

Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

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

IMPORTANT NOTICE:

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

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government printing
Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICA

HIGH ALERT: SCAM WARNING!!!

TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

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

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

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

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

Example of e-mails these fraudsters are using:

PROCUREMENT@GPW-GOV.ORG

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

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

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

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

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

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

Fake Tenders

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

How tender scams work

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

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

OR

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

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

Protect yourself from being scammed

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

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

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

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

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

Closing times for **ORDINARY WEEKLY** *GOVERNMENT 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 TRADE, INDUSTRY AND COMPETITION

NO. 5022 **5 July 2024**

THE COMPETITION COMMISSION OF SOUTH AFRICA

NOTICE IN TERMS OF SECTION 10(7) OF THE COMPETITION ACT NO. 89 OF 1998 (AS AMENDED) – THE NATIONAL HOSPITAL NETWORK CONDITIONAL EXEMPTION GRANTED

NATIONAL HOSPITAL NETWORK - 2023SEP0040

1. On **27 September 2023**, the National Hospital Association ("**the NHN**") and its members, hereinafter referred to as ("**the Applicants**") filed an application for an exemption ("**the Application**") in terms of Section 10(3)(b)(ii) of the Competition Act No 89 of 1998, as amended ("**the Competition Act**"). The NHN's application related to the category of agreements and/or practices concluded by its members who are in a horizontal relationship.

2. The NHN is a non-profit organization registered in terms of the Companies Act 71 of 2008. Its members are independent private hospitals. In the NHN's context, independent relates to membership in the NHN that is limited to private hospitals which are not 'owned' or controlled by Mediclinic South Africa, the Netcare Hospital Group and Life Healthcare.

3. In their Application, the Applicants relied on the objectives set out in Section 10(3)(b)(ii) of the Competition Act which allows an exemption of agreements and/or practices that promote the effective entry into, participation in or expansion within a market by small medium businesses, or firms controlled or owned by historically disadvantaged persons.

4. The Applicants submitted that the practices sought to be implemented contravene Section 4(1)(b) of the Competition Act since they operate as competitors in the provision of hospital services.

5. The NHN has requested the Competition Commission ("the Commission") to grant an exemption for the period of five years to allow for the implementation of the following practices:

5.1. The members of the NHN shall agree to collectively implement the prices negotiated and agreed on their behalf by the NHN, with medical schemes and medical scheme administrators;

5.2. The NHN shall engage on behalf of its members in global fee negotiations with medical schemes, administrators, the State and healthcare providers (professional associations);

5.3. The NHN shall undertake collective or centralised procurement on behalf of its members; and

5.4. The NHN shall promote the interests of its members and to market their services and also to provide a base for benchmarking which would help NHN members to increase efficiencies.

6. On 1 December 2023, the Commission published a Government Gazette Notice pertaining to the NHN's exemption application in accordance with Section 10(6) of the Competition Act, read with Rule 19(4) of the Rules of Conduct of Proceedings in the Competition Commission ("the Rules"). The Notice stated that the conduct sought may amount to prohibited practices in contravention of Section 4 of the Competition Act. The Notice also called upon interested parties to make written representations to the Commission within twenty (20) business days of publication as to why the exemption should or should not be granted.

7. The submissions received from interested parties were considered in the assessment of the NHN's exemption application.

8. The Commission's investigation revealed that:

8.1. the conduct of the NHN's members would result in a contravention of Section

4 of the Competition Act;

8.2. the exemption if granted, may achieve the objectives of Section 10(3)(b)(ii) of the Competition Act.

9. After consideration of the exemption application, the Commission has decided to grant the NHN a conditional exemption for a period of five (5) years, commencing from **1 June 2024** and ending on **31 May 2029**. The exemption will be subject to monitoring mechanisms which the Commission has put in place to ensure that the objectives set out in the application are met by the exemption. The Conditions and Monitoring Mechanisms are attached below as **Annexure A**.

10. Notice is hereby given in terms of Section 10(7) of the Competition Act regarding the Commission's decision to grant this exemption. The Applicants and any other person with a substantial material interest affected by this decision may lodge an appeal to the Competition Tribunal in the prescribed manner in terms of Section 10(8) of the Competition Act.

11. Further queries concerning this Notice should be directed to:

Dr Thabang Ndlovu
Competition Commission South Africa
Market Conduct Division
Email: ThabangN@compcom.co.za

Mr Tlabo Mabye
Competition Commission South Africa
Market Conduct Division
Email: TlaboM@compcom.co.za

12. Kindly make use of the following case number when sending correspondence in relation to this Notice: Case No: **2023SEP0040**.

ANNEXURE A: EXEMPTION CONDITIONS

Preamble

The exemption is granted to the National Hospital Network ("**NHN**") for a period of **five years** starting from **1 June 2024** and ending on **31 May 2029** subject to the conditions listed below.

The conditions only apply for the purpose and duration of the exemption. The exemption is in respect of a collective bargaining arrangement between the members of the NHN and individual medical schemes and/or administrators, as well as agreements that result from the collective bargaining.

The NHN has requested exemption from section 4(1)(b)(i) of the Act for a period of five (5) years in order to engage in the following activities with medical aid schemes and/or medical scheme administrators on behalf of its members:

1. The members of the NHN shall agree to collectively implement the prices negotiated and agreed on their behalf by the NHN, with medical schemes and/or medical scheme administrators;

2. The NHN shall engage on behalf of its members in global fee negotiations with medical schemes, administrators, the state and healthcare providers (professional associations);

3. The NHN shall undertake collective or centralised procurement on behalf of its members; and

4. The NHN shall promote the interests of its members and to market their services and also to provide a base for benchmarking which would help NHN members to increase efficiencies.

The exemption is meant to achieve the objectives of section 10(3)(b)(ii) of the Act which reads "*promotion of the effective entry into, participation in or expansion within*

a market by small and medium businesses, or firms controlled or owned by historically disadvantaged persons".

Conditions

1. Large members of the NHN (i.e. members that do not qualify as either a firm owned or controlled by a historically disadvantaged person ("**HDP**") and/or small, micro and medium enterprise ("**SMME**")) shall commit to taking active steps in achieving overall transformation including ownership structures to enhance participation of HDPs in their facilities.

2. Large members of the NHN shall commit to procuring a proportion of their centralised procurement spend from BBBEE entities in line with the targets set out in Table 1 below.

3. Large members of the NHN shall commit to mobilising resources for expanding the existing human capital pool through investing in people, employment equity, skills development and institutional transformation in line with the targets set out in Table 1 below.

Table 1: Targets to be achieved by large members of the NHN

Target Number	Element	Indicator	Measurement Criteria	Compliance Target	Target for Year 1 of the Exemption	Target for Year 2 of the Exemption	Target for Year 3 of the Exemption	Target for Year 4 of the Exemption	Target for Year 5 of the Exemption
1	**Ownership or Management.**	**Voting Rights.**	Exercisable Voting Rights in the Entity in the hands of Black people.	**55%**	35%	40%	45%	50%	55%
		Board Participation.	Exercisable voting rights of black board members as a percentage of all board members.	**50%**	10%	20%	30%	40%	50%
			Black Executive directors as a percentage of all executive directors.	**50%**	10%	20%	30%	40%	50%
2	**Employees with disabilities.**	**Participation.**	Black employees with disabilities as a percentage of all employees.	**2%**	1%	2%	2%	2%	2%
3	**Enterprise & supplier development.**	**Preferential Procurement.**	Procurement Spend on the BBBEE entities as a percentage of Total Measured Procurement Spend.	**50%**	10%	20%	30%	40%	50%
			Procurement Spend on the BBBEE entities owned by black females as a percentage of Total Measured Procurement Spend.	**15%**	5%	10%	15%	15%	15%
4	**Skills Development.**	**Skills Development Expenditure.**	Skills Development Expenditure ((learning programmes) on black people as a percentage of total expenditure on Learning Programme.	**6%**	2%	4%	6%	6%	6%
			Skills Development Expenditure (learning	**2%**	1%	1.5%	2%	2%	2%

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		programmes) on black female employees as a percentage of total expenditure on Learning Programme.		1%	1.5%			
	Skills Development Participation.	Number of black people participating in learnerships, apprenticeships and internships as a percentage of total employees.	**2%**			2%	2%	2%

Global Fees

4. The NHN must ensure that it implements its global fees arm of the exemption. The NHN when entering into global fee arrangements should undertake to adhere to the following conditions:

    a. Carve-outs or exclusions from this specific alternative reimbursement method shall be limited and global fees shall be negotiated on the premise of full risk sharing between the medical aid schemes and the providers of healthcare services.

    b. The negotiation of global fees agreements shall specifically incorporate clearly defined quality and performance metrics which shall be transparent and evidence based.

    c. The NHN shall, as part of its general annual reporting condition below, report on all global fees that were negotiated annually.

Alternative Re-Imbursement Models

5. The NHN must implement a plan and/or policy that will promote the move from fee for service cost models between funders and facilities towards Alternative Re-Imbursement **("ARM")** contracting.

6. The NHN shall be required, as part of its general annual reporting condition discussed below, to report to the Commission on the progress made on implementing ARMs contracting and/or submit ARM contracts that were negotiated annually.

Centralized Procurement

7. The NHN must ensure that it implements its centralised procurement arm of the exemption at the benefit of its members. The NHN shall be required, as part of its general annual reporting condition to report to the Commission on the progress made on implementing its central procurement arm of the exemption.

Annual Submission of Information

1. The NHN is required to submit information to the Commission on an annual basis as would be required to monitor the impact of the measures taken to meet the objective relied upon and to assess whether the NHN is meeting the objective on an on-going basis. The information to be submitted to the Commission may be in table format and must include the following:

    a. Full details on the number of global fee arrangements the NHN has contracted. This must include but not be limited to the following:
        i. The parties to the agreement;
        ii. The structure of the agreement including full details on the risk sharing between funders and providers;
        iii. The carve-outs or specific exclusions from the global fee arrangement as well as justification for why the carve-outs are necessary;
        iv. Clearly defined quality metrics which are applicable to the agreements; and
        v. Copies of all agreements.
    b. New members that joined;
    c. Geographic location of each NHN member;
    d. Type of hospital (i.e. acute, sub-acute, day clinic);
    e. The number of employees of each NHN member;
    f. The number of NHN members that are part of any Designated Service Provider arrangements concluded with medical schemes and/or administrators;
    g. The number of NHN members that qualify as Historically Disadvantaged Persons in terms of section 3(2) of the Act;

h. The number of NHN members that qualify as small businesses. This includes NHN members who meet each individual requirement and NHN members who meet the collective requirements:
i. The number of new facilities opened by each NHN member and/or expansion through an increase in the number of hospital beds; and
j. The expansion of product and/or service offering to patients by each NHN member and the name of the product and/or service.

2. In addition to the above, the NHN must during the period of the exemption, implement competitive strategies aimed at providing additional services to its members outside of the collective bargaining process. The purpose of this condition is to provide ongoing support to members, in order to improve their competitiveness in the market. The services to be provided to the aforementioned members must include but not be limited to:

a. High level feedback providing insight into industry trends and economic factors which may affect the operation of the members facilities;

b. Detailed feedback on Alternative Reimbursement Models (“ARMs”) entered into with medical schemes and the constitution of such ARMs enabling member facilities to better manage the costs of the procedure and maximise profits;

c. Detailed feedback on the progress made on its central procurement arm of the exemption.

d. Feedback and training on the tools available to assist in managing facilities optimally;

e. Assistance and training on submission of claims and support on technical claims issues;

f. Detailed feedback and training on managing cost efficiencies and quality control measures including benchmarking; and

g. Operational meetings held with medical schemes and/or administrators in which problem areas and/or trends are identified and discussed and approaches to resolve any issues are concluded.

The above-mentioned services are to be provided to members through one or combination of the following platforms:

i. Regular workshops hosted by the NHN;
ii. Information manuals provided to members;
iii. Onsite training sessions held at the facilities of the members;
iv. Newsletters produced by the NHN; and
v. Email and telephonic support made available to members and their staff members.

3. The NHN must provide on an annual basis, data and/or information pertaining to compliance of targets set for its large members.

4. The NHN must implement measures to track the number of members whose competitiveness has improved because of the implementation of the aforementioned conditions. The information must be submitted to the Commission on an annual basis.

5. The compliance report(s) must be submitted to the following email address exemption.conditions@compcom.co.za

Variation Clause

1. Notwithstanding the aforementioned conditions, the Commission may at any time upon good cause shown decide to vary or revise any condition during the period of the exemption.

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 5023 **5 July 2024**

THE COMPETITION COMMISSION SOUTH AFRICA

EXTENSION OF THE CONDITIONAL EXEMPTION GRANTED TO MARANG AFRICA HEALTHCARE PROPRIETARY LIMITED

1. On 5 October 2020, Marang Healthcare Proprietary Limited ("Marang Health") filed an application for exemption ("the application") in terms of section 10 (3)(b)(ii) of the Competition Act 89 of 1998, as amended ("the Act") to be exempted from certain provisions of chapter 2 of the Act for a period of 10(ten) years. Marang Health is a wholly owned subsidiary of Marang Global Capital Proprietary Limited (Marang Global) that was established in 2015 as a financial advisory firm focusing on healthcare investments, healthcare finance, and healthcare asset finance. Marang Health is a private company registered in accordance with the laws of South Africa.

2. The application for the exemption relates to the agreements and/or practices between Marang Health and Mediclinic Southern Africa Proprietary Limited (Mediclinic) under the establishment of an operating company ("OpCo") which will include the determination and negotiation of tariffs by Mediclinic on behalf of Marang Health and each of the Marang Health Hospitals. Marang Health also requested Mediclinic to manage and operate the OpCo which includes negotiating and setting tariffs on behalf of Marang Health and each of Marang Health's hospitals. The conditional exemption granted Marang Health was to expire on 10 June 2024.

3. The Commission has decided to extend the conditional exemption granted to Marang Health by three (3) months, starting on 11 June 2024 and ending on 10 September 2024. This exemption is granted on the same terms as the short-term exemption previously granted by the Commission on 21 June 2021 and 09 December 2022.

4. The reason for this extension is to enable Marang Health to submit the information required by the Commission to assess the latest extension request from Marang Health. The (3) three-month extension will also allow the Commission to review the information to be submitted by Marang Health and assess whether the (18) eighteen-month extension is reasonable.

5. Notice is hereby given in terms of Section 10(7) of the Competition Act regarding the Commission's decision to grant the extension of this exemption. The Applicants and any other person with a substantial material interest affected by this decision may appeal to the Competition Tribunal in the prescribed manner in terms of Section 10(8) of the Competition Act.

6. Any queries in this regard should be directed to:

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Mamontshi Keleme
Market Conduct Division
Email: MamontshiK@compcom.co.za

Mr Tlabo Mabye
Market Conduct Division
Email: TlaboM@compcom.co.za

7. Kindly refer to the following case number: 2020Oct0008 when sending correspondences in relation to this Notice

DEPARTMENT OF TRANSPORT

NO. 5024 **5 July 2024**

INTERNATIONAL AIR SERVICE ACT, (ACT NO.60 OF 1993)
GRANT /AMENDMENT OF INTERNATIONAL AIR SERVICE LICENSE

Pursuant to the provisions of section 17 (12) of Act No.60 of 1993 and Regulation 15 (1) and 15 (2) of the International Air Regulations,1994, it is hereby notified for general information that the application, detail of which appear in the Schedules hereto, will be considered by the International Air Services Council (Council). Representations in accordance with section 16(3) of the Act No. 60 of 1993 and regulation 25(1) of International Air Services Regulation, 1994, against or in favour of an application, should reach the Chairperson of the International Air Services Council at the South African Civil Aviation, Private Bag X 73, Halfway house, 1685 or by email at: internationalairservicescouncil@yahoo.com within 28 days of the publication for the attention of: Itumeleng Mogashoa or Nonjabulo Khumalo at: iasapplication@caa.co.za It must be stated whether the party or parties making such representations is / are prepared to be present or represented at the possible hearing of the application. Interested parties are kindly requested to ignore the notice published on 14 June 2024 regarding this application.

APPENDIX I (New Applications)

(A) Full name and trade name of the applicant**.** (B) Full business or residential address of the applicant. (C) Class of license applied for. (D) Type of air service to which application applies. (E) Category of aircraft to which application applies.

APPENDIX II (Amendment Applications)

(A) Full Name and trade name of the applicant. (B) Full business or residential address the applicant. (C) The Class and number of licence in respect of which the amendment is sought (D) Type of air service and the amendment thereto which is being applied for (E) Category of aircraft and the amendment thereto which is being applied for. (F) Amendment referred to in section 14(2) (b) to (e).

(A) Airlink (Pty) Ltd. (B) Greenstone Hill Office Park, Emerald Boulevard, Greenstone Hill, Modderfontein. **(C)** Class I & I /S073(D) Type S1 & S2 (E) Category A1, A2, A3 & A4 (F) Hosea Kutako International Airport & Walvis Bay International Airport.(G) Cape Town – Windhoek, Namibia & Cape Town – Walvis Bay, Namibia. (H) CPT-WDH: 7 flights per week & CPT-WVB: 7 flights per week.

SOUTH AFRICAN CIVIL AVIATION AUTHORITY

INTERNATIONAL AIR SERVICES ACT 60 OF 1993

INVITATION TO SUBMIT PUBLIC COMMENTS ON APPLICATION FOR FOREIGN OPERATORS PERMIT

The International Air Services Council intends, in terms of section 24(3) of Act 60 of 1993 and regulation of 25(2) of the International Air Services Regulations,1994 and hereby invites the members of the public to submit comments or objections on the application submitted by Air Botswana for a Foreign Operators Permit to operate, for a period of twelve (12) months, as follows:

- Class: I
- Type: S1
- Category of FOP: A1
- Routes: Gaborone – O.R Tambo; O.R Tambo – Maun; Gaborone – Durban
  O.R Tambo – Gaborone; Maun – O.R Tambo; Durban – Gaborone
  Gaborone – Cape Town; Durban – Kasane
  Cape Town – Gaborone; Kasane – O.R Tambo
- Frequencies: (70) seventy flights daily
- Purpose of flights: Scheduled air service in terms of BASA between South Africa and Bostwana
- Application to a Foreign Operators Permit
- Aircraft type + Registration: ATR 45-500 Reg: A2-ABN; ATR 72-600 Reg: A2- ABK; ATR 72-212A Reg: A2- ABL; ERJ170 Reg: A2- ABM

Interested persons are hereby invited to submit written comments or objections to the application within 28 business days from the date of publication of this gazette to foreignoperatorpermit@yahoo.com to the Chairperson of the International Air Services Council: for the attention of:

Itumeleng Mogashoa or Nonjabulo Khumalo
Private Bag X73
Halfway house
1685
Email: iasapplication@caa.co.za

SOUTH AFRICAN CIVIL AVIATION AUTHORITY

INTERNATIONAL AIR SERVICES ACT 60 OF 1993

INVITATION TO SUBMIT PUBLIC COMMENTS ON APPLICATION FOR FOREIGN OPERATORS PERMIT

The International Air Services Council intends, in terms of section 24(3) of Act 60 of 1993 and regulation of 25(2) of the International Air Services Regulations,1994 and hereby invites the members of the public to submit comments or objections on the application submitted by Compagnie Africaine D'Aviation for a Foreign Operators Permit to operate, for a period of twelve (12) months, as follows:

- Class: I
- Type: S1
- Category of FOP: A1
- Routes: Kinshasa – O.R Tambo – Kinshasa
  Lubumbashi – O.R Tambo – Lubumbashi
  Kinshasa – Lubumbashi – O.R Tambo – Kinshasa
  Kinshasa - Lubumbashi – O.R Tambo
- Frequencies: Daily
- Purpose of flights: Scheduled air service in terms of BASA between South Africa and DRC
- Addition of an Aircraft
- Aircraft type + Registration: A 330-200: 9H-HFH
  A300-300: 9H-HFI

Interested persons are hereby invited to submit written comments or objections to the application within 28 business days from the date of publication of this gazette to foreignoperatorpermit@yahoo.com to the Chairperson of the International Air Services Council: for the attention of:

Itumeleng Mogashoa or Nonjabulo Khumalo
Private Bag X73
Halfway house
1685
Email: iasapplication@caa.co.za

SOUTH AFRICAN CIVIL AVIATION AUTHORITY

INTERNATIONAL AIR SERVICES ACT 60 OF 1993

INVITATION TO SUBMIT PUBLIC COMMENTS ON APPLICATION FOR FOREIGN OPERATORS PERMIT

The International Air Services Council intends, in terms of section 24(3) of Act 60 of 1993 and regulation of 25(2) of the International Air Services Regulations,1994 and hereby invites the members of the public to submit comments or objections on the application submitted by Singapore Airlines for a Foreign Operators Permit to operate, for a period of twelve (12) months, as follows:

- Class: I
- Type: S1
- Category of FOP: A1
- Routes: Singapore – O.R Tambo – Cape Town – Durban
- Frequencies: Daily
- Purpose of flights: Scheduled air service in terms of BASA between South Africa and Singapore
- Application to a Foreign Operators Permit
- Aircraft type + Registration: A350 -941

Interested persons are hereby invited to submit written comments or objections to the application within 28 business days from the date of publication of this gazette to foreignoperatorpermit@yahoo.com to the Chairperson of the International Air Services Council: for the attention of:

Itumeleng Mogashoa or Nonjabulo Khumalo
Private Bag X73
Halfway house
1685
Email: iasapplication@caa.co.za

SOUTH AFRICAN CIVIL AVIATION AUTHORITY

INTERNATIONAL AIR SERVICES ACT 60 OF 1993

INVITATION TO SUBMIT PUBLIC COMMENTS ON APPLICATION FOR FOREIGN OPERATORS PERMIT

The International Air Services Council intends, in terms of section 24(3) of Act 60 of 1993 and regulation of 25(2) of the International Air Services Regulations,1994 and hereby invites the members of the public to submit comments or objections on the application submitted by United Airlines Inc for a Foreign Operators Permit to operate, for a period of twelve (24) months, as follows:

- Class: I
- Type: S1
- Category of FOP: A1
- Routes: Newark, New Jersey – Cape Town – Newark, New Jersey
  Newark, New Jersey – O.R Tambo – Newark, New Jersey
  Washington, D.C – Cape Town – Washington, D.C
- Frequencies: 13 (thirteen) flights daily
- Purpose of flights: Scheduled air service in terms of BASA between South Africa and USA
- Extension of validity of current valid Foreign Operators Permit
- Aircraft type + Registration: B787-9 Reg: N17963

Interested persons are hereby invited to submit written comments or objections to the application within 28 business days from the date of publication of this gazette to foreignoperatorpermit@yahoo.com to the Chairperson of the International Air Services Council: for the attention of:

Itumeleng Mogashoa or Nonjabulo Khumalo
Private Bag X73
Halfway house
1685
Email: iasapplication@caa.co.za

DEPARTMENT OF TRANSPORT

NO. 5025 **5 July 2024**

SOUTH AFRICAN CIVIL AVIATION AUTHORITY

AMENDMENT OF DETERMINATION MADE BY SOUTH AFRICAN CIVIL AVIATION AUTHORITY IN TERMS OF SOUTH AFRICAN CIVIL AVIATION AUTHORITY LEVIES ACT, 1998

The South African Civil Aviation Authority, in terms of the provisions of section 2(7) of the South African Civil Aviation Authority Levies Act, 1998 (Act No. 41 of 1998), intends to amend the Determination, as contained in the Schedule of Amendment below, published in Government Notice No. R1665 of 14 December 1998, as amended by Government Notice No. R.932 of 30 July 1999, Government Notice No. R. 1033 of 27 August 1999, Government Notice No. R. 1101 of 9 November 2005; Government Notice No. R. 473 of 25 April 2008, Government Notice No. 199 of 26 February 2010, Government Notice No. R. 231 of 12 March 2010, Government Notice No. R 317 of 8 April 2011, Government Notice No. R. 511 of 30 June 2014, Government Gazette No. R. 1052 of 22 December 2014, Government Gazette No. R. 1285 of 24 December 2015, Government Gazette No. R. 1286 of 24 December 2015, Government Gazette No. R. 585 of 23 June 2017, Government Gazette No. R. 54 of 26 January 2018, Government Gazette No. R. 1461 of 12 November 2019, Government Gazette No. R995 of 1 October 2021, Government Gazette No. R48330 of 29 March 2023.



Poppy Khoza
Director of Civil Aviation

No.

GOVERNMENT NOTICE

SOUTH AFRICAN CIVIL AVIATION AUTHORITY

SCHEDULE OF AMEDNMENT

Amendment of the Determination

1. The Determination is hereby amended by:

(a) the substitution in the list of Arrangement of paragraphs of the Determination:

"ARRANGEMENT OF PARAGRAPHS

1. **Definitions**
2. **Levies**
3. **List of exempt scheduled passenger air service operator and wholesale Distributors**
4. **Application for registration as Wholesale Distributor**
5. **Renewal**
6. **Payment of the fuel levy**
7. **Commencement date**

(b) the substitution for the Determination of the following Determination:

1. **Definitions**

In this Determination, unless the context indicates otherwise, any expression given a meaning in the Act has that meaning and—

'**the Act**' means the South African Civil Aviation Authority Levies Act, 1998 (Act No. 41 of 1998);

'**Wholesale Distributor**' means, for the purpose of payment of the South African Authority fuel levy:-

(a) any enterprise engaged in acquiring aviation fuel from local refineries or importation, with the purpose of distributing the fuel on a wholesale basis; or

(b) any enterprise deemed to be a Wholesale Distributor by the Authority through the issuing of a certificate of registration.

2. Levies

2.1 Subject to the provisions of paragraph (2.2), a levy of twenty-one point eighty-five (R0.2185) is payable by consumers (including a wholesale distributor) on the sale of all aviation fuel which is manufactured, distilled, imported or sold in the Republic for the financial year 2024/2025 or until when the fuel levy is amended by the South African Civil Aviation Authority.

2.2 A levy on aviation fuel is payable by any Wholesale Distributor on the products which are manufactured, distributed, imported, sold or consumed by it at any point in the Republic of South Africa.

2.3 A levy on aviation fuel is not payable –

(a) on fuel exports to a foreign country or when sold to foreign aviation passenger operator of a country which have entered into air transport agreement with the Government of the Republic of South Africa in respect of which the levy is not payable;

(b) in respect of a scheduled public air transport flight or part of a flight in terms of which the Passenger Safety Charge as specified in

Regulation 187.02.1 of the Civil Aviation Regulations, 2011, is payable; and

(c) where a Wholesale Distributor sells aviation fuel to another Wholesale Distributor and the selling Wholesale Distributor has paid the fuel levy to the South African Civil Aviation Authority.

2.4 A levy on aviation fuel on a specific supply is only payable once.

2.5 Value-added Tax is not payable on the levy referred to in paragraph (2.1).

3. List of exempt scheduled passenger air service operator and Wholesale Distributor

3.1 The South African Civil Aviation Authority shall regularly publish on its website the particulars of:

(a) scheduled passenger air service operators normally conducting scheduled public air transport flights and collecting the Passenger Safety Charge as specified in Part 187 of the Civil Aviation Regulations, 2011; and

(b) Wholesale Distributors.

4. Application for Registration as Wholesale Distributor

4.1 An application for registration as a Wholesale Distributor shall be made to the South African Civil Aviation Authority and shall—

(a) state name and address of an applicant;

(b) provide proof that an applicant satisfies the requirements to be a Wholesale Distributor;

(c) contain any information, views or reasons supporting an application; and

(d) be accompanied by certified copies of the following documents:

(i) wholesaler's license issued by the Department of Mineral Resources and Energy (where applicable);

(ii) latest annual financial statements; and

(iii) valid clearance certificate issued by the South African Revenue Service.

4.2 The South African Civil Aviation Authority may, before deciding whether to grant or refuse an application, allow the applicant to make representations either in writing or in person, regarding the merits of the application.

4.3 The South African Civil Aviation Authority shall issue a certificate of registration upon completion of a successful application.

4.4 Where the South African Civil Aviation Authority does not renew a certificate of registration in terms of paragraph (5), a new application for such certificate may be submitted.

5. Renewal

5.1 A certificate of registration shall be valid for a maximum period of 12 months unless suspended or cancelled by the South African Civil Aviation Authority before it expires.

5.2 A certificate of registration is renewable every 12 months.

5.3 The renewal shall:

(a) not require a Wholesale Distributor to submit an application; and

(b) be administered by the South African Civil Aviation Authority by issuance of a renewal certificate annually to a Wholesale Distributor.

5.4 The renewal in terms of paragraph (5.3) shall be on condition that a Wholesale Distributor is–

(a) in good standing with the South African Civil Aviation Authority; and
(b) in compliance with this Determination.

5.5 If a Wholesale Distributor fails to declare any fuel volumes for a period longer than 12 months, the registration shall become invalid and shall not be renewed in terms of paragraph (5.3).

6. Payment of fuel levy

6.1 Subject to the provision of paragraph (2.2), payment shall be made on all products invoiced by a Wholesale Distributor up to the end of Wholesale Distributor's accounting month and paid into the South African Civil Aviation Authority's bank account, not later than the 21st day of the following month.

6.2 The record of amounts to be paid by Wholesale Distributors in terms of paragraph (6.1). shall be forwarded to the South African Civil Aviation Authority by email in the form prescribed in Annexure 1, submitted at the same time as the payment.

6.3 Interest at a rate of 2% above prime lending rate per annum, compounded monthly, is payable in respect of the outstanding balance of the levy after the due date.

6.4 Monthly payment must be made into the South African Civil Aviation Authority's bank account: Banker: Standard Bank South Africa, Branch: Brooklyn, South Africa, Branch code: 011245, Current Account Number: 0000013007971, referencing the payment by way of the customer identification number allocated by the South African Civil Aviation Authority.

6.5 In addition to interest charged in terms of paragraph (6.3), the South African Civil Aviation Authority shall impose a 10% penalty of the value of the

amount owed should a Wholesale Distributor fail to pay over monies to the South African Civil Aviation Authority within 21 days from the end of the month during which such monies become due and payable.

6.6 Returns and payments of a Wholesale Distributor must be audited by a reputable external auditor appointed by the South African Civil Aviation Authority at its own cost.

6.7 The audits in terms of paragraph (6.6) shall be conducted for periods commencing from 1 January to 30 June, and 1 July to 31 December of each calendar year.

6.8 When an auditor appointed by the South African Civil Aviation Authority requests any information from a Wholesale Distributor such information shall be provided without delay and before the deadline date provided by the auditor.

7. Substitution of certain words and expressions

The Determination is hereby amended by the substitution for the expression "Regulation" of the expression Determination wherever it occurs.

8. Commencement date

This notification shall come into operation 30 days from the date of publication in the Gazette"."

ANNEXURE 1

RETURN FOR PAYMENT: CIVIL AVIATION AUTHORITY FUEL LEVY

WHOLESALE DISTRIBUTOR / AGENT / SUB-AGENT

"(A)	(B)	(C)	(D)	(E) ADJUSTMENTS			(F)	(G)
Product Local Sales	Levy No VAT c/l	Volume Litres	Amount Paid (R)	Volume Litres	Amount (R)	Month	Adjusted Volumes Litres	Payable Adjusted amount (R)
Jet A1								
Avgas								
SUB TOTAL								
Adjustments per month (L)								
Amount of payment								
Product Foreign Sales	Levy No VAT c/l	Volume Litres	Amount Paid (R)	Volume Litres	Amount (R)	Month	Adjusted Volumes Litres	Payable Adjusted amount (R)
Jet A1								
Avgas								
SUB TOTAL								
Adjustments per month (L)								
Amount of payment								

TOTAL FOR THE MONTH (LOCAL AND FOREIGN SALES)						
(A)	(B)	(C)	(D)	(E)	(F)	(G)"

"NOTE: Volumes must be adjusted for own use prior to inclusion in column (C) and in column (A)
E-mail to: Fuellevy@caa.co.za"

COMPANY SIGNATURE

CAPACITY

DATE

NON-GOVERNMENTAL ORGANIZATION

NOTICE 2613 OF 2024

LANGUAGE POLICY

Title:	OPFA: Language Policy
Custodian:	Pension Funds Adjudicator
Prepared By:	Risk and Compliance Officer
Date Created:	October 2021
Version No:	3.0
Date Approved:	21 May 2024
Effective Date:	Date of Accounting Authority Approval
Approved By:	Accounting Authority

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Document Approval Page

COMMITTEE	DELEGATED AUTHORITY	SIGNATURE	DATE
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This page should provide a history of previous versions of the policy and changes made:

Version	Date	Author	Status	Comment / changes
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1. DEFINITIONS

TERM	DEFINITION
Act	means the Use of Official Languages Act 12 of 2012.
Equitable Use	means the use of language, which is fair, impartial and even-handed.
Interpreter	means a person who transposes or interprets an utterance from one language into the other.
Interpreting	In relation to oral utterance, means transposing of utterance of one language into utterance of another language, in relation to sign utterance, means the transposing of sign language signed into a spoken language and the other way around, with "interpret" having a corresponding meaning.
Language of Record	means the language chosen for keeping records or archiving the OPFA records.
Minister	means the Minister of Arts and Culture.
Multilingualism	means the use of three or more languages by an individual or group of a people.
PanSALB	means the Pan South African Languages Board.
Policy	means this Language policy.
SASL	means South African Sign Language.
Republic	means the Republic of South Africa.
Terminology	means standardised terms established for specific subject field;
Translation	means the transposing of a text from one language to the other.
Translate	having a corresponding meaning.
Complainant	means any person who lodged a complaint with the Office of the Pension Funds Adjudicator as contemplated in Chapter VA of the Pension Fund Act, 24 of 1956.
Constitution	means the Constitution of the Republic of South Africa, Act 108 of 1996.

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TERM	DEFINITION
Language Policy	means this Policy.
OPFA	means the Office of the Pension Funds Adjudicator.
Pension Funds Act	means Pension Funds Act, 24 of 1956, as amended.
Accounting Authority	means the Pension Funds Adjudicator.

2. PREAMBLE

2.1. The Constitution of the Republic of South Africa,1996 ("Constitution") recognises 12 official languages; i.e. English, Afrikaans, Tshivenḓa, Xitsonga, Sepedi, Setswana, Sesotho, isiZulu, isiXhosa, isiNdebele, Siswati, South African Sign language; recognises the historically diminished use and status of indigenous languages and requires of the State to take practical and positive measures to elevate the status and advance the use of these languages.

2.2. The Constitution further requires all official languages to enjoy parity of esteem and to be treated equitably. To this end, the Act was promulgated to, *inter alia*, provide for the regulation and monitoring of the use of official languages by national government for government purposes, to require the adoption of a language policy by a national department, national public entity and national public enterprise and the establishment of a language unit for a national department, national public entity and national public enterprise.

2.3. The OPFA is a national public entity established in terms of section 30B of the Pension Funds Act, 1956 and accordingly adopts the Language Policy in compliance with the Act.

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3. PURPOSE OF THE POLICY

3.1. The purpose of the Language Policy is to outline how the OPFA will comply with the provisions of the Act and use official languages to service members of the public at large and regulated institutions.

4. LEGISLATIVE INSTRUMENTS

4.1. The Constitution.
4.2. The Act.
4.3. Regulations made in terms of section 13 of the Act.

5. OBJECTIVE OF THE OPFA

5.1. The main objective of the OPFA is to dispose of complaints lodged in terms of section 30A(3) of the Pension Funds Act, and complaints for which the Adjudicator is designated in terms of section 211 of the Financial Sector Regulation Act, 2017. In disposing of complaints, the OPFA must—

- apply, where appropriate, principles of equity;
- have regard to the contractual arrangement or other legal relationship between the complainant and any financial institution;
- have regard to the provisions of the Pension Funds Act; and
- act in a procedurally fair, economical, and expeditious manner.

6. SCOPE AND APPLICATION

6.1. The provision of this policy is applicable to all employees in the OPFA, anyone executing functions on behalf of the OPFA and affected stakeholders receiving services from the OPFA.

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7. PRINCIPLES

7.1. The principles underpinning this Policy are:

- taking measures to elevate the status and advancement of the use of indigenous languages;
- commitment to the promotion of all languages in the Republic in order to ensure parity of esteem and the equitable treatment of the official languages required by our democratic dispensation;
- recognition of multilingualism as a resource to maximize collaborative partnerships in nation building, economic development and social cohesion;
- promotion of good language management by the OPFA to ensure efficient public service administration that meets the needs of the public and ensures equitable access to the services and information of the OPFA;
- prevention of the use of any language(s) for the purposes of exploitation, domination and discrimination within the OPFA.

8. USE OF OFFICIAL LANGUAGES BY THE OPFA

8.1. The Act requires the adoption of the Language Policy identifying at least 3 (three) Official Languages that the institution will use for government purposes which is mainly to be used when communicating with the public.

8.2. The OPFA recognizes all the Official Languages of South Africa and the following languages have accordingly been adopted:

- **English** (medium of communication)
- From the Nguni language group (isiZulu, isiNdebele, Siswati and isiXhosa), **isiXhosa** has been adopted.
- From the Sotho group (Setswana, Sepedi, and Sesotho), **Sesotho** has been adopted; and
- From the remaining identified official languages (Afrikaans, Xitsonga and Tshivenda) **Afrikaans** has been adopted.

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8.3. Description of which languages will be used for Government Purposes, as distinguished from Business Purposes, and the manner in which such languages will be used is set out herein below:

8.3.1. Business Purpose

The OPFA adopts English as a medium of communication in relation to the business purpose to communicate with its various Complainants in accordance with its Mandate and in respect of internal communication within the institution.

8.3.2. Government Purpose

Adoption of English as a medium of communication. The OPFA adopts **English**, **IsiXhosa, Sesotho** and **Afrikaans** as a medium of communication in relation to government communication purposes.

8.3.3. Intergovernmental Communication

The OPFA adopts English as a medium of communication in relation to its communications with Government departments and/or Parliament through the Responsible Minister such as for example, Parliamentary matters and reports.

8.3.4. Adoption of other Official Languages

The OPFA shall use interchangeably English, and the Official Languages stipulated on 7.1. on a case by case basis, for the following purposes:

- Communication with members of the public, both orally and written - i.e. inter alia, public notices and announcements, public information signs, signage identifying facilities and services;
- Communication with the media (e.g. print, radio, television, web) - depending on purpose and platform;
- Official publications and correspondence;
- Other stakeholder engagement activities; and

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- At hearings and other official proceedings.

In determining which Official Language to use, the OPFA shall be guided in each instance by, *inter alia*, the following factors:

- Practicability;
- Associated costs;
- Geographic Location;
- Interests of the Clients and/or public and/or specific targeted group; and
- OPFA capacity.

8.3.5. Use of languages other than the identified Official Languages

Where members of the public wish to receive services in a language other than the identified Official Languages or South African Sign Language (SASL), such members will have to notify the OPFA of such request, in writing, addressed to the Pension Funds Adjudicator and using the contact details; enquiries@pfa.org.za. The OPFA shall, subject to the provisions of this clause, make arrangements to meet such request within a period of 30 (thirty) days of receipt of the request. Where it is not possible to adhere to the timeline, the requester shall be notified timeously.

9. ESTABLISHMENT OF LANGUAGE BUSINESS UNIT

9.1. The OPFA obtained the necessary exemption from establishing the Language Unit as required by the Act.

9.2. Whereas the OPFA will not establish the Language Unit, such functions will be performed by a member of management.

10. TRAINING AND CAPACITY

10.1. In order to achieve the professional and efficient implementation of this Policy, awareness campaigns will be conducted.

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11. ACCESSING THE POLICY

11.1. The Policy shall be made available through any of the following means:

- The OPFA website: www.pfa.org.za;
- Government Gazette;
- Members of the public can also access the Language Policy by requesting same through sending an email to languages@pfa.org.za; and
- A summary of this policy will be displayed at the OPFA office in such manner and place that it can be read by the public.

12. COMPLAINTS PROCEDURE

12.1. Any person who is dissatisfied with the use of official languages by the OPFA may lodge a complaint addressed to the OPFA, as indicated in terms of section 4(f) of the Act.

12.2. A complaint must be lodged as follows:

- In writing within three months of the complaint arising
- state the following details: name and surname, physical and postal address, and contact information of the person lodging it, a detailed description of the complaint.

12.3. The OPFA will consider the complaint and respond in writing, not later than three months after the complaint was lodged, informing the complainant of the outcome.

13. REVIEW AND APPROVAL OF THE POLICY

13.1. This is the latest language policy of the OPFA approved by the Accounting Authority of the OPFA. This Policy shall be reviewed every two years.

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