Compensation Commissioner on the earnings and related information declared;
   (e) The employer's obligation to pay any assessments, fees, penalties or any other monies due to the Compensation Fund;
   (f) The employers right to be refunded for any amounts or monies due in terms of the Act;
   (g) The right of employers to object to a decision of the Compensation Commissioner in terms of Section 91; or

(h) The right to request the Compensation Commissioner to vary a decision in terms of section 90.

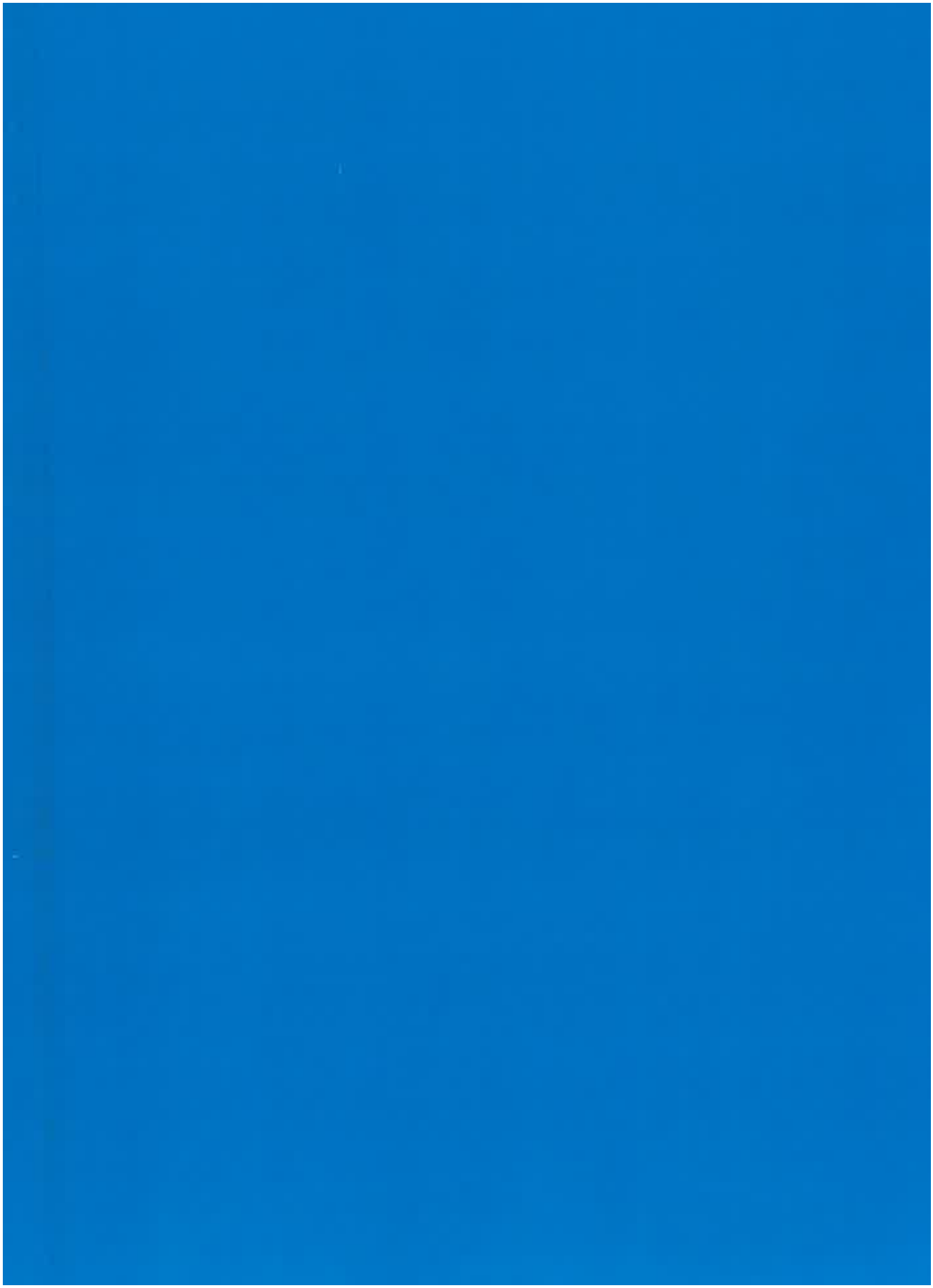
4) Investigation of complaints in terms of Section 93B (1)(c):
   (a) Notify the employer of the complaint and request the employer to provide detailed reports or make written representations;
   (b) The employer's obligation to comply to any notices and related stipulated due dates as informed by the Inspector;
   (c) Notify the employer of planned site visits in order to conduct further investigation on the complaint, detailing the date, time and where possible the information or records required;
   (d) The employer's right to attend or assign an official to attend such site visits by the Inspector;
   (e) The Inspector may, upon expiry of the notification period in terms of Section 93F or finalisation of the inspection, issue the employer with a compliance notice and subsequent order of court; and
   (f) The employer's right to communication of the outcome of any enquiry, investigation, site inspection or audit.
5) Investigation of non-compliance in terms of Section 93F (2)(b)
   5.1 An Inspector may, after issuing the compliance order, conduct an investigation with the employer to determine the extent of non-compliance in terms of,
      5.1.1 Sections 39(6) and 39(8) with regards to failure to notify the Compensation Commissioner of an accident; and failure to report in the prescribed manner of an accident;
      5.1.2 Section 40(2) with regards to failure to furnish The Compensation Commissioner with the particulars of the accident;
      5.1.3 Section 47(3)(a) with regards to the employer's failure to pay Temporary Total Disablement to the employee;
      5.1.4 Section 51 with regards to the confirmation of earnings for the purposes of establishing benefits payments;
      5.1.5 Section 56 with regards to incidents of negligence of the employer that contributes to accidents or diseases;
      5.1.6 Section 64(1) with regards to the unauthorised deductions of employee earnings;
      5.1.7 Section 68(2) with regards to the notification of an occupational disease to the Compensation Commissioner; or
      5.1.8 Section 87 with regards to the failure of the employer to pay an assessment or failure to register and provide particulars in support of accident.
6) Inspection to confirm or ensure compliance:
   (a) Notify the employer of the purpose of the compliance inspection;
   (b) The employers' obligation to comply with the inspection notice;
   (c) Notify the employer of planned site visits in order to conduct inspections, detailing the date, time and where relevant the information or records required;
   (d) The employer's right to attend or assign an official to attend such site visits by the Inspector;
   (e) The employer's right to communication of the outcome of any enquiry, investigation, site inspection or audit
7) Notice period

(a) The Inspector shall for the purpose of investigations in terms of regulation 4 above, give the employer 14 days' notice to comply with the request for representation; and

(b) The Inspector shall, for the purpose of inspection in terms of regulation 5 above, give the employer 14 days' notice of its intention to conduct such inspection.

6 The employer may upon application, request The Compensation Commissioner to consider to grant an extension of not more than 7 additional days in order to comply with the request of the Inspector

MR TW NXESI, MP
MINISTER OF EMPLOYMENT AND LABOUR
DATE: 25/04/2024



COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT, 1993 (ACT NO 130 OF 1993)

PUBLICATION OF THE DRAFT REGULATION FOR THE REGISTRATION OF THIRD PARTY THAT ARE TRANSACTING WITH THE COMPENSATION FUND

FOR PUBLIC COMMENT

I, Thembelani Waltermade Nxesi, Minister of Employment and Labour, after consultation with the Compensation Board, hereby make the following attached regulations for public comment in terms of Section 97 of Compensation for Occupational Injuries and Diseases Act, 1993 (Act No 130 of 1993) as amended (Hereinafter referred to as 'the Act'). The proposed regulations are attached as Schedule A. The regulations are issued regarding the third parties who transact with the Compensation Fund in relation to the administration of the Act in terms of section 73(4)

Interested persons are invited to submit any substantiated comments in writing on the proposed regulations within 30 days from the date of publication hereof to the Department of Employment and Labour, Compensation Compensation Fund 167 Thabo Sehume Street, Delta Heights, Pretoria, 0001 or to Dolly.Nkabinde@labour.gov.za and to

Nobantu.Morrison@labour.gov.za

MR TW NXESI, MP
MINISTER OF EMPLOYMENT AND LABOUR
DATE: 25/04/2024

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SCHEDULE A

REGULATIONS

Definition of regulation

In these regulations, "the regulations" means the regulations relating to the third parties that are transacting with Compensation Compensation Fund (hereinafter referred to as 'the Compensation Fund') under the Compensation for Occupational Injuries and Diseases Act, 1993: and any word or expression to which a meaning has been assigned in the regulations shall have that meaning unless the context otherwise indicates

TABLE OF CONTENTS:

1. Purpose
2. Definitions
3. Requirements for Medical Service Provider registration with the Compensation Compensation Fund;
4. Requirements for Employer representative registration with the Compensation Compensation Fund
5. Terms and Conditions for transacting with the Compensation Fund
6. Supporting documentation
7. Handling of documents and medical invoices
8. Renewals
9. Suspension or Termination of Third Party Registration.
10. Verification of Third Party Business Process
11. Compensation Compensation Fund Audit Requirements
12. Submission of Third party registration documents.

1. PURPOSE:

Section 73(4)(a) and (b) requires that all third parties that transact with the Compensation Fund must be registered with the Compensation Fund as prescribed in these regulations especially those that submit medical invoices on

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behalf of medical service providers for processing by the Compensation Fund.

2. DEFINITIONS

"**Medical invoice or claim**" means a summary of fees of services provided to employees as defined in the Act;

"**Medical Service providers**" means a person who provides health services in terms of the law, including doctors, nurses, and health facilities;

"**Registration**" means a process of informing the Compensation Fund of the existence of a third party that represents medical service provider;

"**Supporting claim documents** means official forms that are prescribed by the Compensation Fund that must be submitted with medical invoices;

"**Third party**" means an individual or company that has been given a power of attorney, proxy appointment or a service level agreement by medical service provider or employer to transact on their behalf with the Compensation Fund.

3. REQUIREMENTS FOR MEDICAL SERVICE PROVIDER REGISTRATION WITH THE COMPENSATION FUND

3.1 For a company or individual to register as a third party, the following shall be required:

3.1.1 A completed third party registration form.
3.1.2 a certified copy ID of the owner of the company (individual/third party
3.1.3 Valid CIPC documents
3.1.4 Valid Letter of good standing / tender letter

3.2 An administration fee of R1000.00 is payable when applying for registration as a third-party administrator or pre-Compensation Funder of medical invoices with the Compensation Fund.

3.3 On receipt of complete documents, the Compensation Fund will respond with confirmation of registration within 21 working days.

3.4 A third party must be capable of obtaining original the Compensation Fund claim documents and medical invoices from medical service providers, with the permission from the medical service provider to submit the documents and invoices on their behalf for processing.

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4. REQUIREMENTS FOR EMPLOYER REPRESENTATIVES REGISTRATION WITH THE COMPENSATION FUND

4.1 An employer representative appointed and acting on behalf of an employer must fulfil the following registration criteria,

4.1.1 complete the online registration process at www.labour.gov.za\online services.

4.1.2 duly complete form sign and upload through the online registration process.

4.1.3 The Compensation Fund shall upon receipt of the registration, consider the information contained in such registration and supporting documents by accepting or rejecting the request for registration.

4.1.4 Should the Compensation Commissioner reject the request for registration of third-party employer representative; the reasons for such rejection shall be provided and the third-party employer representative shall be required to submit a new request for registration, with all required supporting documents.

4.1.5 Registration as a third party with the Compensation Fund shall be valid for a period of two years and renewable within 3 months of expiry of the valid period.

4.1.6 The employer representative must be formally appointed by the employer/s by way of a duly signed power of attorney for each employer represented; the power of attorney which must confirm the period of validity. The duly signed power of attorney documents for each employer must be uploaded on the representative's online profile and to produce duly certified copies on demand.

4.1.7 Sign and submit declaration with a list of all employers represented; together with each employer's section 89 subcontractors.

4.1.8 Ensure that each employer represented is duly registered and compliant with all employer obligations in terms of the Act and keep all records as required by the Compensation Fund in terms of the Act.

4.2 An employer representative as defined as an employer in terms of the Act; must be duly registered with the Compensation Fund as an employer and maintain its good standing in terms of all applicable prescribed compliance obligations.

5 TERMS AND CONDITIONS FOR TRANSACTING WITH THE COMPENSATION FUND

5.1 The Compensation Fund reserves the right to register only a third party that fully meets the requirements as set out in regulation 3 and 4 above.

5.2 The Compensation Fund may suspend or withdraw the registration if a registered third party does not comply with the provisions of Compensation for Injuries and Diseases Act, its regulations, and all its policies.

5.3 If the third party submits incomplete registration forms or required supporting

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documents may not be accepted or acknowledged for registration.

5.4 The registration as a third party with the Compensation Fund shall be valid for 2 years and a new application must be submitted 3 months before the end of the term for the next 2 years.

5.5 A medical service provider who treated an occupational injury or disease is legally accountable for all medical claims and reports submitted to the Compensation Fund on their behalf by a third party. As such the Compensation Fund reserves the right to contact the medical service provider directly in relation to any claims that have been lodged or submitted to the Compensation Fund by a third party.

5.6 The Compensation Fund may request access to a third party's Type 1 or Type 2 audit report from a third party and the third party shall be obliged to provide the audit report.

5.7 Prior to submitting invoices, a third party must ensure that medical service providers contracted to it are registered and compliant with the relevant statutory and health professional organizations, during the period(s) of service for which they are submitting invoices. Medical invoices of medical service providers who are not in good standing with their relevant statutory health professional organization shall not be processed by the Compensation Fund.

5.8 The Compensation Fund shall not provide or disclose any information for services rendered by the medical service provider prior to the commencement of a contract between medical service provider and a third party. A third party must obtain the information from the medical service provider.

5.9 The Compensation Fund may cancel a thirty party's registration where it no longer complies with the registration requirements.

5.10 The Compensation Fund may not accept medical invoices manually or electronically if there are monies owed to the Compensation Fund by a third party or a medical service provider unless the third party has made suitable arrangements to settle the debt.

6 SUPPORTING DOCUMENTATION

6.1 The third party must comply with the following requirements when administering COIDA matters on behalf of employers:

6.1.1 valid, originally certified copies of the Identity documents of the directors;

6.1.2 valid, originally certified CIPC certification;

6.1.3 proof of premises of business operations; and

6.1.4 maintain an original and valid power of attorney/mandate documents for each employer

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6.2 The third party must keep such records in their original state as received from employers and must furnish the Compensation Commissioner with such documents on request.

7. HANDLING OF DOCUMENTATS AND MEDICAL INVOICES

7.1 A third party must comply with the following requirements when administering medical claims on behalf of their valid contracted medical service providers.

7.2 A third party must:

7.2.1 keep the documents or data in the original format as obtained from the medical service provider as the medical service provider is accountable for the nature of treatment provided to the employee;

7.2.2 provide the Compensation Fund with such documents within 24 hours when requested to do so for verification and audit purposes;

7.2.3 comply with the annual Gazette medical billing requirements, procedures and medical invoices submission channels;

7.2.4 report any irregularities, financial or procedural, identified in all Compensation Fund processes for corrective measures to be implemented. The Compensation Fund will take necessary corrective steps;

7.2.5 provide all legal and financial supporting documents to the Compensation Fund on request;

7.2.6 make relevant to the Compensation Fund for all due or incorrect financial transactions or payments of invoices to prevent deregistration by the Compensation Fund;

7.2.7 ensure that all medical information about COID patients employees received from medical service providers is kept confidential in terms POPIA and protected against improper disclosure and only used for Compensation Fund purposes;

7.2.8 not submit duplicate invoices to the Compensation Fund.

7.2.9 The third party shall be liable for all duplicate payments made from submission of already paid medical invoices.

7.2.10 Any alterations or editing of original medical invoices from MSP is prohibited. This includes the invoice number and the detailed line items;

7.2.11 Original medical invoices and medical reports supporting claims must be submitted on the medical service provider's letterhead to the Compensation Commissioner and not that of a third party.

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8. RENEWALS

The third party must renew their registrations with the Compensation Commissioner every two years.

9. SUSPENSION OR TERMINATION OF THIRD-PARTY REGISTRATION

9.1 The Compensation Commissioner may suspend or withdraw the registration of a third party:

9.1.1 If a registered third party does not comply with the COIDA, its regulations, and all its policies;

9.1.2 If the registered third party or its directors are found to have conducted themselves in a manner that creates a conflict of interest between the third party and its represented employers; or

9.1.3 If the third party is placed under sequestration or placed under business rescue and the business rescue practitioner has not proven that the business of the third party can be rescued.

9.2 The employers represented are not compliant in terms of the Act; including the represented employers' contractors who are non-compliant in terms of section 89.

10. VERIFICATION OF THIRD-PARTY BUSINESS PROCESSES

10.1 A third party must be available for physical location or virtual meetings for the following reasons:

10.1.1. a review of its medical claims and invoices processes.

10.1.2. for a systems' demonstration for audit purposes;

10.1.3. comparison of electronically submitted medical invoices with originals received from the medical service providers, and

10.1.4. meeting with internal or external auditors of the Compensation Fund.

11. COMPENSATION FUND AUDIT REQUIREMENTS

11.1 The employer representatives, including employers represented may be subject to audit on the processes on compliance obligations in terms of the Act.

11.2 A third party must avail themselves for engagements with the Compensation

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Commissioner for the following reasons:

11.1.1 meeting with Compensation Fund management;

11.1.2 meeting with internal or external auditors on their Compensation Fund function.

MR TW NXESI, MP
MINISTER OF EMPLOYMENT AND LABOUR
DATE: 25/04/2024.

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DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. R. 4837 **17 May 2024**

LABOUR RELATIONS ACT, 1995

NOTICE OF INTENTION TO CANCEL THE REGISTRATION OF A TRADE UNION

I, Mongwadi Mary Ngwetjana, Deputy Registrar of Labour Relations, hereby, in terms of section 106(2B) give notice of my intention to cancel the registration of **South African Horseracing Allied Workers Union (SAHAWU) (LR2/6/2/2774)** for the following reasons:

- The organisation failed to comply with the provisions of section 98, 99 and 100 of the Act, and
- The organisation ceased to function in terms of its constitution

This Office is of the view that the trade union ceased to function as a genuine trade union as envisaged in the LRA.

The organisation and all interested parties are hereby invited to make written representations as to why the registration should not be cancelled. **Only representations pertaining to this Notice will be considered. All correspondence should refer to case number: 2024/76.**

Written representations must be lodged to me, c/o the Department of Employment and Labour, Laboria House, 215 Francis Baard Street, PRETORIA. [Postal address: Private Bag X117, PRETORIA, 0001 – email address: registrar.labourrelations@labour.gov.za ; mary.ngwetjana@labour.gov.za], within 60 days of the date of this notice.

DEPUTY REGISTRAR OF LABOUR RELATIONS

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. R. 4838 **17 May 2024**

LABOUR RELATIONS ACT, 1995

NOTICE OF INTENTION TO CANCEL THE REGISTRATION OF A TRADE UNION

I, Mongwadi Mary Ngwetjana, Deputy Registrar of Labour Relations, hereby, in terms of section 106(2B) give notice of my intention to cancel the registration of **Metal Building & General Workers Union of South Africa (MBGWUSA)(LR2/6/2/2234)** for the following reasons:

- The organisation failed to comply with the provisions of section 98, 99 and 100 of the Act, and
- The organisation ceased to function in terms of its constitution

This Office is of the view that the trade union ceased to function as a genuine trade union as envisaged in the LRA.

The organisation and all interested parties are hereby invited to make written representations as to why the registration should not be cancelled. **Only representations pertaining to this Notice will be considered. All correspondence should refer to case number: 2024/69.**

Written representations must be lodged to me, c/o the Department of Employment and Labour, Laboria House, 215 Francis Baard Street, PRETORIA. [Postal address: Private Bag X117, PRETORIA, 0001 – email address: registrar.labourrelations@labour.gov.za ; mary.ngwetjana@labour.gov.za], within 60 days of the date of this notice.

DEPUTY REGISTRAR OF LABOUR RELATIONS

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. R. 4839 **17 May 2024**

LABOUR RELATIONS ACT, 1995

NOTICE OF INTENTION TO CANCEL THE REGISTRATION OF A TRADE UNION

I, Mongwadi Mary Ngwetjana, Deputy Registrar of Labour Relations, hereby, in terms of section 106(2B) give notice of my intention to cancel the registration of **The United Democratic Food & Combined Workers Union (LR2/6/2/1865)** for the following reasons:

- The organisation failed to comply with the provisions of section 98, 99 and 100 of the Act, and
- The organisation ceased to function in terms of its constitution

This Office is of the view that the trade union ceased to function as a genuine trade union as envisaged in the LRA.

The organisation and all interested parties are hereby invited to make written representations as to why the registration should not be cancelled. **Only representations pertaining to this Notice will be considered. All correspondence should refer to case number: 2024/78.**

Written representations must be lodged to me, c/o the Department of Employment and Labour, Laboria House, 215 Francis Baard Street, PRETORIA. [Postal address: Private Bag X117, PRETORIA, 0001 – email address: registrar.labourrelations@labour.gov.za ; mary.ngwetjana@labour.gov.za], within 60 days of the date of this notice.

DEPUTY REGISTRAR OF LABOUR RELATIONS

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. R. 4840 **17 May 2024**

LABOUR RELATIONS ACT, 1995

NOTICE OF INTENTION TO CANCEL THE REGISTRATION OF A TRADE UNION

I, Mongwadi Mary Ngwetjana, Deputy Registrar of Labour Relations, hereby, in terms of section 106(2B) give notice of my intention to cancel the registration of **South African Democratic Nurses Union (SADNU) (LR2/6/2/2029)** for the following reasons:

- The organisation failed to comply with the provisions of section 98, 99 and 100 of the Act, and
- The organisation ceased to function in terms of its constitution

This Office is of the view that the trade union ceased to function as a genuine trade union as envisaged in the LRA.

The organisation and all interested parties are hereby invited to make written representations as to why the registration should not be cancelled. **Only representations pertaining to this Notice will be considered. All correspondence should refer to case number: 2024/63.**

Written representations must be lodged to me, c/o the Department of Employment and Labour, Laboria House, 215 Francis Baard Street, PRETORIA. [Postal address: Private Bag X117, PRETORIA, 0001 – email address: registrar.labourrelations@labour.gov.za ; mary.ngwetjana@labour.gov.za], within 60 days of the date of this notice.

DEPUTY REGISTRAR OF LABOUR RELATIONS

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. R. 4841 **17 May 2024**

LABOUR RELATIONS ACT, 1995

NOTICE OF INTENTION TO CANCEL THE REGISTRATION OF A TRADE UNION

I, Mongwadi Mary Ngwetjana, Deputy Registrar of Labour Relations, hereby, in terms of section 106(2B) give notice of my intention to cancel the registration of **South African Legal Union (SALU)(LR2/6/2/2712)** for the following reasons:

- The organisation failed to comply with the provisions of section 98, 99 and 100 of the Act, and
- The organisation ceased to function in terms of its constitution

This Office is of the view that the trade union ceased to function as a genuine trade union as envisaged in the LRA.

The organisation and all interested parties are hereby invited to make written representations as to why the registration should not be cancelled. **Only representations pertaining to this Notice will be considered. All correspondence should refer to case number: 2024/62.**

Written representations must be lodged to me, c/o the Department of Employment and Labour, Laboria House, 215 Francis Baard Street, PRETORIA. [Postal address: Private Bag X117, PRETORIA, 0001 – email address: registrar.labourrelations@labour.gov.za ; mary.ngwetjana@labour.gov.za], within 60 days of the date of this notice.



DEPUTY REGISTRAR OF LABOUR RELATIONS

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. R. 4842 **17 May 2024**

LABOUR RELATIONS ACT, 1995

NOTICE OF INTENTION TO CANCEL THE REGISTRATION OF A TRADE UNION

I, Mongwadi Mary Ngwetjana, Deputy Registrar of Labour Relations, hereby, in terms of section 106(2B) give notice of my intention to cancel the registration of **Amalungelo Workers Union (AWU)(LR2/6/2/2366)** for the following reasons:

- The organisation failed to comply with the provisions of section 98, 99 and 100 of the Act, and
- The organisation ceased to function in terms of its constitution

This Office is of the view that the trade union ceased to function as a genuine trade union as envisaged in the LRA.

The organisation and all interested parties are hereby invited to make written representations as to why the registration should not be cancelled. **Only representations pertaining to this Notice will be considered. All correspondence should refer to case number: 2024/71.**

Written representations must be lodged to me, c/o the Department of Employment and Labour, Laboria House, 215 Francis Baard Street, PRETORIA. [Postal address: Private Bag X117, PRETORIA, 0001 – email address: registrar.labourrelations@labour.gov.za ; mary.ngwetjana@labour.gov.za], within 60 days of the date of this notice.

DEPUTY REGISTRAR OF LABOUR RELATIONS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. R. 4843 **17 May 2024**

NATIONAL ENVIRONMENTAL MANAGEMENT: AIR QUALITY ACT, 2004 (ACT NO. 39 OF 2004)

CONSULTATION ON PROPOSED REGULATIONS FOR IMPLEMENTING AND ENFORCING PRIORITY AREA AIR QUALITY MANAGEMENT PLANS

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby, under section 20, read with sections 56 and 57 of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004), give notice of my intention to publish the Regulations for implementing and enforcing priority area air quality management plans, as set out in the Schedule hereto.

These Regulations set out the requirements necessary for implementing and enforcing any approved priority area Air Quality Management Plans. The Regulations will provide for mandatory implementation of interventions; mechanisms for government to monitor and evaluate the effectiveness of the plans; transitional arrangements as well as the activation of enforcement measures where non-compliance is identified. They apply to all key stakeholders identified to be significant contributors to poor air quality in the respective air quality management plans, including listed activities; controlled emitters; mining operations and government stakeholders. This version now also includes reclamation of historic mine dumps which are included in the regulations as an identified stakeholder. In addition, the regulations include a reference to any special permission relating to emission standards which need to be considered.

Members of the public are invited to submit written comments, within 30 days from the date of the publication of this notice in the Government *Gazette* or in the newspaper, whichever is the later date, to the following addresses:

By post to: The Director-General: Department of Forestry, Fisheries and the Environment
Attention: Mr Olebogeng Matshediso
Private Bag X447
PRETORIA
0001

By hand at: 473 Steve Biko Road, Environment House, Arcadia, 0083
By email: OMatshediso@dffe.gov.za

A copy of the socio-economic impact assessment report can be obtained on the Department's website at https://www.dffe.gov.za/legislation/gazetted_notices
Any enquiries in connection with the notice can be directed to Mr Victor Loate at Tel: 012 399 8507 / Cell: 066 081 6205, or by email: VLoate@dffe.gov.za
Comments received after the closing date may not be considered.

BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

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1. Definitions

In these Regulations, any word or expression to which a meaning has been assigned in the Act, has the same meaning, and unless the context otherwise indicates—

"emission reduction and management plan" means an emission reduction and management plan contemplated in regulation 5 of these Regulations, to be prepared and submitted by an identified stakeholder for the purpose of minimising, preventing and managing emissions to contribute towards emission reduction targets as stipulated in the priority area air quality management plans;

"exploration operation" has the meaning assigned to it in section 1 of the Mineral and Petroleum Resources Development Act;

"**historical mine dump**" means debris, discard, residues, slimes, screening, slurry, tailings, waste rock, foundry sand, beneficiation plant waste, ash or any other product derived from or incidental to prospecting, exploration, mining or production operations, which do not require any authorisation in terms of the Mineral and Petroleum Resources Development Act, 2002;

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"identified stakeholder" means a stakeholder described in regulation 3(2) of these Regulations;

"mining operation" has the meaning assigned to it in section 1 of the Mineral and Petroleum Resources Development Act;

"National Air Quality Officer" means the officer designated as the national air quality officer in terms of section 14(1) of the Act;

"person" includes a juristic person and organ of state;

"production operation" has the meaning assigned to it in section 1 of the Mineral and Petroleum Resources Development Act;

"prospecting operations" has the meaning assigned to it in section 1 of the Mineral and Petroleum Resources Development Act;

"reclamation" means obtaining materials of value from historical mine dump;

"the Act" means the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004); and

"these Regulations" means the Regulations for Implementing and Enforcing Priority Area Air Quality Management Plans, 2023.

2. Purpose

The purpose of these Regulations is to provide for the implementation and enforcement of a priority area air quality management plan approved and published in terms of sections 19(1)*(b)* and 19(5) of the Act.

3. Application

(1) These Regulations apply to a priority area air quality management plan published by the Minister in terms of section 19(5)*(a)* of the Act.

(2) These Regulations apply to a stakeholder assigned responsibility in terms of a priority area air quality management plan which include:

(a) Any person conducting a listed activity;

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(b) any person operating a controlled emitter;

(c) any holder of a right or permit related to a prospecting operation, exploration operation, mining operation, or production operation as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002);

(d) any person conducting reclamation; and

(e) any department of state or administration in the national, provincial or local sphere of government.

4. Emission reduction targets

(1) A priority area air quality management plan must, in addition to the requirements in section 19(6) of the Act, include measurable emission reduction targets.

(2) Despite regulation 8, any priority area air quality management plan published prior to the commencement of these Regulations must, within two years of the commencement of these Regulations, be reviewed to include emission reduction targets.

5. Emission reduction and management plan

(1) An identified stakeholder in regulation 3(2)*(a)* to *(d)* must, within six months of the publication of a priority area air quality management plan or reviewed plan as contemplated in regulations 4(2) or 8(1), submit an emission reduction and management plan for approval to the relevant licensing authority in respect of identified stakeholders in regulation 3(2)*(a)* or air quality officer in respect of identified stakeholders in regulation 3(2)*(b)* to *(d)*.

(2) An identified stakeholder in regulation 3(2)*(e)* must within six months of the publication of a priority area air quality management plan or reviewed plan as contemplated in regulations 4(2) or 8(1), submit an emission reduction and management plan for the activities for which it is responsible, to the Minister for noting.

(3) An identified stakeholder in regulation 3(2)*(e)* who also falls within regulation 3(2)*(a)*, *(b)* *(c)* or *(d)* must submit an emission reduction and management plan in terms of both subregulation (1) and (2).

(4) An emission reduction and management plan must include the following:

(a) measures to achieve emission reduction and management;

(b) emissions reduction targets aligned to the priority area air quality management plan;

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(c) implementation timeframes to achieve emission reduction targets; and

(d) any other requirements determined by the licensing authority, air quality officer or Minister, where applicable.

(5) The relevant licensing authority or air quality officer must–

(a) within 60 days of submission of the emission reduction and management plan contemplated in subregulation (1)–

(i) approve the plan; or

(ii) refer the plan back to the identified stakeholder to be amended; and

(b) have regard to regulation 11(2), when deciding to approve a plan or refer it back for amendment.

(6) The licensing authority must incorporate an approved emission reduction and management plan into the relevant atmospheric emission licence as contemplated in section 46(1) of the Act.

(7) Once approved or noted an emission reduction and management plan must be implemented by the identified stakeholder within the timeframes specified in that plan which must align with those in the priority area air quality management plan.

6. Funding and resources for implementation of priority area air quality management plans

An identified stakeholder must provide adequate financial support, funding and necessary resources to ensure the implementation of a priority area air quality management plan.

7. Reporting requirements

(1) An identified stakeholder must by 31 March of every calendar year, submit a progress report in the format specified by the National Air Quality Officer, to the National Air Quality Officer on the implementation of its emission reduction and management plan for the preceding calendar year.

(2) Where 31 March falls on a Saturday, Sunday or public holiday, that period must be extended to the end of the following day which is not a Saturday, Sunday or public holiday.

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(3) Where any progress report contemplated in subregulation (1) includes a report on emissions inventory, the emissions inventory report must comply with the National Atmospheric Emission Reporting Regulations promulgated in terms section 12*(b)* and *(c)* of the Act.

(4) The National Air Quality Officer must consolidate the stakeholders' annual progress reports for inclusion in the report required in terms of section 17 of the Act on the implementation of priority area air quality management plans.

8. Review and monitoring of priority area air quality management plans

(1) Priority area air quality management plans must be reviewed every five years or as deemed necessary by the Minister and submitted for approval.

(2) Once the reviewed priority area air quality management plan is approved by the Minister, the identified stakeholder must review its emission reduction and management plan to align with the reviewed priority area air quality management plan and submit such plan in terms of regulation 5 of these Regulations within six months of the publication of such reviewed priority area air quality management plan.

9. Offences

An identified stakeholder commits an offence if it —

(a) provides incorrect or misleading information in an emission reduction and management plan submitted in terms of regulation 5(1);

(b) fails to submit or implement an emission reduction and management plan submitted in terms of regulation 5(1) within the specified timeframes set out in these Regulations; or

(c) fails to submit the required annual progress report in terms of regulation 7 of these Regulations in respect of an emission reduction and management plan submitted in terms of regulation 5(1).

10. Penalties

A person convicted of an offence in terms of regulation 9 of these Regulations is liable—

(a) in the case of a first conviction to a fine not exceeding five million rand or to imprisonment for a period not exceeding five years; or

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(b) in the case of a second or subsequent conviction, to a fine not exceeding ten million rand or imprisonment for a period not exceeding ten years; and

in respect of both paragraphs (a) and (b) to both a fine and imprisonment.

11. General

(1) The control of dust in priority areas must be managed in line with the Regulations published in terms of section 32 of the Act.

(2) Any special permission or arrangement relating to emissions standards, granted to an identified stakeholder, in terms of the Act, must be considered when implementing these Regulations.

12. Repeal of regulations

The Vaal Triangle Priority Area AQMP Implementation Regulations, 2009 published under Government Notice R. 614 of *Government Gazette* 32254 on 29 May 2009, are hereby repealed.

13. Short title and commencement

These Regulations are called the Regulations for Implementing and Enforcing Priority Area Air Quality Management Plans, 2024, and come into operation on its date of publication in the *Gazette*.

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