

Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 711 20 September / September 2024 No. 51271

PART 1 OF 3

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Contents

No.		Gazette No.	Page No.
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS			
Health, Department of / Gesondheid, Departement van			
5218	Occupational Diseases in Mines and Works Act (78/1973), (the Act): Risk Determination	51271	13
Public Works and Infrastructure, Department of / Openbare Werke en Infrastruktuur, Departement van			
5219	Agrément South Africa: (Approval of innovative construction products and systems): Kwikspace Modular Building (Pty) Ltd: Agrément Certificate 2015/487 (Amended June 2024)	51271	16
5220	Agrément South Africa: (Approval of innovative construction products and systems): Ramtsilo Trading: Agrément Certificate 2023/642	51271	18
Trade, Industry and Competition, Department of / Handel, Nywerheid en Kompetisie, Departement van			
5221	Broad-Based Black Economic Empowerment Act, B-BBEE, Act No. 53 of 2003: Legal Sector Code - Codes of Good Practice on Broad-Based Black Economic Empowerment	51271	20
Transport, Department of / Vervoer, Departement van			
5222	South African Maritime and Aeronautical Search and Rescue Act (44/2002): Publication of the Aeronautical and Maritime Search and Rescue Bill, 2024	51271	91
Water and Sanitation, Department of / Water en Sanitasie, Departement van			
5223	National Water Act (Act 36 of 1998): Prohibiting and limiting use of water from Ash and Liebensbergsvlei for Agricultural purposes	51271	120
Women, Youth and Persons with Disabilities, Department of / Vroue, Jeugdiges en Persone met Gestremdhede, Departement van			
5224	Sixth Annual Progress Report on the implementation of the White Paper on the Rights of Persons with Disabilities: April 2021 – March 2022	51271	122
GENERAL NOTICES • ALGEMENE KENNISGEWINGS			
Public Service and Administration, Department of / Staatsdiens en Administrasie, Departement van			
2727	Public Service Act, 1994 (Proclamation No. 103 of 1994): Draft determination and directive on Digital Services	51271	245
2728	Public Service Act, 1994 (Proclamation No. 103 of 1994): Draft Digital Government Policy Framework	51271	280
Sports, Arts and Culture, Department of / Sport, Kuns en Kultuur, Departement van			
2729	Cultural Institutions Act, (Act 119 of 1998): Notice withdrawal of Government Notice, published in Government Gazette No.50708	51271	310
Trade, Industry and Competition, Department of / Handel, Nywerheid en Kompetisie, Departement van			
2730	International Trade Administration Commission of South Africa ("the Commission"): Initiation: Investigation into alleged dumping of flat-rolled products, originating in or imported from China, Japan and Taiwan	51271	311
2731	International Trade Administration Commission of South Africa (the Commission): Notice of initiation of an investigation into the alleged circumvention of the anti-dumping measures on new pneumatic tyres of rubber of a kind used on motor cars, hopping from the People's Republic of China via the Kingdom of Cambodia, The Kingdom of Thailand, and the Socialist Republic of Vietnam	51271	319
2732	International Trade Administration Commission of South Africa (the Commission): Initiation: Investigation into the alleged dumping of structural steel originating in or imported from the People's Republic of China and the Kingdom of Thailand	51271	329
BOARD NOTICES • RAADSKENNISGEWINGS			
667	Audit Profession Act, No 26 of 2005: Board Notice - Registration of Registered Auditors and Registered Candidate Auditors	51271	337
668	Financial Markets Act (19/2012): Proposed amendments to the JSE Listing Requirements: Delegation	51271	373
669	Pharmacy Act (53/1974), as amended: Rules relating to Good Pharmacy Practice	51271	374

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 HEALTH

NO. 5218 **20 September 2024**

RISK DETERMINATION

OCCUPATIONAL DISEASES IN MINES AND WORKS ACT, 1973
(Act No. 78 of 1973)

The Minister of Health, intends, in terms of section 20(5)(a) of the Occupational Diseases in Mines and Works Act, 1973 (Act No. 78 of 1973), (the Act), determine the basis in accordance with which the risk of mines or works shall be determined by the risk committee.

Interested persons are invited to submit any substantiated comments or representations on the proposed Risk Determination Notice to the Director-General of Health, Private Bag X828, Pretoria, 0001 (for attention of the Director: Medical Bureau for Occupational Diseases; Nhlanhla.mtshali@health.gov.za), within three months of the date of publication of this Notice.

DR P.A. MOTSOALEDI, MP
MINISTER OF HEALTH
DATE: 21/8/24

Determination of Risk

1. In the determination of the risk rating, the Risk Committee for Mines and Works must use the risk assessment information and statutory reporting information, as required by the Mine Health and Safety Act, 1996 (Act No. 29 of 1996) (MHSA), as a basis for the determination of the risk of exposures in Mines and Works for the purposes of the Act.

Controlled Mines and Works Risk Determination Methods

2.1 The default exposure risk rating will be 1 (one) for a controlled mine or works until an updated risk rating is determined by the Risk Committee after 1 April 2025 in terms of this notice, paragraphs 2.2 to 2.4.

2.2 The risk classification is based on the Department of Mineral and Petroleum Resources (DMPR) exposure rating categorisation as shown in the table below.

2.3 The risk band for the various Airborne Pollutant risks must be established based on the information obtained from the statutory reports submitted to the DMPR or in the case of Works from reports on exposures undertaken by the Works. The weighting is incorporated into the current DMPR classification bands and form the basis of the allocation of a weighted risk band.

2.4 The weighted risk band must be multiplied by the established base levy per risk shift for the allocation of the levy payable per shift. The proportional increase in the levy to the allocated risk and is based on the principle of: *The higher the exposure risk, the higher the levy payable*. The past high exposures are accounted for and take cognisance of the long latency period of an Exposure Risk Ranking system.

The below table is the current Department of Mineral and Petroleum Resources classification bands/codes for exposure rating bands.

Table

DMPR Category	Risk Weighting	Description	Comment
A*	2	Exposures >=OEL or mixtures of exposures >=1	Unacceptable Risk
B & C*	1	Exposures >=50% of the OEL and <OEL or mixtures of exposures >=0,5 and <1 Exposures >=10% of the OEL and 50% of the OEL or mixtures of exposures >=0,5 and <1	Moderate to High Risk
D	0	Exposures <10% of the OEL	Low Risk

Below is the formula to calculate the Exposure Risk Rating

- The Exposure Risk Rating for any year is e.g.
- (RRyr n-6 + …+RRyr n-2 +RRyr n-1 +RRyr n) / 7
- n = year of deliberation
  RRyr = Risk Rating for the year.[1]

Short Title and Commencement

3. This Notice is called the Risk Determination Notice 2025 and comes into effect on 01 April 2025.

[1] The starting point for this new system will be based on the first statutory reports submitted to the DMPR under the MHSA for Exposure to Airborne Pollutants, following the approval of this document or reports from Works. The Guideline for a Mandatory Code of Practice on Airborne Pollutants came into effect in September 2002. The first year for the calculation will henceforth be for the calendar year ending 2017.

[2]. All the reports submitted to the DMPR will be annualised for the purpose of the risk determination calculation.

[3] For the purpose of the calculation mentioned in point 2 above, the most conservative (highest) exposure values and highest number of exposed persons will be used.

[4] The 2006 OCCUPATIONAL EXPOSURE LIMITS FOR AIRBORNE POLLUTANTS, as promulgated in the Mine Health and Safety Act (Act 29 of 1996) will be utilised for the categorisation of personal exposures into the DMPR risk classification bands/codes.

DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE

NO. 5219 **20 September 2024**

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AGRÉMENT SOUTH AFRICA
innovative construction product assessments

AGRÉMENT SOUTH AFRICA

(Approval of innovative construction products and systems)

Notice is hereby given that Agrément South Africa has, with effect from 26 June 2024, issued an Agrément certificate, details of which appear in the schedule hereto.

SCHEDULE

Agrément Certificate 2015/487 (Amended June 2024)

Subject: Kwikspace Modular Building System

Certificate holder: Kwikspace Modular Building (Pty) Ltd

Description: Kwikspace Modular Building System is a single-storey structure that utilises factory-produced wall and roof panels.

The design and approval of the foundation are always the responsibility of a registered professional competent person. Foundations are concrete raft foundations or steel chassis painted in accordance with **SANS 12944-5** or hot dip galvanised in accordance with **SANS 121/ISO 1461.**

The external wall panels are 2 300 mm x 1 200 mm x 40 mm thick with tongue and groove edges consisting of two skins of 0.48 mm thick galvanised chromadek sheeting encapsulating a polyurethane core with a density of 36 kg/m^3 and a 12 mm Magnesium Oxide board (MgO) on the inside.
Internal walls are made of the same material as the external walls in a back-to-back configuration.
Roof wall panel are made of 50 mm thick expanded polystyrene laminated between 0.48 mm chromadek and galvanised IBR roof sheet.

The panels are delivered on-site with factory-fitted window and door frames (steel, aluminium, or Agrément approved) and are purposely made to suit the design of the building system.

Plumbing and electrical conduits can be pre-fixed or surface-mounted onto the composite panels.

The Agrément certificate contains detailed information on the product and can be accessed at *http://www.agrement.co.za.*

Copies are obtainable from: Chief Executive Officer (CEO)

Agrément South Africa, P O Box 1022, Garsfontein, 0042

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DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE

NO. 5220 **20 September 2024**

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AGRÉMENT SOUTH AFRICA
innovative construction product assessments

AGRÉMENT SOUTH AFRICA
(Approval of innovative construction products and systems)

Notice is hereby given that Agrément South Africa has, with effect from 26 June 2024, issued an Agrément certificate, details of which appear in the schedule hereto.

SCHEDULE

Agrément Certificate 2023/642

Subject: Composite Recycled Plastic Brick Building System

Certificate holder: Ramtsilo Trading

Description: Composite Recycled Plastic Bricks are lightweight masonry bricks, comprising a mixture of thermo-softening plastic polymer, cement, water and additives. The density of Composite Recycled Plastic Bricks is 1 565 kg/m^3 with an average compressive strength of 10.1 Mpa over a period of 28 days.

The dimensional tolerance of the bricks is per **SANS 1215: 2008** *Concrete Masonry Units* ***Table 1*** *– Tolerances on work sizes.* The bricks are available in the following dimension:

- stock bricks - 210 mm length × 110 mm width × 70 mm height

For internal walling, the bricks are laid in a single skin pattern and for external walling they are laid in double skin pattern.

The bricks are laid in English stretcher bound pattern and the conventional mortar used to bind them together is 10 mm thick for both bed and perpend joints. Brick force is placed after every three courses, horizontally at bed joints.
The system uses conventional foundations which conform to **SANS 10400** and will be installed under the supervision of a competent person. The damp proof course (DPC) is installed at the top of the concrete floor slab 150 mm above the ground level.
Super structure walls are plastered on both sides with 12 mm thick standard mortar mix plaster.

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Roof comprises light-weight steel or timber trusses with metal sheeting or concrete tiles and any other approved Agrément South Africa cladding.

Windows, door frames and windowsills are conventional and may be fixed as per good building practice.

The Agrément certificate contains detailed information on the system and can be accessed at *http://www.agrement.co.za*

Copies are obtainable from: Chief Executive Officer (CEO)
Agrément South Africa, P O Box 72381, LYNNWOOD RIDGE, 0040

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DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 5221 **20 September 2024**

CODES OF GOOD PRACTICE ON BROAD-BASED BLACK ECONOMIC EMPOWERMENT

I, Mr Mpho Parks Tau, Minister of Trade, Industry and Competition, by virtue of the powers vested in me in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act, (B-BBEE Act No. 53 of 2003) as amended by Act No.46 of 2013 ('the Act'), hereby publish the **Legal Sector Code and determine that these Codes will come into effect on the date of this publication.**

Purpose

The purpose of the Legal Sector code is:

1. to provide a policy framework for the meaningful sustainable transformation and growth of the legal sector in the Republic of South Africa;
2. to provide a legislative framework for the transformation and restructuring of the legal profession that embraces the values underpinning the Constitution and ensures that the rule of law is upheld;
3. to broaden access to justice by putting in place measures that provide equal opportunities for all aspirant legal practitioners to have a legal profession that broadly reflects the demographics of the Republic; and
4. to facilitate the realisation of a transformed and restructured legal profession.

MR MPHO PARKS TAU, MP
MINISTER OF TRADE, INDUSTRY AND COMPETITION
Date: 11/09/2024

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BROAD-BASED BLACK ECONOMIC EMPOWERMENT LEGAL SECTOR CODE OF GOOD PRACTICE IN TERMS OF SECTION 9 (1) OF THE BROAD-BASED BLACK ECONOMIC EMPOWERMENT ACT 53 OF 2003 AS AMENDED BY ACT 46 OF 2013

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CONTENTS

1. BACKGROUND 5

2. VISION 6

3. MISSION 6

4. INTERPRETATION AND DEFINITIONS 6

5. INTRODUCTION AND PREAMBLE 18

6. CHALLENGES FACED BY BLACK PRACTITIONERS 18

7. BUSINESS CASE FOR THE LSC 19

8. THE LEGAL PRACTICE COUNCIL 23

9. OBJECTIVES OF THE LSC 25

10. UNDERTAKINGS AND COMMITMENTS BY THE INDUSTRY STAKEHOLDERS 27

11. UNIQUE FEATURES AND STRATEGIC OBJECTIVES OF THE LSC 28

12. SCOPE OF APPLICATION 29

13. RESPONSIBILITY FOR MONITORING THE IMPLEMENTATION OF THE LSC 31

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

14. MEASUREMENT OF LSMES....33
15. PRIORITY ELEMENTS AND SUB-MINIMUM....34
16. COMPLIANCE WITH PRIORTITY ELEMENTS....35
17. DISCOUNTING PRINCIPLE EFFECT....35
18. KEY MEASUREMENT PRINCIPLES....35
19. INTERPRETATION OF B-BBEE INITIATIVES IN THE LSC....37
20. ELIGIBILITY TO QUALIFY AS AN ELE....37
21. B-BBEE RECOGNITION LEVELS....41
22. THE SUMMARY OF THE SCORECARDS, B-BBEE WEIGHTING POINTS AND CONTRIBUTION LEVELS....43
23. KEY MEASUREMENT PRINCIPLES RELATING TO OWNERSHIP....45
24. OWNERSHIP SCORECARDS....45
25. MANAGEMENT CONTROL SCORECARDS....48
26. KEY MEASUREMENT PRINCIPLES RELATING TO MANAGEMENT CONTROL....51
27. REMUNERATION PARITY AND JUSTICE....52

28. MEASUREMENT OF THE MANAGEMENT CONTROL CRITERIA....52

29. KEY MEASUREMENT PRINCIPLES RELATING TO SKILLS DEVELOPMENT....52

30. SKILLS DEVELOPMENT TABLES....55

31. SUB-MINIMUM AND DISCOUNTING PRINCIPLE....60

32. GENERAL PRINCIPLES....61

33. MEASUREMENT OF SKILLS DEVELOPMENT INDICATORS....62

34. PREFERENTIAL PROCUREMENT AND SUPPLIER & ENTERPRISE DEVELOPMENT SCORECARD....62

35. SPECIALISED SCORECARD....66

36. KEY MEASUREMENT PRINCIPLES IN DETERMINING THE SUITABILITY OF PREFERENTIAL PROCUREMENT IN THE LSC....68

37. THE LEGAL SECTOR TRANSFORMATION FUND....68

38. EFFECTIVE DATE....70

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1. BACKGROUND

1.1. The history of apartheid in South Africa is well documented. The apartheid legislation, policies and practices have created inequalities and injustice in the socio-economic and political landscape of the country. Such legislation, policies and practices have created high levels of poverty amongst black people and resulted in racial inequalities in South Africa. Such policies and legislation were designed to, and succeeded in, excluding black people from meaningful participation in the economy of the country. The fundamental objective of apartheid legislation, policies and practices was to ensure that black people, who constitute the majority of the people in the Republic of South Africa, should only provide unskilled labour. The shortage of skills and expertise among black people is a consequence of such policies. The consequences of apartheid still prevail in the democratic era with the economy largely owned and controlled by whites while black people have a minimal role therein.

1.2. In April 1994, the changes in the political dispensation culminated in the adoption and promulgation of the new Constitution ("the Constitution") of the Republic of South Africa and the establishment of democracy. However, the legacy of apartheid requires a robust legislative intervention. The adoption of the Constitution assisted in the eradication of the apartheid laws and promoted the important principles of democracy and values, including recognising the human dignity of the majority of the people in the country.

1.3. The right of all South Africans to fully participate in the economy of South Africa is enshrined in the Constitution. This is not only a fundamental right, but it is also an important tool designed to assist growth of the economy of the country. It is in this context that the government of the Republic of South Africa promulgated the Broad-Based Black Economic Empowerment Act No. 53 of 2003, as amended, to address the imbalances created by apartheid and to promote sociopolitical equality and, in the process, facilitate equal participation in the economy of the country.

1.4. Members of the legal profession do not have a sector code to guide them in addressing imbalances and inequality within the legal profession. To date, reliance has been placed on the principles of the Codes of Good Practice issued under Government Gazette No: 36928 of May 2015 ("the Generic Codes") as amended from time to time, which are, as the name suggests, inherently generic applying broadly to business entities and not addressing the unique nature of the legal profession as an economic sector. The Legal Sector Code ("LSC") is therefore intended to address this gap. There are sufficient common commercial and professional characteristics in the legal sector to make it feasible and appropriate to develop a sector-specific code to address the unique characteristics of the legal sector.

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2. VISION

The aim and objective of the LSC is to transform the legal sector in order to give effect to the objectives of the Constitution of promoting effective and sustainable economic participation by black people in the general economy of the Republic of South Africa and, in particular, the legal profession.

3. MISSION

The LSC is intended to provide a policy framework for the meaningful sustainable transformation and growth of the legal sector in the Republic of South Africa.

4. INTERPRETATION AND DEFINITIONS

4.1. In this LSC, unless the context otherwise requires, the words, expressions, definitions and/or qualifications used have the meaning assigned to them, and should be read together with the Generic Codes

4.2. In the event of a conflict between certain provisions of the LSC and the Generic Codes, the provisions of the LSC shall prevail and take precedence. Where a matter is not expressly dealt with in terms of this LSC, then the relevant provisions of the Generic Codes shall be deemed to apply only insofar as they do not contradict the intended objectives of the LSC.

4.3. In addition, words and expressions defined in B-BBEE Act but not in the LSC, shall, unless the context dictates otherwise, convey the same meanings.

4.4. The following words, expressions, definitions and/or qualifications shall convey the following meanings:

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CONCEPT	DEFINITIONS
advocate	means a legal practitioner who is admitted and enrolled as such in terms of the LPA;
annual revenue	means the income generated by an LSME in providing its services in the course of rendering professional services as regulated by the LPA;
associate	means an attorney employed in such a capacity by an LSME in terms of an employment agreement concluded by these parties;
attorney	means a legal practitioner who is admitted and enrolled as such in terms of the LPA;
B-BBEE Act	means the Broad-Based Black Economic Empowerment Act No. 53 of 2003, as amended;
B-BBEE	means Broad Based Black Economic Empowerment - the viable economic empowerment of all black people, in particular women, workers, youth, people with disabilities and people living in rural areas, through diverse but integrated socio-economic strategies that include, but are not limited to: • increasing the number of black people that manage, own and control enterprises and productive assets; • facilitating ownership and management of enterprises and productive assets by communities, workers, co-operatives and other collective enterprises; • human resource and skills development; • achieving equitable representation in all occupational categories and levels in the workforce; • preferential procurement from enterprises that are owned or managed by black people; and • investment in enterprises that are owned or managed by black people;
B-BBEE Commission	means the Commission set up in terms of section 13 B of the B-BBEE Act;
B-BBEE-compliant LSME	Means a legal sector measured entity that has achieved a Level 1 to Level 8 B-BBEE status level as set out in the B-BBEE Codes;

B-BBEE verification agency	means an entity which has been confirmed, approved and classified as such by the B-BBEE verification regulator or SANAS to verify compliance with the LSC in terms of the provisions of the B-BBEE Act;
B-BBEE verification certificate	means any certificate prepared and issued by a B-BBEE verification agency verifying compliance with the LSC by the LSME in terms of the provisions of the B-BBEE Act;
B-BBEE verification regulator	means a body appointed by the Minister for the accreditation of rating agencies or the authorisation of B-BBEE verification professionals;
black people	is a generic term which means Africans, Coloureds and Indians: • who are citizens of the Republic of South Africa by birth or descent; or • who became citizens of the Republic of South Africa by naturalisation: - before 27 April 1994; or - on or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalisation prior to that date;
51% black owned	means an LSME in which: • black people hold at least 51% of the exercisable voting rights; and • black people hold at least 51% of the economic interest;
51% black women owned	means an LSME in which: • black women hold at least 51% of the exercisable voting rights; and • black women hold at least 51% of the economic interest;
black owned	means an LSME that is 51% or more than 51% black owned;;
black women owned	means an LSME in which; • black women hold at least 51% of the exercisable voting rights; and/or • black women hold at least 51% of the economic interest;

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black youth	means black people between the ages of 14 and 35 years as defined in the National Youth Development Agency Act 54 of 2008
board of directors	means, in respect of an incorporated LSME, a body that is constituted by the directors of such LSME, and in respect of a partnership, a body which is constituted by the partners of such an LSME, which, in each event, is responsible for the executive management decisions and/or strategic direction of such an LSME;
candidate attorney	means a person undergoing practical vocational training with a view to being admitted and enrolled as an attorney in terms of the LPA;
Charter Council	means the Legal Sector Code Charter Council to be established by the Minister of Justice to oversee and implement the LSC, as set out in paragraph 13 of this LSC;
Companies Act	means Companies Act No. 71 of 2008, as amended;
continuous legal education	means the practical legal training which is intended to improve the practical knowledge and skills of the practitioners (including the skills and knowledge of candidate attorneys and pupils);
confirmatory affidavit	means an LSC-specific sworn affidavit to be completed by qualifying advocates for purposes of declaring and confirming their race and annual revenue for measurement purposes as envisaged in this LSC;
designated categories	means black women, black youth, black people with disabilities and black people from the rural areas, as contemplated in this LSC;
director	this term shall bear the same meaning as defined in the Companies Act;
DOJ&CD	means the Department of Justice and Constitutional Development;
DTIC	means the Department of Trade, Industry and Competition;

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EAP	means the Economically Active Population, comprising persons between the ages of 15 and 65, as may be determined from time to time by the quarterly labour force survey published periodically by Statistics South Africa. The operative EAP for the purposes of any calculation under the LSC shall be the most recently published EAP statistics;
economic interest	means the right of a legal practitioner to share in the profits and liabilities of an LSME and to receive distributions from that LSME, representing a return on ownership similar in nature to a dividend right ;
ELE	means an exempted law firm which generates annual revenue of not more than R5 million or an advocate who generates annual revenue of not more than R3 million and is exempted from measurement as contemplated n this LSC respectively;
employment agreement	means any written agreement concluded between an LSME and an attorney for the employment of the attorney by the LSME for a certain duration as contemplated therein;
ESD	means an enterprise and supplier development programme as set out in this LSC and includes the measurement of preferential procurement;
equity partner/director	means a partner or a director, the latter notwithstanding the definition ascribed to that term in the Companies Act, who has an ownership interest in an LSME and shares in the profits of that LSME and is liable for the expenses and liabilities of such an LSME;
executive management	for the purposes of this LSC, means executive management shall be constituted by members of the various sub-committees established by the board including any executive committee, or in the case of a partnership, an equivalent structure to carry out and implement specific functions and/or duties, as may be delegated to such sub-committees by the board, from time to time. Such members may include without limitation, managing partners, chairpersons and chief executive persons who are attorneys;
goods and services	for the purpose of this LSC, means goods and services which shall without limiting the generality thereof, refer to and include textbooks, technology hardware and software, furniture, accounting

	services and electrical equipment and services and all other goods and services that are essential for the operation of legal practices;
incorporated LSME	means an LSME constituted, organised, and incorporated by one or more attorneys in accordance with the provisions of the Companies Act, and registered and established as a law firm with the LPC in terms of the provisions of the LPA;
in-service training	means practical training which is intended to improve and enhance the skills and knowledge of the support staff in an LSME;
junior management	for the purposes of this LSC, shall be constituted by associates and/or professional assistants within an LSME with no specific management duties and/or responsibilities, unless the board determines otherwise;
Large LSME	means an LSME which generates a total revenue of more than R25 million per annum in the case of a law firm and more than R15 million in the case of an advocate;
law firm	means an LSME which has been established by one or more attorneys and is duly registered with the LPC, in terms of the provisions of the LPA, for the purposes of engaging in the business and practice of law in South Africa;
legal entity	shall, for purposes of this LSC, have similar meaning as a law firm, and the two terms may be used interchangeably throughout this LSC;
legal practitioner	shall bear the meaning ascribed to that term in the LPA, but for the purposes of the LSC, it shall include only: • attorneys registered with the LPC and practicing as such; and • advocates, registered with the LPC and practicing as such;
leviable amount	shall bear the meaning ascribed to it in the Generic Codes;
LPA	means the Legal Practice Act No. 28 of 2014, as amended;

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LPC	means the Legal Practice Council, which is a national statutory body established in terms of section 4 of the LPA. The LPC and its provincial councils regulate the affairs of and exercise jurisdiction over all legal practitioners (attorneys and advocates) and candidate attorneys and pupils;
LSC	means this Legal Sector Code, gazetted in terms of section 9(1) of the B-BBEE Act;
LSME	means a Legal Sector Measured Entity in the form of a law firm in the case of attorneys whether as sole practitioner, in a partnership, an incorporated legal entity or an individual advocate;
LSTF	means the Legal Sector Transformation Fund to be established in terms of paragraph 37 of this LSC, by the Charter Council, for the purpose of receiving and administering contributions made by qualifying LSMEs and advocates and any ELEs seeking enhanced recognition in terms of this LSC, to provide financial assistance and support to black legal practitioners and for transformation-related purposes as may be determined by the Charter Council from time to time;
measurement date	means the last day of the measurement period (or such later date agreed upon with the LSME) that is as close as practically possible to the commencement of the verification or to the date of the LSME's confirmation affidavit, whichever the case may be;
middle management	means senior associates and/or senior professional assistants employed by any LSME who carry out and/or implement any decisions, functions and/or management duties, as may be delegated to them by directors, partners or practice group heads or department heads from time to time;
Minister	means the Minister of Trade, Industry and Competition of the government of the Republic of South Africa;
Minister of Justice	means the Minister of Justice and Correctional Services of the government of the Republic of South Africa;
NDP	means the National Development Plan which is a set of proposals devised by the government of South Africa aimed at eliminating poverty and reducing inequality by 2030;

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NPAT	Net Profit After Tax which is the operating profit of a measured entity after tax. It includes both the loss figures and abnormal figures but excludes extraordinary items as determined by International Financial Reporting Standards;
organs of state	means any of the following institutions: • a national or provincial department as defined in the Public Finance Management Act No. 1 of 1999, as amended; • a municipality as contemplated in section 151 of the Constitution; and • a constitutional institution listed in schedule 1 of the Public Finance Management Act No. 1 of 1999, as amended;
partner	means an attorney who has been employed in such capacity by an LSME who is entitled to the profits of such LSME and is liable for its expenses and liabilities;
partnership	means an LSME, other than an incorporated LSME established and constituted by two or more attorneys, registered with the LPC in accordance with relevant provisions of the LPA, to manage and oversee the business operations of such LSME and share the profits and liabilities of such LSME;
PGL	means Practice Group Leaders, who are generally equivalent and have the same rank as the heads of departments within the LSME, and carry out the same mandate and/or functions, as heads of departments, as the case may be, within an LSME;
priority scorecard elements	means the compulsory elements that must be complied with in terms of the LSC, as outlined in the scorecards, referring to ownership, skills development and enterprise and supplier development;
professional assistant	this term shall bear a similar meaning as an associate, unless the context indicates otherwise;
PSED	means Procurement, Supplier and Enterprise Development element as a measurement statement as contained in this LSC;
pupil	this term shall bear the same meaning as defined in the LPA;

public entities	means enterprises that are listed as public entities in Schedule 2 or 3 of the Public Finance Management Act No. 1 of 1999, as amended;
QPB	means a Qualifying Procurement Beneficiary who is a recipient that qualifies, in terms of the qualifying enterprise and supplier development contributions and interventions, as set out in this LSC;
QSE	means a Qualifying Small Enterprise LSME which generates annual revenue above R5 million but not more than R25 million or an advocate who generates annual revenue above R3 million but not more than R15 million;
rural areas	for the purposes of this LSC means low population-density geographical areas which are located outside towns and cities, and are recognised as such by Statistics SA, and have limited access to ordinary public services, such as water, sanitation, infrastructure and/or economic opportunities;
salaried director	for the purposes of this LSC means, notwithstanding the definition ascribed to that term in the Companies Act, an attorney employed in that capacity by an LSME who does not participate in the profits of the LSME nor has a legal entitlement to such profits and is not liable for the expenses and liabilities of such LSME;
SANAS	means the South African National Accreditation System, an agency responsible for carrying out accreditations in respect of conformity assessments mandated through the Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act No. 19 of 2006, as amended;
senior associate	means an attorney employed by an LSME, in that capacity, who is at a senior level above an associate but who is not a partner or a director at such LSME;
senior management	for the purposes of this LSC, shall be constituted and refer to the heads of departments or PGLs, as the case may be, of the various departments within a relevant LSME, who are the leaders of such departments, and oversee the performance, effectiveness and efficiency of such departments;

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senior professional assistant	this term shall bear a similar meaning as a senior associate, unless the context indicates otherwise;
SOEs	means the State-Owned Enterprises which are entities that are wholly or partly owned by the state or any organs of state;
sole practitioner	means an LSME, which, in the case of attorneys, a firm which has been established and is operated by a single attorney as a law firm and registered with the LPC in terms of the provisions of the LPA;
specialised areas of law	means those areas of law from which black people have historically been excluded, and remain largely excluded, or have limited exposure to, including, but not limited to, the following: 1. corporate and commercial law; 2. intellectual property law; 3. information technology; 4. maritime law; 5. regulatory law; 6. conveyancing and property law; 7. pension law; 8. aviation law; 9. entertainment law; 10. arbitration and mediation; 11. insolvency and business rescue; 12. banking law; 13. initial public offerings and the securities exchange; 14. business and corporate tax law;

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	15. asset restructuring; 16. mergers, acquisitions and take- overs; 17. competition law; 18. mining, energy and natural resources; 19. international trade; 20. corporate governance; 21. due diligences and compliance; 22. forensic and fraud investigation; 23. transaction advisory services; 24. environmental law; 25. project finance; 26. corporate finance; 27. structured finance; 28. construction and engineering law; 29. media law; 30. telecommunication law; 31. sports law; and 32. B-BBEE transaction advisory and related services.
Statement 003	means Statement 003: Amended Guidelines for Developing and Gazetting of Sector Codes Issued under s.9 of the B-BBEE Act published in Government Gazette no 38766 of 6 May 2015;
Statistics SA or Statistics South Africa	means the department referred to in section 4 of the Statistics Act No. 6 of 1999, as amended;

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Steering Committee	means the committee which was established in terms of the B-BBEE Act as read with Statement 003 to consult with stakeholders with regard to this LSC and to draft the LSC and submit it to the Minister of Justice and Correctional Services and Minister of Trade, Industry and Competition for gazetting and which is constituted by key stakeholders in the legal profession, being the following: • Black Lawyers Association ("**BLA**"); • Pan African Bar Association of South Africa ("**PABASA**"); • National Association of Democratic Lawyers ("**NADEL**"); • National Bar Council of South Africa ("**NBCSA**"); • General Council Bar of South Africa ("**GCBSA**"); • Law Society of South Africa ("**LSSA**"); • Black Conveyancers Association ("**BCA**"); • Department of Justice and Constitutional Development ("**DOJ&CD**"); • Department of Trade, Industry & Competition ("**DTIC**"); • The Corporate Counsel Association of South Africa ("**CCSA**"); • Advocates for Transformation ("**AFT**") • Legal Aid South Africa ("**Legal Aid SA**"); • South African Women Lawyers Association ("**SAWLA**"); and • The Legal Practice Council ("**LPC**")
targeted procurement	means procurement from preferred categories of bidders, such as persons previously disadvantaged by unfair discrimination, provided that such procurement (a) does not compromise the value for money requirement; and (b) is an incentive for recognising and rewarding genuine innovators in the case of unsolicited proposals, provided that such incentives do not compromise the competitive bidding process and (c) complies with the provisions of the Preferential Procurement Policy Framework Act 5 of 2000;
total revenue	means the total income of an LSME from its services as determined under South African generally accepted accounting practice; and
voting rights	means, with respect to any matter to be decided by an LSME, the rights of an equity director or partner to vote in connection with that matter.

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5. INTRODUCTION AND PREAMBLE

5.1. Economic transformation is a constitutional imperative. There can be no equality as provided for in the Bill of Rights without effective transformation. Black economic empowerment is an indispensable policy instrument to achieve such equality.

5.2. As indicated above, despite the advent of democracy and the new dispensation in April 1994, the South African legal profession continues to face transformational challenges. This is evidenced by the fact that, among others, the top and senior management positions including senior partners and directors of racially mixed law firms remain largely homogenous and are generally dominated by white male practitioners. As such, there is a marked absence of diversity on the basis of either race or gender.

5.3. Although there have been pockets of improvement, a holistic overview of the South African legal profession shows that despite an increase in the numbers of admitted black legal practitioners, there are still insufficient black-owned law firms in the country that can compete in size, scale and service offerings with the large traditionally established, majority white owned law firms.

6. CHALLENGES FACED BY BLACK PRACTITIONERS

6.1. The main challenges faced by black practitioners, especially black women, as a result of historical inequalities are:

6.1.1. inadequate access to a sustainable flow of quality work from the private sector;
6.1.2. discrimination by the private sector in terms of procurement of specialised work;
6.1.3. inconsistent briefing patterns from organs of state and SOEs;
6.1.4. unequal access to senior positions in racially mixed law firms, in particular large LSMEs; and
6.1.5. lack of skills resulting from limited access to quality and specialised areas of work.

6.2. These challenges require a robust intervention.

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7. BUSINESS CASE FOR THE LSC

7.1. According to research conducted in 2014 by the Centre for Applied Legal Studies and the Foundation for Human Rights, it was established that:

> *"South Africa's corporate law firms are still dominated by white men, especially in the upper echelons: 80 percent of the chief executives of the 12 firms canvassed in the survey were white men, as were 72 percent of all managing partners. The picture at the CEO/managing partner level was replicated in the ownership and remuneration structures of the firms: 53 percent of all equity partners were also white and males."*[1]

7.2. In research for his Master's in Business Administration programme, titled *South African Broad-Based Economic Empowerment and the Provision of Legal Services in the Financial Services Sector*[2], submitted to the Faculty of Commerce, Law and Management, of the University of the Witwatersrand, in 2018, Boitumelo Shalliam Phungwayo submits, on page 8, that:

> *The systematic, structural and social-economic inequalities that were prevalent under the apartheid government distorted the ability of the people in accessing courts, legal services and legal work on the basis of race, gender and disability (Roopram, 2007). The socio-economic status and geographic location factors were further hindrances for black people from being able to gain access to legal services. In their media release on 29 November 2007, the co-chairpersons of the LSSA acknowledged "that although much had been done to improve the structural and systematic issues of the past; inequality and discrimination still prevailed in the new democratic dispensation" (Ramatlhodi, 2010). According to the meeting report shared at the LSSA briefing on legal profession transformation, statistics showed that there were 24% fully female-owned attorney practices, 60% fully male-owned practices and 9.1% practices which were gender mixed (Law Society of South Africa, 2007). Ramatlhodi (2010) in his briefing further advised that 80% of the practices were fully owned by whites, only 6.5% fully owned by Africans, 6.2% by Indians, 1.4% by coloureds and 6.5% had mixed ownership (Ramatlhodi, 2010).*

[1] Transformation of the Legal Profession [2014] para 2 page 5.
[2] South African Broad-Based Black Economic Empowerment and the Provision of Legal Services in the Financial Services Sector, Johannesburg, 2018, protocol number WBS/BA1738718/952.

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7.3. Phungwayo concludes on page 76 that:

> *"The results of this research study illustrate deep structural challenges within the financial services sector in supporting the previously disadvantaged legal firms in accessing legal work and the promotion of their growth to becoming established businesses that will equally compete with their white counterparts. The results point to a need for robust transformation and reforms in both the banks and the government.*

7.4. Against this background, in 2007, prior to the establishment of the LPC, the Council of the Law Society of South Africa, developed and adopted a Legal Sector Charter as a Transformation Charter ("**the Transformation Charter**") in terms of section 12 of B-BBEE Act.

7.5. The Transformation Charter represented a historic milestone in the pursuit of transformation of the legal profession. It came about as a result of an extensive process of consultations which culminated in the legal profession undertaking the responsibility for the drafting of the Legal Sector Charter ("**the Legal Sector Charter**") in consultation with the DOJ&CD. The Legal Sector Charter stated that it embodies the profession's commitment to transformation and recognises that a strong, independent and representative profession is essential to ensure access to justice and to promote the Bill of Rights as contained in the Constitution.

7.6. The Legal Sector Charter recognised that whereas significant progress has been made in restructuring and transforming our society and its institutions, systemic inequalities and unfair discrimination remain deeply embedded in social structures, practices and attitudes thereby undermining the aspirations and values underpinning the country's constitutional democracy.

7.7. Subsequent to the 2007 Legal Sector Charter, the LSSA held a summit in March 2016 titled "Summit on Briefing Patterns in the Legal Profession". The summit expressed "*its deepest concerns about the legal briefing patterns in the public and private sectors insofar as this endangers the constitutional democracy and insofar as there appears to be bias against black practitioners and women practitioners in these sectors*."

7.8. This, the summit indicated, flouts the principles of non-racialism and non-sexism as espoused in both the preamble and elsewhere in the Constitution. It also has a "*a negative impact on the occupational progression of practitioners in these groupings and their economic wellbeing*."

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7.9. The participants therefore concluded that meaningful action had to be taken by all stakeholders from the date of the summit and recommended strict accountability. One of the resolutions taken was to set up a task team made up of various stakeholders to initiate remedial steps.

7.10. The summit participants agreed on procurement protocols for the legal profession which were signed by several law firms. The signatories to the protocols:

7.10.1. recognised that apartheid introduced race- and gender-based discrimination which excluded black practitioners on the one hand and bestowed "unfair privileges" on white male practitioners on the other hand;

7.10.2. accepted that transformation initiatives to empower black and women practitioners have been met with some reluctance and resistance on the part of some of members of the legal profession and the broader industry;

7.10.3. acknowledged that black and women practitioners have not been treated in line with the foundational constitutional values of equality; the right to equal access; the right for everyone to choose and practice their profession freely; and

7.10.4. acknowledged that, objectively measured, the efforts of the legal profession to reverse the imbalances flowing from our past have failed to yield the desired transformation of the legal profession;[3]

7.11. The signatories therefore undertook to, among other steps, promote the procurement of legal services from black and female practitioners, bridge the skills set deficits, and ensure black and female practitioners are included in the mainstream of practice.

[3] Information on the Summit and Protocols for the Legal Profession can be accessed on www.lssa.org.za.

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7.12. The Generic Codes was first promulgated in 2007 and since then have been used by all sectors of the economy including those LSMEs that opted to be measured for their compliance with black economic empowerment. In 2015 the Amended Codes of Good Practice were gazetted. The Generic Codes are currently used by LSMEs. As the codes are inherently generic, provision is not made for the unique nature of a professional service sector such as the legal sector. For example, advocates cannot, because of the nature of their practice, be measured under ownership and management control.

7.13. The targets in the Generic Codes are the minimum as confirmed in paragraph 3.1.6 of Statement 003, yet no provision has been made for a progressive increase of such targets.

7.14. Black economic transformation is not a once-off event. It is intended to be a continuous incremental process until all systemic barriers are removed and a more equal society is enjoyed by all – including black practitioners. Furthermore, there is no monitoring mechanism in the Generic Codes to measure compliance and improvement towards this goal.

7.15. Statistics from Statistics SA show that in 2022 whites constituted 7.7% of the population and black people 92%. Statistics from the Legal Practice Council as of April 2023 shows that in large racially mixed law firms (15 or more partners) 72% of the partners/directors are white and, on average, 25% are black. At the associate level in the same firms, there has been more progress with 59% black and 40% white associates. With regard to professional assistants, whites constitute 57% and black professional assistants 43%.

7.16. A 2021 LexisNexis study confirms the LPC's statistics in relation to the ownership structure of mixed firms. It was found that in such firms, over half the white owners own more than 75% of the firms whilst 74% of the black practitioners is limited to less than 25% ownership. These figures demonstrate the effects of discrimination. A further expression of such discrimination is the fact that 2023 LPC statistics show that the largest majority black-owned firm has only 18 directors. In contrast, the largest majority white owned law firm has 396 partners and the smallest among such larger firms has 79 partners. It is the limited access to a sustainable flow of quality instructions that prevent black practitioner from building firms that can compete with large majority white-owned law firms.

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7.17. Current research confirms earlier research from 2010 onwards as well as the conclusions drawn by the 2016 LSSA Summit insofar as they relate to lack of transformation in the legal profession. The findings show that black practitioners employed in racially mixed firms in the legal sector continue to experience significant structural and systemic discrimination and inequality.

7.18. The research referred to above, the conclusions reached at the 2016 LSSA Summit, as well as the feedback from black practitioners during countrywide consultations by the Steering Committee, demonstrate that 16 years after its promulgation, the Generic Code has not been effective in promoting meaningful transformation and nor have any of the initiatives referred to above been successful in solving the problems experienced by black practitioners.

7.19. There is therefore a need for a sector-specific code that will take cognisance of the unique characteristics of the legal profession and include sector-specific interventions that will be more effective in achieving equality and economic opportunities for black practitioners, thereby contributing to the growth of the profession and the economy as a whole. The development of the LSC should be seen in this context as well as in the context of the legal profession as one of the cornerstones of a constitutional democracy.

8. THE LEGAL PRACTICE COUNCIL

8.1. The LPC was established as a national statutory body to, in conjunction with its provincial councils, regulate the affairs of and exercise jurisdiction over all legal practitioners in South Africa, that is, attorneys, advocates and candidate legal practitioners.

8.2. The purpose of the LPA is to *inter alia*:

8.2.1. “Provide a legislative framework for the transformation and restructuring of the legal profession that embrace the values underpinning the Constitution and ensures that the rule of law is held …”; and

8.2.2. Broaden access to justice by putting in place: (iii) measures that provide equal opportunities for all aspirant legal practitioners in order to have a legal profession that broadly reflects the demographics of the Republic.

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8.3. Section 5 (a) of the LPA provides that one of the objects of the LPC is to facilitate the realisation of a transformed and restructured legal profession.

8.4. Section 6(1) (b) (v) of the LPA further enjoins the Council to develop programmes to empower black legal practitioners as well as candidate legal practitioners.

8.5. The role of the LPC in facilitating the development of the LSC is in terms of ss 5(a) and 6(1) (b) of the LPA.

8.6. In pursuance of these provisions of the LPA, the LPC in February 2020, resolved to facilitate the development of the LSC. The procedures followed in developing the LSC were in accordance with the provisions of the B-BBEE Act as read with Statement 003. In June 2020, the LPC issued a public notice notifying all stakeholders and members of the public, that it was commencing with facilitating the drafting of the Legal Sector Code. In August 2020, the LPC issued invitations to stakeholders to participate in the formation of the Steering Committee which would be responsible for the development and drafting of the Legal Sector Code. The Steering Committee was duly constituted. The LPC issued a further media alert in October 2020 extending an invitation to all legal practitioners (attorneys and advocates), all government departments and other stakeholders to consultative physical meetings; virtual meetings and to submit written submissions to a dedicated email address within the stipulated periods.

8.7. The Steering Committee conducted public consultations throughout the country from November 2020 in seven provinces physically and one virtual meeting was held to include all stakeholders who could not attend physical meetings. Stakeholders were also invited to submit written comments. Based on the public consultations and comments received, several drafts of the LSC were produced by the Steering Committee. The LPC provided logistical support for the consultations and acted as secretariat for all the work of the Steering Committee. After comments closed, the Steering Committee held several meetings to consider the comments and amended the draft LSC accordingly. The final draft was submitted to the DTIC in August 2021 and published for comment in July 2022. After comments were received, a committee consisting of some members of the Steering Committee, officials of the DTIC and the DoJ &CA considered the comments and amended the draft LSC. The full Steering Committee considered comments and the amendments and made their own and then approved the final draft for gazetting. This draft was submitted to the Minister of Justice in September 2023 for approval. The Minister of Justice approved the LSC and submitted it to the Minister for gazetting in October 2023.

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9. OBJECTIVES OF THE LSC

9.1. It is important to ensure that the following outcomes and objectives of the LSC are achieved:

9.1.1. to deal with and manage the legal sector's unique features and characteristics that require specific measurements and interventions;

9.1.2. to ensure that industry stakeholders commit to the implementation of the LSC and commit to respecting and upholding the values enshrined in the Constitution that the provisions of the LSC aim to achieve;

9.1.3. that industry-specific and practical thresholds, targets, measurement principles and weighting points are clearly defined and outlined in the LSC for all to understand and implement;

9.1.4. to implement more effective interventions in certain elements of the scorecard; and

9.1.5. to ensure that incentives for innovative and progressive implementation of the LSC in a unique manner are promoted, encouraged and protected.

9.2. It is important that in achieving the objectives of the LPA and the B-BBEE Act:

9.2.1. the legal sector supports the vision of and commitment to a transformed quality legal profession in compliance with the B-BBEE Act, which establishes a legislative framework for the promotion of B-BBEE and economic inclusiveness;

9.2.2. the LSC is aligned to the principles underpinning the NDP which aims to, *inter alia*, eliminate poverty and reduce inequality by 2030 in the context of promoting transformation in the legal sector ;

9.2.3. introduces EAP targets which are aimed at addressing the unequal representation of racial sub-groups participating in the sector, based on regional and demographic representations, being Africans, Coloureds and Indians;

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9.2.4. minimum levels of procurement spend and the procurement of work from LSMEs, where applicable, are set aside based on racial and gender demographics at a national level, with specific reference to LSMEs that are at least 51% black owned or at least 51% black women owned; and

9.2.5. minimum levels of allocations of work are set aside for LSMEs that are, with regard to the racial and gender demographics at a national level, at least 51% black owned or 51% black women owned.

9.3. At all relevant and material times, the implementation of the LSC should be underpinned by the following objectives:

9.3.1. **ensuring that black women are equitably** represented in the management and ownership structures of legal practices;

9.3.2. **providing access to justice** and outlining the responsibilities and obligations of stakeholders in addressing those challenges;

9.3.3. improving the **availability of quality legal services** by ensuring the provision of continuing and sustained education and skills development;

9.3.4. enhancing, developing and empowering black legal professionals, in particular in **designated categories** in all fields of legal practice especially specialised areas of law;

9.3.5. addressing challenges of **entry into the legal profession**, with specific emphasis on challenges experienced by law students and trainees from designated categories;

9.3.6. ensuring the availability of **quality legal training and education** by ensuring the availability of continuing legal training and education; and providing quality in-service training and learnership opportunities;

9.3.7. implementing measures to address the provision and availability of **community-based legal services**, thus ensuring access to affordable legal services for all South Africans, particularly those in marginalised, poor and rural communities;

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9.3.8. facilitating the **transformation of the legal sector** to ensure that it is representative of the demographics of South Africa;

9.3.9. ensuring that a body of well-trained and competent providers of legal services are developed to enable **equitable appointments to be made to the judiciary**;

9.3.10. adopting measures to promote the **equitable distribution of all areas of legal work effectively and meaningfully** to eliminate barriers of entry and provide equal opportunities by empowering black legal practitioners, especially persons from designated categories, by ensuring equal participation in the economic opportunities within the legal sector;

9.3.11. ensuring and enhancing demographic **representation in respect of ownership, management, control and employment** within legal practices; and

9.3.12. creating an **enabling environment to reflect the diversity of our society** and ensuring the promotion of equality and the prevention of discrimination.

10. UNDERTAKINGS AND COMMITMENTS BY THE INDUSTRY STAKEHOLDERS

10.1. The development of the LSC is based on the definitions, principles and methodologies of transformation as outlined in the B-BBEE Act and the Generic Codes aligned to the unique nature of the legal sector and is necessitated by the prevailing conditions of inequality and the need to foster equitable participation and representation of all races.

10.2. Stakeholders within the legal profession represented on the Steering Committee affirmed their commitment to the Constitutional principle of equality, and therefore pledged their support for, and undertook to be bound by, the applicable provisions of the LSC and compliance with the LSC scorecards.

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11. UNIQUE FEATURES AND STRATEGIC OBJECTIVES OF THE LSC

11.1. The LSC is premised on the recognition that a B-BBEE measurement framework in the legal sector is necessary to address transformation as a whole, B-BBEE in general, the promotion of black practitioners, as well as the need for a significant increase in the fair and equitable procurement of quality and specialised areas of law from black practitioners by both the private and public sectors.

11.2. The LSC therefore seeks to ensure that the continuing adverse consequences of past discriminatory practices for black practitioners are addressed by providing for certain measures, including the following:

11.2.1. seeking to achieve a substantial, meaningful, and accelerated change in the racial and gender composition of ownership, control and management of legal practices in the legal sector;

11.2.2. promoting employment patterns in the sector that adhere to the principles of non-racialism and non-sexism by addressing the underrepresentation of black practitioners in many LSMEs;

11.2.3. addressing the prevailing shortage and lack of relevant skills and increasing the skills pipeline with the aim of accelerating the advancement of black legal practitioners, black women legal practitioners and practitioners from designated categories, including legal internships, employment of candidate attorneys and pupils with specific reference to legal and management skills;

11.2.4. increasing the procurement of legal services from the private and public sectors by LSMEs that are at least 51% black owned and/or 51% black women owned;

11.2.5. where applicable, enhancing enterprise and supplier development in the value chain of legal services that leads to sustainable empowerment of qualifying supplier and enterprise development beneficiaries in the legal sector;

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11.2.6. contributing to the creation of sustainable LSMEs that are majority or wholly owned by black legal professionals through effective enterprise and supplier development initiatives.

11.2.7. increasing ongoing qualitative and quantitative methods for monitoring and evaluating progress towards realising the goals of this LSC and B-BBEE in general and thereby contributing to measures that eradicate fronting and other mechanisms for circumventing such goals; and

11.2.8. ensuring reporting to the Charter Council to monitor progress of LSMEs toward implementing the provisions of B-BBEE as reflected in this LSC.

12. SCOPE OF APPLICATION

12.1. In terms of section 10 of the B-BBEE Act, every organ of state and public entity must apply any relevant code of good practice issued under that Act. In terms paragraph 4 of Statement 003, a sector code enjoys equal status with that of any other code. In terms of paragraph 3 of Statement 000, any enterprise that undertakes any business with any organ of state or public entity and any other enterprise which undertakes any business with such enterprise, and which seeks to establish its own B-BBEE compliance, are measurable under the relevant Codes of Good Practice, including this LSC.

12.2. This LSC shall accordingly be applicable to and binding on all organs of state and public entities to the extent set out in paragraph 12.5 herein.

12.3. The following legal entities and advocates who elect to be measured in terms of, and benefit from, the provisions of the B-BBEE Act and B-BBEE policies may only be measured for compliance in terms of this LSC:

12.3.1. **attorneys**
except in the case of ELEs in defined categories, all law firms registered with the LPC whether they are sole practitioners, partnerships or incorporated legal entities; and

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advocates

all advocates who are enrolled and registered on the roll of practicing advocates with the LPC and practicing as such.

12.4. All references in this LSC to LSMEs shall be to those which/who have elected to be measured in terms of and benefit from the provisions of the B-BBEE Act and B-BBEE policies and practices.

12.5. The following organs of state and public entities shall be measured under this LSC insofar as it concerns the procurement of legal services:

12.5.1. office of the state attorney and all organs of state and public entities whose primary focus is the procurement of legal services on behalf of the state from law firms and advocates;

12.5.2. all organs of state other than those referred to in paragraph 12.5.1 of this LSC which procure legal services from law firms and advocates; and

12.5.3. Legal Aid South Africa.

12.6. Notwithstanding anything to the contrary contained herein, all private sector entities that provide legal services to the public or procure legal services and notwithstanding that they are measured in terms of a different industry sector code, may nevertheless elect to submit their reports to the Charter Council reflecting the extent to which their procurement of legal services complies with this LSC.

12.7. It is specifically recorded herein that this LSC shall not apply to and be binding on:

12.7.1. private sector entities that are measured in terms of a different industry sector code; and

12.7.2. save for the provisions of paragraph 12. 6, legal practitioners who are not enrolled and registered as practising legal practitioners with the LPC.

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13. RESPONSIBILITY FOR MONITORING THE IMPLEMENTATION OF THE LSC

13.1. Subsequent to the Minister gazetting the LSC, a Charter Council shall be established comprising of stakeholders in the legal sector in accordance with the provisions of the B-BBEE Act as read with the provisions of paragraph 6 of Statement 003.

13.2. The Minister of Justice is responsible for the establishment of the Charter Council.

13.3. Stakeholders in the legal sector shall nominate members of the Charter Council and such members shall be approved by the Minister of Justice.

13.4. The responsibility to monitor compliance with the LSC and oversee its implementation shall reside with the Charter Council.

13.5. The Charter Council shall be supported by administrative staff.

13.6. The establishment, operations and/or activities of the Charter Council shall be jointly funded by the LSTF, DOJ&CD and the LPC, in proportions and manner to be agreed to by such parties from time to time, or as may be regulated by the B-BBEE Act.

13.7. On an ongoing basis, the Charter Council shall:

13.7.1. monitor compliance with the LSC;

13.7.2. provide clarification, support and assistance in the interpretation and implementation of the LSC;

13.7.3. liaise with all government departments, agencies, and other relevant stakeholders for the purpose of facilitating the implementation of the LSC;

13.7.4. initiate and supervise revisions to the LSC; and

13.7.5. publish annual reports reviewing progress in the transformation of the legal profession and submit such reports to all relevant stakeholders including the Minister, the Minister of Justice, and the B-BBEE Commission.

13.8. In order to ensure compliance with this Sector Code, all Measured Entities that elect to be measured for B-BBEE compliance, shall annually provide a report to the Charter Council. Where applicable, the report must include a scorecard audited by an accredited verification agency and a detailed report on progress complying with the provisions of this Sector Code.

13.9. Notwithstanding the provisions of paragraph 13.7, ELEs and black-owned QSEs are not required to file a report referred to therein, except in the event that they elect to obtain enhanced recognition in terms of LSC 000 in the case of ELEs. They are only required to submit a sworn affidavit, or a certificate issued by the Companies and Intellectual Property Commission (CPIC) provided for in paragraph 14 to the Charter Council on an annual basis.

13.10. The first annual report shall be filed not later than the first anniversary of the promulgation of this Sector Code. The date for subsequent annual reports shall be determined by the Charter Council.

13.11. The Charter Council must, in accordance with the provisions of the B-BBEE Act and established working protocols that may be finalised with the B-BBEE Commission, report all suspected incidents of fronting and fraudulent scorecards to the office of the B-BBEE Commission to enable investigation of any fronting and circumvention practices within the legal services profession.

13.12. The Charter Council shall ensure that:

13.12.1. the LSC is complied with in both the public and private sectors; and

13.12.2. the relevant public sector clients and procurers of legal services achieve targeted procurement as set out in this LSC.

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13.13. Notwithstanding anything to the contrary contained herein, the role of the Charter Council shall not override that of the B-BBEE Commission as provided for in the B-BBEE Act. The obligation to file reports to the Charter Council shall be in addition to the obligation to file reports with the B-BBEE Commission, not in substitution.

14. MEASUREMENT OF LSMEs

14.1. The provisions set out in this paragraph shall apply to the measurement of all LSMEs in terms of this LSC.

14.2. An ELE is only required to obtain a sworn affidavit, or a certificate issued by the CPIC on an annual basis confirming the following:

14.2.1. annual total revenue of R5 million (five million rand) or less; and
14.2.2. level of black ownership.

14.3. Any misrepresentation in terms of paragraph 14.2 above constitutes a criminal offence as set out in section 13 (O) (1) (a) of the B-BBEE Act. as read with paragraph 4.7 of the Generic Codes.

14.4. Notwithstanding any other provision in this LSC, a black-owned QSE is only required to obtain a sworn affidavit on an annual basis confirming the following:

14.4.1. annual total revenue of between R5 million (five million rand) and R25 million (twenty-five million rand); and
14.4.2. level of black ownership.

14.5. Despite the provisions of paragraph 14.4, a black-owned QSE may be measured in terms of the QSE scorecard should it so choose.

14.6. QSEs that are not black owned must be measured in terms of the QSE scorecard.

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14.7. Any misrepresentation in terms of paragraph 14.4 above constitutes a criminal offence as set out in section 13 (O) (1) (a) of the B-BBEE Act as read with paragraph 5.5 of the Generic Codes.

14.8. Any B-BBEE verification certificate submitted by an LSME shall be deemed incomplete unless it is accompanied by a verification report that details the applicable LSME's performance and scoring against the scorecard elements in the LSC.

14.9. The information relied upon for providing the B-BBEE verification certificates and reports must be accurate, correct and verifiable by means of suitable evidence.

14.10. B-BBEE verification certificates and reports are valid for a period of 12 (twelve) months from the date of issue.

14.11. The Charter Council shall use the information, data and detail provided on the B-BBEE verification certificate and reports to assess the performance of each LSME to provide accurate and reliable state-of-the-industry reports to the DTIC and the DOJ&CD.

14.12. No contractual obligations between the B-BBEE verification agencies and the LSMEs shall preclude the B-BBEE verification agencies from providing such information and data as the Charter Council may require from time to time for measurement and monitoring purposes provided that the Charter Council shall fully comply with the provisions of the Protection of Personal Information Act No. 4 of 2013.

15. PRIORITY ELEMENTS AND SUB-MINIMUM

15.1. The priority elements are as follows:

15.1.1. **Ownership**

the sub-minimum requirement for ownership is 40% of the total weighting points for ownership;

15.1.2. **skills development**

the sub-minimum requirement for skills development is 40% of the total weighting points or skills development; and

15.1.3. **enterprise and supplier development**

the sub-minimum requirement for enterprise and supplier development is 40% of the total weighting points for each of the three categories within the enterprise and supplier development elements, namely, preferential procurement, enterprise development and supplier development.

16. COMPLIANCE WITH PRIORTITY ELEMENTS

16.1. A Large Enterprise is required to comply with all the Priority Elements.

16.2. A QSE is required to comply with Ownership as a compulsory element and either Skills Development or Enterprise and Supplier Development. excluding QSEs that are black owned and to which the provisions of paragraph 14.4 are applicable.

17. DISCOUNTING PRINCIPLE EFFECT

17.1. A QSE or Large LSME that fails to meet the 40% sub-minimum requirement for any or a combination of the priority elements in terms of paragraph 15 above, will have their B-BBEE status level discounted by one level down.

17.2. The discounted level will be recorded and be the applicable status level for such an LSME.

17.3. Notwithstanding the provisions of paragraph 17.1, the actual points by an LSME below the 40% sub-minimum will be recognised.

18. KEY MEASUREMENT PRINCIPLES

18.1. The fundamental principle for measuring B-BBEE compliance by any LSME is that substance takes precedence over legal form.

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18.2. In interpreting the provisions of the LSC, any reasonable interpretation consistent with the objectives of the B-BBEE Act and the B-BBEE strategy must take precedence.

18.3. The formulae that are used for measurement of initiatives, criteria, and indicators in the scorecards in this LSC shall be aligned to the formulae in the Generic Codes.

18.4. The basis for measuring B-BBEE initiatives under the LSC shall:

18.4.1. for the ownership and management control elements, be the B-BBEE compliance of the LSME at the date of measurement (as defined); and

18.4.2. for skills development and ESD elements, be the B-BBEE compliance of the LSME throughout the measured period.

18.5. Initiatives which split, separate or divide an LSME with the intent of ensuring eligibility as an LSME, a QSE or a new entrant enterprise shall constitute an offence and shall be dealt with in accordance with the provisions of the B-BBEE Act.

18.6. Any representation made by an LSME regarding its B-BBEE compliance must be supported by suitable evidence or documentation. An LSME that does not provide suitable evidence or documentation supporting any initiative shall not receive any recognition for that initiative.

18.7. Throughout the interpretation of the LSC, effect shall be given to the following underlying principles:

18.7.1. in the event that there is uncertainty or conflict, any reasonable interpretation consistent with the objectives of the B-BBEE Act must take precedence; and

18.7.2. any misrepresentation or attempt to misrepresent an LSME's true B-BBEE status shall be dealt with in accordance with the provisions set out in the B-BBEE Act and may lead to the disqualification of the entire scorecard of the entity concerned.

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19. INTERPRETATION OF B-BBEE INITIATIVES IN THE LSC

19.1. LSMEs are only measurable in respect of their South African operations and not their global operations and partnerships. This applies to the measurement of all the elements and indicators of the scorecard. The LSC is the applicable sector code for all activities listed in section 10 of the B-BBEE Act. This means that all LSMEs who elect to the measured in in terms of the B-BBEE Act are, unless exempted, obliged to be measured in terms of this LSC.

19.2. The requirement to submit data to the Department of Labour under the Employment Equity Act 55 of 1998 is only applicable to 'designated employers' who employ 50 or more employees. However, for the purpose of measurement in terms of this LSC, both SMEs and QSEs that employ fewer than 50 employees are required to submit sufficient evidence for verification purposes.

20. ELIGIBILITY TO QUALIFY AS AN ELE

20.1. For the purposes of measurement in terms of the LSC, an LSME shall qualify as an ELE based on the criteria set out below for both attorneys and advocates and will be based on the annual revenue.

20.2. Any LSME with a total annual revenue set out in the relevant categories in this LSC for attorneys and advocates, respectively, shall comply with the elements of the LSC scorecard.

20.3. **The following tables set out the exempted legal entities:**

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LSC 000 - EXEMPTED LEGAL ENTITIES				
ELEs – Attorneys Applicable to law firms registered with the LPC either as sole practitioners, partnerships and/or incorporated law firms				
Monetary Annual Threshold	**Indicator**	**B-BBEE Level Contributor Status**	**Level of black Ownership**	**Suitable Evidence**
For attorneys generating R0 up to R5 million annual revenue	Fully exempted from the LSC	B-BBEE Level 1	100% black owned	Sworn Affidavit or certificate issued by CPIC
		B-BBEE Level 2	51% black owned	Sworn Affidavit or certificate issued by CPIC
		B-BBEE Level 4	Any LSME that meets the monetary threshold, irrespective of black ownership	Sworn affidavit or certificate issued by CPIC
		Enhanced recognition for other categories of ELEs		
	Can choose any one of the following LSTF for this purpose. LSC 300 contribution LSC 400 contribution	B-BBEE Level 4	Only if the firm is owned by less than 51% black persons	B-BBEE Certificate where enhancement is elected otherwise sworn Affidavit or Certificate issued by CPIC
		B-BBEE Level 5	If the firm is owned by less than 35% black persons	B-BBEE Certificate where enhancement is elected otherwise sworn affidavit or certificate issued by CPIC
		B-BBEE Level 5	Is a new entrant as defined in paragraph 20.4 of this LSC	Independent confirmation of status

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- *Legal entities with between 1 and 3 partners constitute 95.07% of the total number of legal practices in South Africa.*
- *Enhanced recognition referred to above means that an otherwise white or a majority white-owned ELE that is either B-BBEE level 4 or level 5 may enhance itself one level up if they implement at least one of the following three indicators, namely:*
  1. contribution to LSTF; or
  2. training in specialised areas of law for black legal practitioners; or
  3. any contribution towards the enterprise development element.

LSC 000 - EXEMPTED LEGAL ENTITIES					
ELE – Advocates All advocates who have an annual revenue of R0 to R3 million are exempted from complying with the LSC. An advocate who is so exempted and is black qualifies for elevation to Level 1 Contributor and an advocate who is so exempted and is white, qualifies for elevation to Level 4 contributor.					
Monetary Threshold	**Practicing for their own account as such**	**Applicable scorecard**	**(B-BBEE Contributor Status)**	**Suitable Evidence**	
Fully Exempted			B-BBEE Level 1	Only if the advocate is black	Confirmatory Affidavit
For advocates with an annual revenue of **R0 to R3 million**	Junior advocates	Fully exempted from the LSC	B-BBEE Level 4	Only if the advocate is white	Confirmatory Affidavit

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20.4. **New Entrants**

20.4.1. For the purposes of this LSC, an LSME shall constitute a new entrant and shall, for purposes of measurement, constitute a recently formed, constituted, established or incorporated law firm in practice for less than 3 (three) years or an advocate who has been in practice for less than 3 (three) years.

20.4.2. However, a new entrant does not include any newly formed, constituted, established or incorporated LSME in practice for less than 3 years which is merely a continuation or a breakaway of a pre-existing LSME or a newly established or incorporated law firm which is constituted established or incorporated by legal practitioners who have been in practice for a period of more than 3 (three) years.

20.4.3. An LSME that is a new entrant, unless it is black owned or a black advocate in which case it shall qualify as having a B-BBEE level in accordance with LSC 000 and 001, shall qualify as an automatic B-BBEE Level 4 LSME, in accordance with the provisions of this LSC. Consequently, in terms of this LSC, a new entrant shall qualify to be measured as an ELE. To qualify as a new entrant, the LSME must provide an independent confirmation of its status.

20.4.4. Despite the provisions of this paragraph 20.4, an LSME that is a new entrant shall be required to submit a QSE scorecard B-BBEE verification certificate when tendering for legal services with a value higher than R5 million (five million rand) but less than R25 million (twenty-five million rand). To the extent that the value of the legal services exceeds R25 million then, in that event, such an LSME shall be deemed to be a large enterprise and must submit a Large LSME B-BBEE verification certificate.

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21. B-BBEE RECOGNITION LEVELS

FOR ATTORNEYS IN THE LSC

B-BBEE STATUS	B-BBEE QUALIFICATION	B-BBEE RECOGNITION LEVEL
Level One (1)	Has reached the minimum of **100** weighting points	135%
Level Two (2)	Has achieved the minimum of **85** but less than **100** weighting points	125%
Level Three (3)	Has achieved the minimum of **75** but less than **85** weighting points	110%
Level Four (4)	Has achieved the minimum of **65** but less than **75** weighting points	100%
Level Five (5)	Has achieved the minimum of **55** but less than **65** weighting points	80%
Level Six (6)	Has achieved the minimum of **45** but less than **55** weighting points	60%
Level Seven (7)	Has achieved the minimum of **35** but less than **45** weighting points	50%
Level Eight (8)	Has achieved the minimum of **35** but less than **45** weighting points	10%
Non-Compliant Contributor	Has achieved less than **25** points in the measurement scorecard	0%

FOR ADVOCATES IN THE LSC

B-BBEE STATUS	B-BBEE QUALIFICATION	B-BBEE RECOGNITION LEVEL
Level One (1)	Has reached the minimum of **50** weighting points	135%
Level Two (2)	Has achieved the minimum of **45** but less than 50 weighting points	125%
Level Three (3)	Has achieved the minimum of **40** but less than 45 weighting points	110%
Level Four (4)	Has achieved the minimum of **35** but less than 40 weighting points	100%
Level Five (5)	Has achieved the minimum of **3** but less than 35 weighting points	80%
Level Six (6)	Has achieved the minimum of **25** but less than 35 weighting points	60%
Level Seven (7)	Has achieved the minimum of **20** but less than 25 weighting points	50%
Level Eight (8)	Has achieved the minimum of **15** but less than 20 weighting points	10%
Non-Compliant Contributor	Has achieved less than **10** points in the measurement scorecard	0%

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22. THE SUMMARY OF THE SCORECARDS, B-BBEE WEIGHTING POINTS AND CONTRIBUTION LEVELS

22.1. In this LSC, the following is **the summary of the Scorecards** assigned to each element of the LSC:

Code Series	Relevant Scorecard	Categories		Weighting Points
LSC 000	ELE	Attorneys	R0 – R5million	N/A
		Advocates	R0 – R3million	N/A
LSC 100	Ownership	QSE	Above **R5 million** but not more than **R25 million**	25
LSC 001		Large	Above **R25 million**	25
LSC200	Management Control	QSE	Above **R5 million** but not more than **R25 million**	20
LSC 201		Large	Above **R25 million**	24
LSC 300	Skills Development	Attorneys	Above **R5 million** but not more than **R25 million**	15
		Attorneys	Above **R25 million**	15
LSC301		Advocates	Above **R3 million** but not more than **R15 million**	50
		Advocates	Above **R15 million**	50
LSC 400	PSED	QSE	Above **R5 million** but not more than **R25 million**	45
		Large	Above **R25 million**	45
LSC 401	Specialised Scorecard	For organs of state and public entities		45

22.2. In this LSC, the following is the summary of the **B-BBEE Weighting Points (excluding bonus points)** assigned to each element of the LSC:

FOR LEGAL MEASURED ENTITIES THAT ARE ATTORNEYS (LAW FIRMS)		
	QSE Weighting Points	**Large LSMEs Weighting Points**
Ownership	25	25
Management Control	20	24
Skills Development	15	15
PSED	45	45
PSED Specialised	-	-
Total weighting points	**105**	**109**

FOR LEGAL MEASURED ENTITIES THAT ARE ADVOCATES (INDIVIDUAL LEGAL PRACTITIONERS)		
	QSE	**Large LE**
Ownership	-	-
Management Control	-	-
Skills Development	50	50
PSED Specialised	-	-
Total weighting points	**50**	**50**

SPECIALISED SCORECARD – FOR SOEs AND GOVERNMENT DEPARTMENTS	
Ownership	-
Management Control	-
Skills Development	-
PSED	45
Total weighting points	**45**

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23. KEY MEASUREMENT PRINCIPLES RELATING TO OWNERSHIP

23.1. The fundamental principle for measuring B-BBEE compliance in any LSME is that substance takes precedence over legal form.

23.2. The purpose of measuring ownership element in this LSC is to acknowledge the following unique characteristics and dimensions of the legal profession:

23.2.1. that the legal profession is partly made up of advocates who are admitted, enrolled and practicing as such and who cannot be measured on ownership and management control elements; and

23.2.2. that the legal sector is partly made up of admitted and enrolled attorneys who practice as such, either as sole legal practitioners or in partnerships or in incorporated practices of different sizes, in which event the ownership element would be applicable.

23.3. Certain principles applicable to ownership measurement set out in the Generic Codes, such as bonus points and new entrants, may not necessarily find full expression in the LSC due to the nature of the legal profession, although where practically possible, such shall be aligned accordingly.

24. OWNERSHIP SCORECARDS

24.1. The ownership scorecards for QSEs and Large enterprises are as set out below:

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LSC 100 - OWNERSHIP SCORECARD FOR QSEs							
Attorneys' ownership scorecard – Qualifying Small Entities (QSEs) Applicable to LSMEs registered with the LPC as partnerships or incorporated LSMEs							
Monetary Threshold	**B-BBEE element**		**Measurement**	**Compliance Targets Weighting Points (WP) Targets (T)**			
			Measurement Indicators	**WP**	**T**		
					Year 1	Year 3	Year 5
For LSMEs generating over R5 million but not more than R25 million	Ownership	Voting Rights	Exercisable voting rights held by black legal practitioners	6	25%	30%	40%
			Exercisable voting rights held by black women legal practitioners	4	15%	15%	20%
		Economic Interest	Economic Interest held by black legal practitioners	6	25%	30%	40%
			Economic Interest held by black women legal practitioners	4	15%	15%	20%
		Voting rights	Exercisable voting rights held by legal practitioners from designated categories	2.5	1%	%	3%
		Economic Interest	Economic Interest held by black legal practitioners designated categories	2.5	1%	2%	3%
		Total Weighting Points		**25**			

** LSMEs that have 3 to 14 partners/directors account for at least 4.55% of the total number of legal practices in South Africa.*

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LSC 001- OWNERSHIP SCORECARD FOR LARGE ENTITIES							
Attorneys Ownership Scorecard – Large LSME Applicable to LMSEs registered with the LPC as partnerships and incorporated LSMEs							
Monetary Threshold	**B-BBEE element**		**Measurement**	**Compliance Targets Weighting Points (WP) Targets (T)**			
			Measurement Indicators	**WP**	**T**		
					Year 1	**Year 3**	**Year 5**
For LSMEs generating more than R25 million per annum	Ownership	Voting Rights	Exercisable voting rights held by black legal practitioners	6	30%	40%	50%
			Exercisable voting rights held by black women legal practitioners	4	15%	20%	25%
		Economic Interest	Economic interest held by black legal practitioners	6	30%	40%	50%
			Economic interest held black women legal practitioners	4	15%	20%	25%
		Ownership by black designated categories (excluding women)	Exercisable voting rights held by designated categories	2.5	1%	3%	5%
			Economic interest held by designated categories	2.5	1%	3%	5%
		Total Weighting Points		**25**			

** LSMEs that are made up of more than 15 partners number 62 and account for approximately 0.6% of the total number of legal practitioners in South Africa.*

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25. MANAGEMENT CONTROL SCORECARDS

25.1. In view of the unique features of the legal sector and profession, the measurement of LSMEs shall not take the usual form of categories of management as found in other commercial entities and/or sectors or as they may apply in the Generic Codes.

25.2. The following table represents the criteria used for deriving a scorecard for the management control element under this LSC in respect of practicing attorneys. WP represents the weighting points, while T represents targets.

LSC 200 - MANAGEMENT CONTROL STATEMENT – QSE						
Attorneys Applicable to LSMEs made up of attorneys whether as partnerships or incorporated LSMEs						
Monetary Threshold	**Applicable Sub-element**	**Measurement Indicator**	**Compliance targets Weighting Points (WP) Targets (T)**			
			WP	**T**		
				Year 1	**Year 3**	**Year 5**
For LSMEs generating over R5 million but not more than R25 million per annum	**Board Participation**	Measures the percentage of black legal practitioners as a percentage of board members	7	50%	50%	50%
		Measures the percentage of black women legal practitioners as a percentage of board members	3	25%	25%	25%
	Executive, senior, middle and junior management	Measures the percentage of black legal practitioners as a total number of members of executive, senior, middle and junior management within the LSME	7	50%	50%	50%

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		Measures the percentage of black women legal practitioners as a total number of members of executive, senior, middle and junior management within the LSME	3	25%	25%	25%
	Total Weighting Points		**20**			

LSC 201 - MANAGEMENT CONTROL STATEMENT – Large LSME						
Attorneys Applicable to LSMEs made up of attorneys whether as partnerships or incorporated firms						
Monetary Threshold	**Applicable Sub-element**	**Measurement Indicator**	**Compliance targets Weighting Points (WP) Targets (T)**			
			WP	**T**		
				Year 1	Year 3	Year 5
Above R25 million	**Board participation**	Measures the percentage of black legal practitioners who are equity directors as a percentage of board members	4	30%	40%	50%
		Measures the percentage of black women legal practitioners who are equity directors as a percentage of board members	2	15%	20%	25%
	Executive Management	Measures the percentage of black legal practitioners as a total number of members of executive management within the LSME.	3	30%	40%	50%
		Measures the percentage of persons from designated categories as a total number of members of executive management within the LSME.	1	10%	15%	20%
	Heads of	Measures the number of black legal practitioners as a	3	20%	25%	30%

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	Departments (HoDs) (senior management)	percentage of HoDs and PGLs in the LSME.					
		Measures the number of persons drawn from black designated categories of legal practitioners as a percentage HODs and/or PGLs appointed in the LSME.		1	10%	15%	20%
	Middle Management	Senior Associates/ Senior Professional Assistants	Black legal practitioners as a total of senior associates in the LSME	3	40%	50%	60%
			Black legal practitioners from designated categories as a total of senior associates in the LSME	1	10%	15%	20%
	Junior Management	Associates/ Professional Assistants	Black legal practitioners as a total of associates or professional assistants in the LSME	3	40%	50%	60%
			Black legal practitioners from designated categories who are associates or professional assistants in the LSME	1	12%	15%	18%
	Support and other consulting staff	Measures the appointment of black people in support roles within the LSME		1	6%	9%	13%
	Management role of people who are not legal practitioners	Measures the appointment of persons from designated categories in the support roles within the LSME		1	3%	6%	10%
	Total Weighting Points			**24**			

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26. KEY MEASUREMENT PRINCIPLES RELATING TO MANAGEMENT CONTROL

26.1. A key consideration in the allocation of weighting points, is the need for more equitable representation of black legal practitioners in key decision-making categories of management and participating in profits of the LSME.

26.2. An LSME shall only receive points for its achievement towards the targets for participation of black legal practitioners and black women legal practitioners at board, executive management, middle management and junior management levels.

26.3. The compliance targets for executive, senior, middle and junior management in the management control scorecard are based on the national and regional demographic representation of black people as defined in the Employment Equity Act No. 55 of 1998 and Regulations, as amended, from time to time.

26.4. In determining an LSME score, the targets should be further broken down into specific criteria according to the different race sub-groups within the definition of black in accordance with the Employment Equity Act and Regulations – African, Coloured and Indian – on an equitable demographic representation and weighted accordingly.

26.5. Notwithstanding the provisions of paragraph 26.3, the targets for different race sub-groups in terms of the Employment Equity Act and Regulations as referred to in paragraph 26.3, are not applicable to the QSE management control scorecard.

26.6. Based on the nature of QSEs' management structures, the categories of management have been reduced and exclude the requirement that directors should be equity directors to obtain points.

26.7. An LSME measured in terms of the management control scorecard must provide the following documentary information for the purpose of measuring management control:

26.7.1. employment agreements and/or letters of engagement; and

26.7.2. any other acceptable evidence that is deemed suitable to support the existence of a management level role in the LSME.

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27. REMUNERATION PARITY AND JUSTICE

27.1. The LSME must strive for parity in remuneration between race groups and gender at all management levels. To this end the LSME must provide full payroll access together with a copy of the payment parity report EEA4 to the B-BBEE verification agency during the verification process. In the absence of such, the staff management levels shall be declined by the B-BBEE verification agency.

27.2. In cases where measured entities are exempt from submitting the Department of Labour Employment Equity reports, then a remuneration parity statement, similar to form EEA4 report, must be signed by the authorised signatory of the LSME as part of the verification process. This is to ensure that a person's responsibilities and remuneration align with their job grade.

28. MEASUREMENT OF THE MANAGEMENT CONTROL CRITERIA

28.1. The formulae applicable for measuring the principles and indicators of the management control element in this LSC shall be the same as in the Generic Codes.

29. KEY MEASUREMENT PRINCIPLES RELATING TO SKILLS DEVELOPMENT

29.1. For the purposes of the LSC, the recognition of skills development expenditure on black people who are counted under the skills development element may not be counted again under any other B-BBEE element of the QSE or large enterprise scorecard.

29.2. The compliance targets in the skills development scorecard are based on the national and regional demographic representation of black people as defined in the Employment Equity Act No. 55 of 1998 and Regulations, as amended from time to time.

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29.3. In determining an LSME score, the targets should be further broken down into specific criteria according to the different race sub-groups within the definition of black in accordance with the Employment Equity Act and Regulations, being African, Coloured and Indian – on an equitable demographic representation and weighted accordingly.

29.4. Notwithstanding the provisions of paragraph 29.3, the targets for different race sub-groups in terms of the Employment Equity Act and Regulations as referred to in paragraph 29.3, are not applicable to the QSE Skills Development Scorecard and to advocates in LSC 301 respectively.

29.5. The targets for measurement will be between the minimum of 2.5% in years 1 and 2 and the maximum of 3.5% of the leviable amount in years 3 to 5.

29.6. The criteria for recognition of the skills development spend by legal practitioners under this LSC must be underpinned by unique, enhancing and value-adding attributes for the targeted beneficiaries. This means that over and above a skills development spend that merely facilitates entrance into the profession such as bursaries, stipends and mandatory training programmes including those pertaining to candidate attorneys and pupils, all other training interventions that enhance the ability of targeted beneficiaries to acquire skills including in specialised areas of the law to enhance their careers, should be recognised.

Statutory and mandatory training interventions

29.7. The statutory and mandatory training initiatives which will not be recognised include, but are not limited to, the following:

29.7.1. The completion and submission of workplace skills plan and annual training report;

29.7.2. The report that must be submitted to the relevant Sector Education and Training Authority; and

29.7.3. The implementation of priority skills programmes generally, and more specifically, for black people.

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Other interventions

29.8. The Skills Development Scorecard provides for sector-specific programmes for skills and employment of young people. However, in line with YES initiatives gazetted by the Minister in terms of Notice 640 of 2018, LSMEs must be encouraged to employ young people (as defined in the Youth Services Plan), particularly in professional capacities.

29.9. The Charter Council may, from time to time, announce specific sector training and capacity-building initiatives to enhance the above initiatives.

29.10. The skills development expenditure on black people who are counted under the skills development scorecard may not be counted again under any other B-BBEE element of the QSE or large enterprise scorecard.

29.11. Through sub-category LSC 300.4, legal entities seeking to enhance their recognition are encouraged to implement initiatives that provide opportunities for law students and young legal practitioners for mentorships, work and employment.

29.12. Mentorship programmes are programmes which refer to mentoring of a junior advocate by a more senior advocate and, in the case of attorneys, of a junior attorney by a more senior attorney, to impart the necessary skills for the advancement of the careers of such junior advocates or attorneys, respectively. In the case of advocates, where the voluntary associations are for any reason unable to provide sufficient training or mentorship programmes, external training and mentorship programmes may be included for the purpose of measurement.

29.13. Advocates are not able to be measured under ownership and management control elements. Therefore, should they elect to be measured in terms of this LSC, their ability to make contributions to the LSTF provides an opportunity to obtain points that they would otherwise be unable to due to limited opportunities for other contributions.

29.14. Training programmes for advocates should not be limited to pupils or advocates who are members of their voluntary associations or Bars, respectively. Efforts should be made, where necessary or desirable, to extend mentorship and training programmes to pupils and advocates from other Bars or those who do not belong to any Bars or to independent Bars.

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29.15. In instances where measurement indicators refer to expenditure, but targets are time-based, the hours or other periods should be converted to the hourly or daily rate of the legal practitioner to calculate the expenditure.

30. SKILLS DEVELOPMENT TABLES

30.1. The following tables set out the targets under the skills development element:

LSC 300 - SKILLS DEVELOPMENT ELEMENT FOR ATTORNEYS

- In this element, any reference to target percentage (%), unless specifically indicated to the contrary, means the percentage (%) of the Legal Entity's leviable amount on an annual basis.
- In respect of sub-category 300.6, Large LSMEs are not measured for the recognition of expenditure incurred as the result of payment of top-up monthly remuneration of black CLPs as a total number in the LSME.

Measurement indicator	**Monetary Threshold**	**Targets and Weighting Points (WP)**			
		WP	Compliance Target		
LSC skills development expenditure/spend during the measurement period			Year 1	Year 3	Year 5
300.1 Skills development expenditure on initiatives undertaken by the LSMEs on the number of black candidate legal practitioners (CLPs) who are enrolled within the LSME as a percentage of the leviable amount.					
Recognition of spend incurred on training programmes on the number of black CLPs against the total number of CLPs that are	Above **R5 million** but not more than **R25 million**	4	2.5%	3.5%	3.5%

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enrolled/registered within the LSME in a particular year.	Above **R25 million**	4	2.5%	3.5%	3.5%
300.2 Recognition of training in specialised areas of the law as defined in this LSC					
Recognition of expenditure incurred as a result of training in **specialised areas of law** of black CLPs and post-qualification training for black legal practitioners.	Above **R5 million** but not more than **R25 million**	4	2.0%	2.5%	3.0%
	Above **R25 million**	4	2.0%	2.5%	3.0%
300.3 Recognition of Expenditure for the registration of black legal practitioners for Continuous Legal Education programmes					
Number of black trainees and/or candidate attorneys registered by an LSME in any of the following programmes: • At Practice Management Training, Trial Advocacy Training and any other post-admission. courses	Above **R5 million** but not more than **R25 million**	3	2.5%	3.5%	3.5%
	Above **R25 million**	3	2.5%	3.5%	3.5%
300.4 Mentorship, creation of employment opportunities and sector specific interventions for skills and employment for young people					
Implementation of the following programmes for a minimum period of 1 month: **Internships** • Law graduates who are not candidate attorneys • Candidate attorneys who have completed their articles, but are	Above **R5 million** but not more than **R25 million**	4	2.5%	2.5%	2.5%
	Above **R25 million**	4	2.5%	2.5%	2.5%

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unable to obtain employment, provided the internship is for a minimum period of 1 year **Vacation placement** • Law students for a period of 1 to 3 months in one measurement period					
BONUS POINTS APPLICABLE TO 300.5 AND 300.6					
300.5 Recognition of skills development initiatives on the retention and absorption of black candidate legal practitioners as a percentage of the measured entity's total number of CLPs enrolled within a 3-year period.					
Recognition of the retention and absorption of black CLPs who are attorneys in the LSME after admission as legal practitioners.	Above **R5 million** but not more than **R25 million**	4	50% of the total number	50% of the total number	50% of the total number
	Above **R25 million**	4	50% of the total number	50% of the total number	50% of the total number
Recognition of expenditure incurred as the result of payment of top-up monthly remuneration/stipend of black CLPs as a total number in the LSME. (Over and above the monthly minimum stipend provided for by the SETA).	Above **R5 million but** not more than **R25 million**	3	30% of the CLPs' remuneration	30% of the CLPs' remuneration	30% of the CLPs' remuneration
300.6 Recognition of enhanced levels of training for non-legal and support members of staff					
Recognition of training of persons from designated categories in areas	Above **R5 million** but not more than **R25 million**	3	2.0%	2.0%	3.0%

that enhance their ability and skills to provide efficient support services in a law firm.	Above **R25 million**	3	2.0%	2.5%	3.0%
	R5 to R25 million	**15**			
	Above R25 million	**15**			

LSC 301 - SKILLS DEVELOPMENT ELEMENT FOR ADVOCATES						
Applicable category	**Measurement Indicator**		**Targets and Weighting Points**			
			WP	T		
				Year 1	Year 3	Year 5
301.1 Recognition of skills development expenditure on initiatives undertaken by advocates in the training of black junior advocates.						
Training	Expenditure incurred on recognisable training and tutoring of black junior advocates in a measurement period with special emphasis on black junior advocates from designated categories.	Above **R3 million** but more than **R15 million**	12	30 hours per annum spent on participation in training programmes established by a voluntary association of advocates accredited by the LPC (an accredited association)	30 hours per annum spent on participation in training programmes established by a voluntary association of advocates accredited by the LPC (an accredited association)	40 hours per annum spent on participation in training programmes established by a voluntary association of advocates accredited by the LPC (an accredited association)
		Above **R15 million** per annum	12	30 hours per annum spent on participation in training programmes established by an accredited association	30 hours per annum spent on participation in training programmes established by an	40 hours per annum spent on participation in training programmes established by an

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					accredited association	accredited association
	Contribution into the LSTF in lieu of expenditure incurred on recognisable training and tutoring of black junior advocates	Above **R3 million** but not more than **R15 million**	9	R7,000 per annum	R10,000 per annum	R10,000 per annum
		Above **R15 million** per annum	9	of R10,000per annum	R15,000 per annum	If a contribution into the LSTF is R15,000 per annum
301.2 Recognition of skills development expenditure on mentorship programmes for black junior advocates.						
Mentorship	Recognition of advocates spend in each year in the mentorship programme in mentoring junior black advocates, including devilling.	Above **R3 million** but not more than **R15 million**	10	20 hours per annum spent on mentoring programmes	20 hours per annum spent on mentoring programmes	20hours per annum spent on mentoring programmes
		Above **R15 million** per annum	10	10 hours per annum spent on mentoring programmes	10 hours per annum spent on mentoring programmes	10 hours per annum spent on mentoring programmes
Monetary Contributions into the Legal Sector Transformation Fund (LSTF) by senior counsel in lieu of training provided for in 301.1 and 301.2.	**BONUS POINTS APPLICABLE TO SENIOR COUNSEL**					
	Contributions specifically intended for programmes to be financed by the LSTF	Above **R15 million** per annum	5	R20,000 per annum	R25,000 per annum	R30,000 per annum
301.3 Recognition of advocacy training in specialised areas of the law						

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Training in pursuit of specialised legal skills and expertise.	Initiatives established by a voluntary association that is accredited by the LPC or initiatives by an individual advocate with expertise in specialised areas of the law to train black junior advocates in specialised areas of the law.,	Above **R3 million** but not more than **R 15 million**	12	20 hours per year spent on participation in training programmes per annum	20 hours per annum spent on participation in training programmes	20 hours per annum spent on participation in training programmes
		Above **R15 million**	12	20 hours per annum spent on participation in training programmes	20 hours per annum spent on participation in training programmes	20 hours per annum spent on participation in training programmes
	Initiatives to ensure the training in specialised areas of the law of black junior advocates from designated categories	Above **R3 million** but not more than **R15 million**	7	20 hours per annum spent on participation in training programmes	20 hours per annum spent on participation in training programmes	20 hours per annum spent on participation in training programmes
		Above **R15 million**	7	20 hours per annum spent on participation in training programmes	20 hours per annum spent on participation in training programmes	20 hours per annum spent on participation in training programmes
	Total number of points	**R3 – R15 million**	**50**			
		R15 million and above	**50**			

31. SUB-MINIMUM AND DISCOUNTING PRINCIPLE

31.1. In order to be regarded as compliant with the skills development element, an LSME must have achieved a minimum of 40% (forty per cent) of the total weighting points excluding bonus points set out in the Skills Development Scorecard.

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32. GENERAL PRINCIPLES

32.1. The general principles underpinning the skills development element in the LSC are that it must:

32.1.1. contribute to the achievement of the country's economic growth and social development goals to promote the creation of decent work and sustainable livelihoods;

32.1.2. promote the development of the skills base of black legal practitioners in critical and specialised areas of law within the legal profession; and

32.1.3. strengthen the skills and human resource base by encouraging the support of skills development initiatives with an emphasis on skills development and career pathing for both legal practitioners and non-legal support black staff members in support of employment creation.

32.2. Recognisable skills development expenditure includes any legitimate training expenses as may be recognised by the Charter Council incurred for any learning programme offered by an LSME to black people.

32.3. Legitimate training expenses shall include but not be limited to:

32.3.1. cost of training materials

32.3.2. cost of trainers;

32.3.3. cost of training facilities including costs of catering;

32.3.4. course fees;

32.3.5. accommodation and travel;

32.3.6. opportunity costs;

32.3.7. salaries or wages paid to an employee participating in any learnership or internship; and

32.3.8. administration costs such as the organising of training including, where appropriate, the cost to the LSME of employing a skills development facilitator or a training manager.

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33. MEASUREMENT OF SKILLS DEVELOPMENT INDICATORS

33.1. The formulae that are used for measurement of initiatives, criteria and indicators in the skills development element in this LSC shall be the same as the formulae in the Generic Codes.

34. PREFERENTIAL PROCUREMENT AND SUPPLIER & ENTERPRISE DEVELOPMENT SCORECARD

34.1. As a general principle, section 217(1) of the Constitution provides that:
"*When an organ of state in the national, provincial or local sphere of government, or any other institution identified in national legislation, contracts for goods or services, it must do so in accordance with a system which is fair, equitable, transparent, competitive and cost-effective.*"

34.2. In addition, section 217(2) of the Constitution provides that:
"sub-section (1) does not prevent the organs of state or institutions referred to in that subsection from implementing a procurement policy providing for:

34.2.1. categories of preference in the allocation of contracts; and

34.2.2. the protection or advancement of persons, or categories or person, disadvantaged by unfair discrimination".

34.3. Skewed procurement from both public and private sector which prejudices black legal practitioners has been a major problem for black practitioners.

34.4. Having regard to the content of paragraphs 34.1 and 34.2 above, the LSC must provide for a transparent measurement or mechanism that provides for an enabling environment for the state and all its arms including, but not limited to, state-owned enterprises as well as private sector entities, where applicable, to procure legal services from black legal practitioners, in line with the provisions of section 217 (2) of the Constitution.

34.5. In this LSC, due to the nature of the legal profession and the objectives of the LSC, there are 2 (two) categories within the enterprise and supplier development element – preferential procurement and enterprise development. This statement therefore seeks to specify the measurement for

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preferential procurement and enterprise development programmes that will benefit all black qualifying legal practitioners in the legal profession. In the Specialised Scorecard, however, there are 2 (two) categories being preferential procurement and supplier development.

34.6. In addition, this LSC:

34.6.1. defines the principles applicable when calculating B-BBEE procurement spend, and supplier and enterprise development spend; and

34.6.2. indicates the formulae for calculating the individual criteria specified in the preferential procurement and supplier development scorecard.

34.7. The table below represents the criteria for deriving a score for preferential procurement, supplier development and enterprise development and/or programmes for all designated and qualifying legal practitioners.

LSC 400 - PREFERENTIAL PROCUREMENT, AND ENTERPRISE DEVELOPMENT (PSED ATTORNEYS)						
Measurement Category	**Indicator**	**Monetary thresholds**	**Weighting Points (WP) and Compliance Targets (T)**			
Preferential Procurement			**WP**	**T**		
Procurement of legal services from and briefing of advocates by LSMEs				**Year 1**	**Year 3**	**Year 5**
Measurement of procurement of legal services from advocates, as a percentage of the total fee expenditure on advocates over	Measuring the procurement of legal services from a black advocate.	By LSMEs in the category of above **R5 million** but not more than **R25 million**	10	40%	50%	60%
		By LSMEs in the category of above **R25 million**	10	40%	50%	60%
	Measuring the procurement of legal services from a black	By LSMEs in the category of above **R5 million** but not more than **R25 million**	8	20%	25%	30%

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the LSME's last financial year	woman advocate.	By LSMEs in the category of above **R25 million**	8	30%	35%	40%
Procurement of goods and services that support the business of LSMEs						
Measurement of procurement of goods, equipment and assets that are necessary for the business of the LSME expressed as a percentage of the total measured expenditure on goods, equipment and assets.	Recognition of procurement spend from suppliers that are at least 51% black owned	By LSMEs in the category of above **R5 million** but less than **R25 Million**	4	25%	30%	30%
		By LSMEs in the category of above R25 million	4	25%	30%	30%
	Recognition of procurement spend from suppliers that are at least 51% black owned and are Exempted Micro - Enterprises and QSEs	By LSMEs in the category of above R5 million but not more than R25 million	5	25%	30%	30%
		By LSMEs in the category of above R25 million	5	25%	30%	30%
	Recognition of procurement spend from suppliers that are at least 51% owned by persons from designated categories	By LSMEs in the category of above **R5 million** but not more than **R25 million**	4	10%	15%	20%
		By LSMEs in the category of above **R25 million**	4	10%	15%	20%
Enterprise Development						
Partnering, Joint Venturing and Sub-Contracting of LSMEs to facilitate capacity and transfer of skills						
Measuring the	Measuring sub-	By an LSME in the category of	3	26%	28%	32%

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partnering and joint ventures between large firms and ELEs or QSEs firms being the value of the contract	contracting or partnering with an ELE Level 1 or 51% black-owned LSME	above **R5 million** but not more than **R25 million**				
		By an LSME in the category of above **R25 million**	3	30%	33%	36%
	Measuring sub-contracting or partnering with a 51% black-owned LSME or 51% LSME owned by persons from designated categories	By an LSME in the category of above **R5 million** but not more than **R25 million**	3	10%	13%	16%
		By LSMEs in the category of above **R25 million**	3	15%	20%	25%
Recognition of enterprise development initiatives for black-owned ELEs, new entrants, and contribution to the Legal Sector Transformation Fund						
Measuring the impact of enterprise development initiatives as outlined in this LSC	Measuring the contributions made towards the development of black-owned ELEs and new entrants as a percentage of NPAT	By an LSME in the category of above **R5 million** but not more than **R25 million**	4	1%	1%	1%
		By an LSME in the category of above **R25 million**	4	1%	1%	1%
Contribution to the LSTF	Measuring monetary contributions made by LSMEs to the LSTF	By an LSME in the category of above **R5 million** but not more than **R25 million**	4	R5,000	R7,500	R12,000
		By an LSME in the category above **R25 million**	4	R10,000	R13,000	R18,000

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Total weighting points	(R5 to R25 million)	**45**	
	(Above R25 million)	**45**	

35. SPECIALISED SCORECARD

35.1. Section 10 (1) (b) of the B-BBEE Act provides that every organ of state and public entity must apply any relevant code of good practice issued in terms of the Act including in developing and implementing a preferential procurement policy.

35.2. This LSC is intended to apply to organs of state and public entities as well as institutions established in terms of chapter 9 of the Constitution.

35.3. All organs of state and public entities, procuring legal services from legal practitioners shall be measured in terms of this scorecard insofar as the procurement of legal services is concerned.

35.4. As a general rule and principle, all organs of state and public sector entities are generally exempted from measurement of elements except for management control, skills development and the preferential procurement, enterprise and supplier development elements in the Generic Codes. For the purpose of measuring management control and skills development and preferential procurement, enterprise and supplier development of general goods and services are concerned, all organs of state, public entities and SOEs shall apply the Specialised Scorecard in Code Series 000, Statement 004. However, for the purpose of securing and procuring legal services from legal practitioners, all organs of state, public entities and SOEs shall apply and be measured in terms of the Specialised Scorecard issued in terms of this LSC.

LSC 401 - PREFERENTIAL PROCUREMENT, SUPPLIER AND ENTERPRISE DEVELOPMENT (PSED)				
Measurement Category	**Indicator**	**Monetary Thresholds**	**Weighting Points (WP) and Compliance Targets (T)**	
Preferential Procurement - Any reference to % in this scorecard refers to the annual procurement spend			**WP**	**T**

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Procurement of Legal services by the Office of the State Attorney, public entities and organs of state			**Year 1**	**Year 3**	**Year 5**
Measurement of the procurement of legal services from advocates and attorneys	Measuring the procurement of legal services from a black advocate and/or LSMEs that are black owned	5	70%	80%	80%
	Measuring the procurement of legal services from a black woman advocate and/or firms of attorneys that are black owned.	5	40%	45%	50%
	Measuring the procurement of legal services from a white advocate who is briefed with a black junior advocate	4	35%	40%	45%
Procurement of legal services from black LSMEs in complex matters in specialised areas of law by organs of state, public entities and the state attorney					
Measurement of legal services procured from black LSMEs including from black advocates	From black-owned LSMEs in the category of ELE and level B-BBEE Level 1 or black owned QSEs above **R5 million but less than R25 million**	7	45%	50%	55%
	From LSMEs owned by persons drawn from designated categories	4	25%	30%	35%
Supplier Development					
Partnering, Joint Venturing and Sub-Contracting of LSMEs to facilitate capacity of black-owned LSMEs and transfer of skills to such LSMEs and black legal practitioners					
Measuring the partnering and joint ventures between large firms and ELEs or black QSEs	Allocation of work to LSMEs in the category of above **R25 million** on condition that they partner and/or sub-contract with an LSMEs that are at least **51% black owned**	10	25%	30%	35%

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Targeted procurement from designated categories of LSMEs					
Targeted procurement of certain legal services	Procurement from LSMEs owned by black legal practitioners and black women legal practitioners	10	65%	70%	75%
Total weighting points		45			

36. KEY MEASUREMENT PRINCIPLES IN DETERMINING THE SUITABILITY OF PREFERENTIAL PROCUREMENT IN THE LSC

36.1. Preferential procurement, supplier and enterprise development spend in terms of the LSC must always seek to ensure the following:

36.1.1. facilitate preferential spend for legal commercial and specialised work from LSMEs that are 51% or 100% black owned and black advocates;

36.1.2. enterprise and supplier development initiatives targeted at black-owned LSMEs and black advocates with the view to enhance their legal, operational and economic independence; and supplier development initiatives that seek to enhance businesses that are related to the business of the LSME.

36.2. To the extent that the LSC PESD is a priority element, non-compliance will result in the discounting of LSMEs in accordance with the provisions of paragraph 17.

36.3. The weighting points in this statement represent the maximum number of points possible for each of the criteria applicable in the sub-categories.

36.4. Where the LSME is forced to make use of a particular supplier due to tender requirements or client specifications, it may exclude such procurement.

37. THE LEGAL SECTOR TRANSFORMATION FUND

37.1. The stakeholders hereby agree to establish an LSTF.

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37.2. The objective of the LSTF is to provide financial assistance and support to black legal practitioners, especially black women and other black people from designated groups.

37.3. The LSTF shall be administered by the Charter Council which may outsource the management of the LSTF to any entity with the requisite skills, experience and capacity subject to such entity complying with the Charter Council's directives and the aims and objectives of this LSC.

37.4. The Charter Council shall ensure that costs for the administration and management of the LSTF do not exceed 5% (five) per cent of the total income of the LSTF in any financial year.

37.5. The Charter Council will limit rollover for investment purposes and will require that any rollover is not effected for a period exceeding 3 (three) years.

37.6. The Charter Council shall ensure that annual financial statements of the LSTF are audited in accordance with prevailing, recognized accounting standards. Such financial statements shall be made available to stakeholders in the legal sector.

37.7. The LSTF will be utilised for Skills Development and Enterprise and Supplier Development initiatives including, but not limited to, the following:

37.7.1. Funding of black-owned LSMEs, especially new entrants, including the provision of technical equipment, library facilities, office rental and training in specialised areas of law;

37.7.2. Providing financial assistance and support to black candidate legal practitioners during their pupillage, including the giving of stipends;

37.7.3. providing financial assistance, training and support to black junior advocates, including subsidising their rental and/or membership fees of voluntary associations or subscription fees;

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37.7.4. providing financial assistance to a black junior advocate or attorney to acquire and develop skills in specialised areas of law through training and other initiatives; and

37.7.5. providing financial assistance and support to black women attorneys and advocates during maternity leave from their law firms and chambers, respectively.

37.8. The Charter Council shall, upon its establishment, develop a policy and criteria for the access of intended beneficiaries of the LSTF and the quantum of support as well as the manner of disbursement. Such policy shall be drafted after consultation with stakeholders in the legal profession and the Charter Council shall ensure that the criteria are based on the guidelines and criteria set out in the compliance monitoring framework issued from time to time by the DTIC or the B-BBEE Commission.

37.9. The LSTF shall also contribute to the funding of the Charter Council.

38. EFFECTIVE DATE

38.1. The LSC shall come into effect on the date on which it is gazetted.

38.2. Notwithstanding the provisions of paragraph 38.1 above, all B-BBEE verification certificates which were validly issued prior to the gazetting of this LSC in terms of the Generic Codes shall remain valid and applicable for the period of their validity, notwithstanding the date of gazetting of the LSC. In such an event, the relevant LSME will be required to apply for the relevant B-BBEE verification certificate under this LSC upon the expiry of the B-BBEE verification certificate which was issued in terms of the Generic Codes. LSMEs that had not been measured for B-BBEE compliance prior to the gazetting of this LSC, will be measured in terms of this LSC with effect from the date of its gazetting.

DEPARTMENT OF TRANSPORT

NO. 5222 **20 September 2024**

PUBLICATION OF THE AERONAUTICAL AND MARITIME SEARCH AND RESCUE BILL, 2024

The Minister of Transport, hereby publishes that draft Aeronautical and Maritime Search and Rescue Bill and the Memorandum on the objects of the Bill for public Comments and inputs within 30 days from the date of publication of this Notice.

Comments may be sent to the Director-General, Department of Transport for the attention of Mr. Terrence Mabuela, tel. no. 012 309 3070

By post to the following address: Department of Transport
Private Bag x 193
Pretoria
0001

By email: sasar@dot.gov.za / MabuelaT@dot.gov.za

By hand delivery at: Department of Transport
159 Struben Street (Cnr Bosman)
Pretoria

REPUBLIC OF SOUTH AFRICA

AERONAUTICAL AND MARITIME SEARCH AND RESCUE BILL

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(As introduced in the National Assembly (proposed section 76); explanatory summary of Bill published in Government Gazette No. of)
(The English Text is the official text of the Bill)

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(MINISTER OF TRANSPORT)

(B – 2024)

BILL

To provide for the establishment of the South African Search and Rescue Organization; to provide for the composition, membership, powers, functions of SASARO; to provide for the powers, functions, and appointment of members to the Executive Committee of SASARO; to provide for the powers and functions of the Management Committee; to provide for a National SAR Plan; to provide for the functions and duties of the Aeronautical and Maritime Sub-committees; to provide for the meetings of Committees of SASARO; to provide for personnel to perform certain functions connected with search and rescue services; to provide for designation of search and rescue regions; to provide for the establishment and functions of rescue coordination centres and rescue subcentres; to provide for the requisitioning of aircraft and vessels to assist in search and rescue operation; to provide for the recovery of certain expenses; to provide for search and rescue actions regarding aircraft and vessels; to provide for registration of emergency beacons; to provide for filing of disaster management and aerodrome emergency plans; to provide for reporting of aircraft and vessel in distress; to repeal the South African Maritime and Aeronautical Search and Rescue Act; to incorporate the International Convention on Maritime Search and Rescue, 1979, into South African law; to give the Minister the power to make regulations; and to provide for matters connected therewith.

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

ARRANGEMENT OF SECTIONS

1. Definitions
2. Object of Act
3. Establishment of South African Search and Rescue Organization
4. Composition of SASARO
5. Appointment of members of Executive Committee
6. Functions and powers of SASARO
7. Functions and powers of Executive Committee
8. Functions and powers of Management Committee
9. Composition and appointment of members of Aeronautical and Maritime Sub-committees
10. Functions and duties of Aeronautical and Maritime Subcommittees
11. Meetings of SASARO
12. Meetings of committees
13. Personnel of SASARO
14. Search and rescue regions
15. Rescue coordination centres and rescue subcentres
16. Functions of rescue coordination centres and rescue subcentres
17. Requisitioning of aircraft or vessel
18. Recovery of certain expenses
19. National Search and Rescue Plan
20. Search and rescue actions regarding aircraft and vessel
21. Registration of emergency beacons
22. Filing of disaster management and aerodrome emergency plans
23. Reporting of aircraft or vessel in distress
24. Cooperation between aeronautical and maritime rescue coordination centres
25. Delegation and assignment
26. SASARO Annual Report
27. Regulations
28. Transitional provisions
29. Repeal of legislation
30. Enactment of International Convention on Maritime Search and Rescue
31. Short title and commencement

Definitions

1. In this Act, unless the context otherwise indicates, any word or expression to which a meaning is ascribed in the Conventions bears the same meaning and—

"aerodrome" means an aerodrome as defined in section 1 of the Civil Aviation Act, 2009 (Act No. 13 of 2009);

"aircraft" means any machine that can derive support in the atmosphere from the reactions of the air, other than the reactions of the air against the surface of the earth;

"Conventions" means–

(a) the Convention on the High Seas, done in Geneva on 29 April 1958;

(b) the International Convention for the Safety of Life at Sea, done in London on 1 November 1974;

(c) the International Convention on maritime search and rescue, done in Hamburg on 27 April 1979; and

(d) the Convention on International Civil Aviation, done in Chicago on 7 December 1944;

"coastal aerodrome" means an aerodrome next to a sea;

"Department" means the national department responsible for Transport;

"Director-General" means the Director-General of the Department;

"Executive Committee" means the Executive Committee of SASARO contemplated in section 5 (1);

"Head of SASARO" means an official designated as the Head of SASARO by the Director-General as contemplated in section 5 (6);

"International Civil Aviation Organization" means a specialized agency of the United Nations responsible for formulating standards and recommended practices for the purposes of civilian international air transport, established in terms of Article 43 of the Convention on International Civil Aviation, done at Chicago on 7 December 1944;

"International Maritime Organization" means a specialized agency of the United Nations responsible for formulating standards for civilian maritime transport and for the safety of life at sea, established in terms of the Convention on the International Maritime Organization, done at Geneva on 6 March 1948;

"Minister" means the Minister responsible for Transport;

"National Search and Rescue Plan" means the document detailing the role and function of SASARO role players and office bearers while providing a strategic guidance for the delivery of aeronautical and maritime search and rescue services within the

Republic's search and rescue region;

"National Search and Rescue Manual" means a manual that contains standards and recommended practices and provide guidance to SASARO and personnel who may be involved in the provision of search and rescue services;

"prescribed" means prescribed by regulation;

"rescue" means an operation to retrieve a person in distress, provide for their initial medical and other needs such as food, clothing, and transport, and deliver them to a place of safety;

"rescue coordination centre" means a unit responsible for promoting the efficient organization of search and rescue services and for coordinating the conduct of search and rescue operations within a search and rescue region;

"rescue subcentre" means a unit subordinate to a rescue coordination centre, established to complement the latter according to particular provisions of the responsible authorities;

"SASARO" means the South African Search and Rescue Organization contemplated in section 3;

"search" means an operation, normally coordinated by a rescue coordination centre or rescue subcentre, using available personnel and facilities to locate a person in distress;

"search and rescue region" means an area of defined dimensions, associated with a rescue coordination centre, within which search and rescue services are provided;

"search and rescue service" means the performance of distress monitoring, communication, coordination, and search and rescue functions, initial medical assistance or medical evacuation, through the use of public and private resources, including cooperating aircraft, vessels, and other craft and installations;

"South African Maritime and Aeronautical Search and Rescue Act" means the South African Maritime and Aeronautical Search and Rescue Act, 2002 (Act No. 44 of 2002);

"this Act" includes any Schedule to this Act or regulation made under this Act; and

"vessel" means any water-navigable craft of any type, whether self-propelled or not.

Object of Act

2. The object of this Act is to provide for the establishment of SASARO to act on behalf of the Department as the authority responsible for the implementation of this Act as well as other legislation and conventions binding on the Republic regarding the provision of aeronautical and maritime search and rescue services.

Establishment of SASARO

3. (1) The South African Search and Rescue Organization is hereby established to replace the South African Search and Rescue Organisation established by section 4(1) of the South African Maritime and Aeronautical Search and Rescue Act.

(2) The objective of SASARO is to ensure coordination and effective provision of aeronautical and maritime search and rescue services within the Republic's search and rescue regions.

(3) A person appointed in terms of this Act or concerned with carrying out the provisions thereof must perform his or her functions pursuant to the objective of SASARO.

Composition of SASARO

4. (1) SASARO is composed of—

(a) the Executive Committee;

(b) the Management Committee;

(c) the Aeronautical Sub-committee; and

(d) the Maritime Sub-committee;

(e) commercial and voluntary organizations who subscribe to the National Search and Rescue Plan.

(2) The Executive Committee is composed of the following organizations:

(a) the Department;

(b) the South African Maritime Safety Authority;

(c) the Air Traffic and Navigation Services Company Limited;
(d) the Department responsible for National Treasury;
(e) the Department responsible for Defence;
(f) the Department responsible for International Relations and Cooperation;
(g) the Department responsible for Health;
(h) the Department responsible for Home Affairs;
(i) the Department responsible for Cooperative Governance and Traditional Affairs;
(j) the Department responsible for Agriculture, Land Reform, and Rural Development;
(k) the Department responsible for Forestry, Fisheries, and Environment;
(l) the Department responsible for Communications and Digital Technologies;
(m) the South African Police Service;
(n) the Independent Communications Authority of South Africa;
(o) the South African Civil Aviation Authority;
(p) the Airports Company South Africa Limited;
(q) South African National Space Agency;
(r) the National Ports Authority (Pty) Ltd;
(s) the South African Weather Service;
(t) the Border Management Authority;
(u) the Independent Communications Authority of South Africa;
(v) the Airlines Association of Southern Africa.
(w) Telkom SA SOC Limited;
(x) South African Airways; and
(y) the National Sea Rescue Institute.

(3) Membership of SASARO is open to any Government Department or State entity that, by way of a written declaration, subscribes to the National Search and Rescue Plan.

(4) Any other organization which is able to contribute services and facilities for use by SASARO, may also be invited to the meetings of SASARO.

(5) Each member organization shall be represented by a duly designated official who is mandated to make decisions on its behalf.

(6) Application for new membership must be made in writing to the SASARO Secretariat as prescribed.

(7) The Management Committee is composed of—

(a) the Head of the SASARO Secretariat;

(b) the Chief of the Maritime Rescue Co-ordination Centre;

(c) the Chief of the Aeronautical Rescue Co-ordination Centre; and

(d) a representative of the Department responsible for Defence.

Appointment of members of Executive Committee

5. (1) The Executive Committee—

(a) is comprised of mandatory member organizations listed in section 4(2); and

(b) may include any other organization with suitably equipped search and rescue assets for conducting aviation or maritime search and rescue operation who may contribute towards the attainment of the SASARO objective.

(2) The Head of SASAR must confirm an organization referred to in subsection (1)(b) as a member of the Executive Committee in accordance with the prescribed procedure.

(3) A member organization must nominate a suitably qualified person to serve as its representative on the Executive Committee.

(4) The Head of SASARO must appoint a person referred to in subsection (3) as a representative of a member organization on the Executive Committee.

(5) A Member organization contemplated in subsection (1)(b) hold office for a period of five years, which is renewable for a further period of five years.

(6) The Director-General shall designate a Senior Official responsible for overseeing the provision of aeronautical and maritime search and rescue functions in the Department as the Head of SASARO.

(7) The Director in the Department, responsible for the execution of the

aeronautical and maritime search and rescue administrative and secretariat functions must serve as the Head of the SASARO Secretariat.

Functions and powers of SASARO

6. (1) SASARO must within its means and capabilities coordinate its resources to–

(a) search for, assist, and where appropriate, effect a rescue operation for–

(i) survivors of aircraft crashes or forced landings;

(ii) the crew and passengers of vessels in distress;

(iii) survivors of maritime accidents and incidents; and

(iv) survivors of any military aircraft or vessel accident or incident if such aircraft or vessel is not engaged in an act of war; and

(b) coordinate the evacuation of a seriously injured or ill person from a vessel at sea where the person's condition is such that he or she must obtain medical treatment sooner than that vessel would be able to get him or her to a suitable medical facility.

(2) The functions set out in subsection (1)*(a)* exclude salvage operations.

(3) SASARO may, with the concurrence of the Minister, call on any provider of an electronic communications network service to lease or otherwise make available telecommunication facilities for use during a search and rescue operation.

(4) SASARO must perform its functions and utilize its resources in an efficient, economical, and effective manner.

(5) SASARO may perform its functions outside the Republic’s search and rescue regions in accordance with the Conventions.

Functions and powers of Executive Committee

7. (1) The Executive Committee must—

(a) develop and implement the National Search and Rescue Plan;

(b) determine the size and composition of the Management Committee and

Aeronautical and Maritime Subcommittees, depending on the areas of expertise of the different members of SASARO; and

(c) make recommendations to the Minister regarding aeronautical and maritime search and rescue matters.

(2) In pursuance of the powers referred to in subsection (1), the Executive Committee may establish a standing national forum to develop and maintain a National Strategic Search and Rescue Plan and must–

(a) ensure effective coordination of administrative and operational aeronautical and maritime search and rescue matters;

(b) provide an interface with other national, regional, and international organizations involved with emergency services;

(c) oversee the implementation of the National Search and Rescue Plan and develop and maintain a national search and rescue manual;

(d) promote effective use of all available facilities for search and rescue;

(e) facilitate a cooperative forum for exchanging information and development of positions and policies of interest to search and rescue;

(g) promote close cooperation and coordination between civilian and military authorities and organizations for the provision of effective aeronautical and maritime search and rescue services;

(h) improve cooperation among aeronautical, maritime, and land search and rescue communities for the provision of effective aeronautical and maritime search and rescue services; and

(i) determine other ways to enhance the overall effectiveness and efficiency of aeronautical and maritime search and rescue services within the Republic and to standardize aeronautical and maritime search and rescue procedures and equipment where practical.

(3) The Executive Committee is accountable to the Director-General.

Functions and powers of Management Committee

8. (1) The Management Committee must–

(a) advise the Executive Committee on any matter that may have policy or financial implications; and

(b) deal with urgent daily administration matters that need to be sanctioned by the Executive Committee.

(2) The functions and duties of the Management Committee are to—

(a) assess emerging technologies and other environmental changes and advise the Executive Committee accordingly;

(b) advise the Executive Committee on the appropriateness and necessity for aeronautical and maritime search and rescue plans, legislation, policies, regulations, rules, treaties. or agreements;

(c) ensure a seamless administration of the aeronautical and maritime search and rescue services;

(d) ensure that aeronautical and maritime search and rescue resources are used in an economical, efficient, and effective way;

(e) ensure that aeronautical and maritime search and rescue operations are conducted in accordance with the standards and recommended practices as provided for in the aeronautical and maritime search and rescue policy, national search and rescue plan and the Conventions;

(f) take decisions on operational and administrative issues that may not impact on aeronautical and maritime search and rescue policy, and does not necessarily need the approval of the Executive Committee; and

(g) review and approve rescue coordination centre and rescue subcentre plans.

(3) The Management Committee is accountable to the Executive Committee.

Composition and appointment of members of Aeronautical and Maritime Sub-committees

9. (1) The Director-General shall designate suitable persons nominated by the management of institutions designated as rescue coordination centres to serve as the Chiefs of the Aeronautical and Maritime rescue coordination centres as well as Chairpersons of the Aeronautical and Maritime Subommittees.

(2) The Aeronautical Subcommittee and the Maritime Subcommittee consist of representatives of organizations appointed by the Head of SASARO as prescribed.

Functions and duties of Aeronautical and Maritime Sub-committees

10. (1) The Aeronautical and Maritime Subcommittees must advise the Management Committee and the Executive Committee on technical and operational aspects that impacts on aeronautical and maritime search and rescue policy and recommend changes where necessary.

(2) The Aeronautical and Maritime Subcommittees must–

(a) assess emerging technologies and other environmental changes and make recommendations to the Management Committee and Executive Committee accordingly;

(b) develop and review aeronautical and maritime search and rescue operational plans;

(c) ensure the smooth running of the rescue coordination centres and rescue subcentres and advise the Management Committee and the Executive Committee on any matter that may hamper the smooth running thereof;

(d) ensure that aeronautical and maritime search and rescue resources are used in the most economic, efficient and effective way;

(e) ensure that aeronautical and maritime search and rescue operations are conducted in accordance with laid down standards and recommended practices as provided for in the Conventions.

(f) make decisions on operational issues that may not impact on the National Search and Rescue Plan and legislation and does not need the approval of the Management Committee and the Executive Committee; and

(g) oversee the development of aeronautical and maritime rescue coordination centres and rescue subcentres' search and rescue operation response plans.

(3) In the execution of their functions, the Aeronautical and Maritime Subcommittees are accountable to the Executive Committee.

Meetings of SASARO

11. (1) SASARO must meet at such times as the Executive Committee may determine in order to–

(a) discuss proposals and take decisions regarding the effective application of this Act;

(b) discuss possible proposals to the Minister regarding amendments to this Act; or

(c) discuss any other matter which the Executive Committee deems necessary.

(2) The Head of SASARO must preside all meetings of SASARO.

(3) The Executive Committee must determine the rules of procedure at any meeting of SASARO.

Meetings of committees

12. (1) The meetings of a committee must be held at the times and places that such committee determines.

(2) A chairperson of a committee may at any time call a special meeting of a committee to be held at the time and place determined by such chairperson.

(3) All members of a committee must be notified in writing of any meeting of that committee.

(4) A majority, which consists of more than 50% of the total number of member organizations forms a quorum at any meeting of a committee and a decision agreed to in such meetings is binding.

(5) In the event of an equality of votes on any matter, a member presiding on the relevant meeting has a deliberative vote in addition to a casting vote.

(6) A chairperson of a committee must designate a person to act as chairperson if he or she is unable to perform the functions of a chairperson.

(7) Each committee must meet at least twice within a financial year.

Personnel of SASARO

13. (1) All administrative work in connection with the performance of the functions of SASARO must be carried out by officers in the Department designated for that purpose by the Director-General.

(2) The Director in the Department responsible for the execution of the aeronautical and maritime search and rescue administrative and secretariat functions must serve as the Head of the Secretariat.

(3) Organizations designated as rescue coordination centres and rescue subcentres in accordance with section 15 must provide personnel to execute the daily business of these rescue coordination centres and rescue subcentres.

Search and rescue regions

14. (1) The Minister must, by notice in the *Gazette* as well as in the relevant aeronautical and maritime publications, publish the search and rescue regions within which aeronautical and maritime search and rescue services are provided.

(2) The search and rescue regions contemplated in subsection (1) must cover the areas of responsibility of the Republic laid down by the International Civil Aviation Organization and the International Maritime Organization.

Rescue coordination centres and rescue subcentres

15. (1) Subject to subsection (2), the Minister must designate–

(a) organizations to serve as aeronautical or maritime rescue co-ordination centres;

(b) organizations to serve as aeronautical or maritime rescue subcentres under the auspices of the rescue coordination centres;

(c) an aeronautical or maritime search and rescue region for which each rescue coordination centre is responsible; and

(d) organization to serve as registrar and custodian of registers of emergency locator

beacons contemplated in section 21.

(2) Any designation contemplated in subsection (1) must be done as prescribed and must be published in the *Gazette* as well as in relevant aeronautical and maritime publications.

(3) Each Chief of a rescue subcentre must establish and preside over a rescue subcentre forum, reporting to the Aeronautical and Maritime Subcommittees, to ensure continued effectiveness of operational procedures within their designated area of responsibility.

(4) A rescue subcentre Forum must consist of members of the organizations controlling the resources available to that rescue subcentre.

Functions of rescue coordination centres and rescue subcentres

16. (1) A Chief of a rescue coordination centre or any person authorized by him or her is responsible for coordinating available resources for the purpose of searching, assisting and where appropriate, effecting a rescue operation in its search and rescue region.

(2) A Chief of a rescue subcentre must support the Chief of a rescue coordination centre in carrying out assigned duties in a particular area or instance.

(3) The designation of a search and rescue region contemplated in section 15(1)*(c)* does not preclude a rescue coordination centre from–

(a) operating in another search and rescue region; or

(b) performing the tasks of another rescue coordination centre.

Requisitioning of aircraft and vessel

17. (1) Subject to subsection (2), the Minister may for purposes of any aeronautical or maritime search and rescue operation–

(a) request the assistance of a civil or military aircraft or vessel; or

(b) instruct a holder of a South African aircraft flight crew licence or the master of a

vessel to assist in search and rescue operation.

(2) Where the Minister contemplates requisitioning a civilian aircraft or vessel or instructing a civilian holder of a South African aircraft flight crew licence or the master of a vessel to assist in search and rescue operation, the Minister may do so only if–

(a) human life is in imminent and grave danger; and

(b) there are no other more convenient means available to conduct such operation.

Recovery of certain expenses

18. (1) If a search and rescue operation is undertaken by SASARO in connection with an occurrence caused by the unlawful act or omission by a person, the Minister may recover from that person the whole or a portion of the expenses incurred by SASARO in connection with that operation.

(2) The Minister may, after having recovered the expenses contemplated in subsection (1), compensate a person who has incurred loss or damage as a result of the operation.

National Search and Rescue Plan

19. (1) The Executive Committee is responsible for ensuring that the National Search and Rescue Plan is compiled and updated.

(2) The National Search and Rescue Plan shall consist of–

(a) Global search and rescue Concept-Delineation of the search and rescue region;

(b) search and rescue resources, facilities, and other responsibilities;

(c) duties and functions of search and rescue personnel;

(d) rescue coordination centre personnel's training, qualifications, certifications, duties, and functions;

(e) search and rescue communication;

(f) awareness, notification, and initial actions;

(g) operational procedures;

(h) public relations-Search and Rescue Optimal Planning Systems;

(i) conclusion, suspension, and reopening of search and rescue operations;

(j) debriefing, reporting, and delegation; and

(k) organizations involved with search and rescue.

(3) SASARO must furnish the Director-General and the Minister with copies of the National Search and Rescue Plan for noting and consideration.

Search and rescue actions regarding aircraft and vessel

20. (1) Subject to this Act, a search and rescue action must be undertaken in accordance with the National Search and Rescue Plan.

(2) The rescue coordination centre Chiefs must inform the Head of SASARO or his or her assignee of any search and rescue incident that needs immediate response to large numbers of persons in distress, such that the capabilities normally available to search and rescue authorities are inadequate.

(3) SASARO must forthwith institute a search and rescue action where a vessel or aircraft is reported missing or in distress.

Registration of emergency beacons

21. (1) An owner of an aircraft or vessel registered or licensed in the Republic and which carries an emergency locator beacon, must register such emergency locator beacon with an organization designated for that purpose.

(2) The procedure and requirements for registration, deregistration, and management of emergency locator beacons are as prescribed.

Filing of disaster management and aerodrome emergency plans

22. (1) A licence holder or an operator of an aerodrome and an airline charter operating agency must file emergency plans, and amendments thereto, with the aeronautical rescue coordination entre.

(2) A licence holder or an operator of a coastal aerodrome must file an emergency plan, and amendments thereto. with the maritime rescue coordination centre.

(3) A Head of disaster management agency established in terms of any law providing for the management of disasters must file an emergency plan in respect of aircraft incidents, and amendments thereto, with the aeronautical rescue coordination centre.

Reporting of aircraft or vessel in distress

23. (1) A person who knows or has reason to believe that an aircraft or vessel is in distress must report such occurrence at a police station, rescue coordination centre, harbour master, air traffic services unit, or coastal radio station nearest to that person.

(2) A report contemplated in subsection (1) may also be made to any dedicated emergency contact numbers.

(3) The Minister must publish the addresses and telephone numbers of the offices or facilities contemplated in subsection (1)–

(a) by notice in the *Gazette*; and

(b) by means of printed and electronic media to ensure wide publicity.

Cooperation between aeronautical and maritime rescue coordination centres

24. (1) The aeronautical and maritime rescue coordination centres must exchange information freely and regularly to ensure the effective and efficient provision of aeronautical and maritime search and rescue services.

(2) The aeronautical and maritime rescue coordination centres must, with the prior approval of the Executive Committee, hold joint exercises at least once a year to–

(a) foster and maintain close cooperation; and

(b) test SASARO's capability to deal with aeronautical and maritime search and rescue operations of any magnitude.

(3) The exercises contemplated in subsection (2) may be extended to include search and rescue organizations or services of foreign countries.

(4) The Head of SASARO must ensure that the exercises contemplated in subsections (2) and (3) are organized in conjunction with both the aeronautical and maritime rescue coordination centres.

Delegation and assignment

25. (1) The Minister may delegate powers conferred or assign a duty imposed upon the Minister by this Act to an officer of the Department, except the power to make regulations.

(2) The Minister may, at any time, withdraw a delegation or assignment effected in terms of subsection (1).

SASARO Annual Report

26. (1) SASARO must furnish the Minister with an annual report on its activities not later than three months after the end of the financial year.

(2) The Minister must submit, for tabling, a copy of SASARO's annual report in Parliament within 30 days after it has been received if Parliament is in session, sitting and if Parliament is not in session, within 14 days after the start of the next session.

Regulations

27. (1) The Minister may, by notice in the *Gazette*, make regulations regarding–

(a) aeronautical and maritime search and rescue standards and practices;

(b) aeronautical and maritime search and rescue governance, administrative, coordination, and oversight;

(c) aeronautical and maritime search and rescue procedures and processes;

(d) aeronautical and maritime search and rescue communications and associated

technological developments;

(e) offences and sanctions for contravention of certain provisions of this Act;

(f) designation of persons necessary for the implementation of this Act;

(g) funding model for search and rescue services;

(h) financial assistance to voluntary organizations providing essential aeronautical and maritime search and rescue services;

(i) establishment of committees, subcommittees, and working groups necessary for the effective provision of search and rescue services; and

(j) any matter which by this Act is required or permitted to be prescribed or which the Minister considers necessary or expedient to prescribe for purposes of this Act or that the provisions of this Act may be effectively administered.

(2) The regulations may prescribe penalties for a contravention of the provisions thereof for—

(a) a fine not exceeding the amount that, in terms of the Adjustment of Fines Act, 1991 (Act No. 101 of 1991), may be imposed as an alternative to imprisonment for a period of six months; or

(b) instead of payment of a fine referred to in paragraph *(a)*, imprisonment for a period not exceeding six months.

(3) A regulation regarding financial matters made in terms of this Act must be made after consultation with the Minister responsible for National Treasury.

Transitional provisions

28. (1) A person who occupied a post or served in a particular capacity in the institution known as SASAR immediately prior to the commencement of this Act continues to occupy or to serve in the corresponding post or capacity in SASARO, except for persons appointed in terms of section 5 (7)(b) and (c) of South African Maritime and Aeronautical Search and Rescue Act as head of aeronautical search and rescue operations and as head of maritime search and rescue operations, respectively.

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(2) A person who received an allowance, remuneration or other benefit or privilege by virtue of a post or capacity contemplated in subsection (1) shall continue to receive such allowance, remuneration, or other benefit or privilege from the same source

and in the same manner after the commencement of this Act.

(3) Unless otherwise provided for in this Act, a committee or subcommittee of the institution known as SASAR which existed immediately prior to the commencement of this Act continues to exist as if it were a committee or subcommittee referred to in section 4(7).

(4) Anything done in terms of a law repealed by section 29 and which could have been done in terms of this Act, is regarded as having been done in terms of this Act.

Repeal of legislation

29. The South African Maritime and Aeronautical Search and Rescue Act is hereby repealed.

Enactment of International Convention on Maritime Search and Rescue

30. (1) The International Convention on maritime search and rescue, contained in Schedule 2, has, subject to this Act, the force of law in the Republic.

(2) The Minister may by notice in the *Gazette* amend Schedule 2 to reflect any changes made to the Convention if those changes are binding on the Republic in terms of section 231 of the Constitution.

Short title and commencement

31. This Act is called the Aeronautical and Maritime Search and Rescue Act, 2024 and shall come into operation on a date fixed by the President by proclamation in the *Gazette*.

MEMORANDUM ON THE OBJECTS OF THE DRAFT AERONAUTICAL AND MARITIME SEARCH AND RESCUE (AMSAR) BILL, 2024

1. BACKGROUND AND PURPOSE

The South African Maritime and Aeronautical Search and Rescue Act, 2002 (Act No. 44 of 2002) (hereinafter referred to as "SASAR Act") was promulgated over two decades ago. The search and rescue environment has since evolved fundamentally during the past twenty years and required the review of the National Search and Rescue Policy in order to address global and domestic developments. The above-mentioned Act has since been surpassed by these changes hence the call for the proposal to repeal the Act to respond to the ever-evolving search and rescue environment.

The Bill proposes to repeal the SASAR Act so as to bring the regulation of search and rescue in line with the global developments, thereby creating an enabling environment for the efficient conduct of search and rescue in the Republic of South Africa.

2. OBJECTIVE

The objective of the Aeronautical and Maritime Search and Rescue (AMSAR) Bill is to repeal the SASAR Act so as to give effect to the fundamental and structural changes introduced since the SASAR Act came into operation. The Bill seeks to prescribe pre-requisites for membership to the South African Search and Rescue Organization (SASARO), to describe how members are appointed to the SASARO Committees and to empower the Minister to promulgate regulations, prescribe penalties as well as to provide for matters connected therewith.

3. CLAUSE-BY-CLAUSE ANALYSIS OF BILL

3.1 Clause 1: Definitions

Clause 1 contains various definitions aimed at facilitating the interpretation of the Bill.

3.2 Clause 2: Principal objects of the Bill

Clause 2 provides for principal object of the Bill.

3.3 Clause 3: Establishment and objective of SASARO

Clause 3 provides for the establishment and objective of SASARO.

3.4 Clause 4: Composition of and membership of SASARO

Clause 4 provides for the composition of SASARO, details of statutory member organizations, and provides further information for any other organization that may become a member of SASARO.

3.5 Clause 5: Appointment of members to the Executive Committee

Clause 5 provides for the appointment of members of Executive Committee and term of office and procedure for appointment of member organizations representative to the Executive Committee.

3.6 Clause 6: Functions and powers of SASARO

Clause 6 defines the functions and powers of SASARO.

3.7 Clause 7: Functions and powers of Executive committee

Clause 7 provides for the functions and powers of the Executive committee.

3.8 Clause 8: Functions and powers of Management committee

Clause 8 provides for the functions and powers of the Management

Committee.

3.9 Clause 9: Composition and appointment of members to the Aeronautical and Maritime Subcommittees

Clause 9 provides for the composition and appointment of members of the Aeronautical and Maritime Subcommittees.

3.10 Clause 10: Functions and powers of Aeronautical and Maritime Subcommittees

Clause 10 provides for the functions and powers of the Aeronautical and Maritime Subcommittees.

3.11 Meetings of SASARO

Clause 11 provides for general provisions regarding meetings of SASARO.

3.12 Clause 12: Meetings of Committees

Clause 12 provides procedures for convening, frequency, and conduct of meetings of any SASARO Committee. The clause further stipulates the quorum for a meeting and the threshold for making a decision.

3.13 Clause 13: Personnel of SASARO

Clause 13 provides for personnel required to provide administrative and operational functions for search and rescue services under the auspices of SASARO.

3.14 Clause 14: Search and Rescue Region

Clause 14 empowers the Minister to designate and publish in the gazette or other publication the search and rescue regions for which aeronautical and maritime search and rescue services will be provided.

3.15 Clause 15: Rescue Co-ordination Centres and Sub-Centres

Clause 15 empowers the Minister to designate rescue co-ordination centres,

rescue sub-centres, specific area of responsibility, as well as registrars and custodians of emergency beacons database.

3.16 Clause 16: Functions of Rescue Co-ordination Centres and Subcentres

Clause 16 authorizes the aeronautical search and rescue services under the authority of the RCC and RSC Chiefs to be provided within the South African Search and Rescue Regions and in other regions.

3.17 Clause 17: Requisition of aircraft and vessels

Clause 17 authorizes the Minister to requisition aircraft and vessels for the provision of SAR services, and to instruct licensed personnel to provide search and rescue services.

3.18 Clause 18: Recovery of certain expenses

Clause 18 empowers the Minister to recover expenses regarding aeronautical search and rescue operations that were caused by unlawful acts or omission by any person.

3.19 Clause 19: National SAR Plan

Clause 19 requires SASARO to compile and update a national SAR plan pertaining to aeronautical and maritime search and rescue services.

3.20 Clause 20: Search and Rescue actions regarding aircraft and vessels

Clause 20 requires the AMSAR service to be conducted in accordance with a National SAR plan and for the Head of SASARO to be advised on all mass rescues operations being co-ordinated within the South African Search and Rescue regions.

3.21 Clause 21: Registration of Emergency Beacons

Clause 21 requires the owners of aircraft and vessels which carry emergency beacons whether legislated or on voluntary basis to ensure those beacons are registered with the institutions designated as registrars.

3.22 Clause 22: Filing of disaster management and aerodrome emergency plans

Clause 22 requires an aerodrome licence holder and an airline charter operator agency to file emergency response plans with the RCC as appropriate. It further requires collaboration between disaster management agencies and the rescue co-ordination centres.

3.23 Clause 23: Reporting of aircraft and vessel in distress

Clause 23 requires any person who knows or has reason to believe that an aircraft or vessel is in distress to report this with an appropriate alerting post. The Minister is required to publish the contact details of the alerting posts in the appropriate gazette or media.

3.24 Clause 24: Co-operation between the aeronautical and maritime co-ordination centres

Clause 24 requires the Head of SASARO to ensure co-operation and collaboration between the RCCs relating to aeronautical and maritime search and rescue operations and exercises nationally and internationally.

3.25 Clause 25: Delegation and Assignment

Clause 25 empowers the Minister to delegate or withdraw delegation of power conferred by this Bill to an officer of the Department.

3.26 Clause 26: SASARO Annual Report

Clause 26 stipulates the requirement for SASARO to submit annual report to the Minister and for the Minister to submit the report to Parliament for tabling.

3.27 Clause 27: Regulations

Clause 27 empowers the Minister to make regulation on aeronautical and maritime search and rescue matters.

3.28 Clause 28: Transitional provisions

Clause 28 provides for transitional provisions and arrangements

3.29 Clause 29: Repeal of Legislation

Clause 29 seeks to repeal the SASAR Act, 2002 (Act No. 44 of 2002)

3.30 Clause 30: Enactment of the Convention

Clause 30 provides for the enactment of the International Convention on Maritime Search and Rescue

3.31 Clause 31: Short Title and commencement

Clause 31 provides the short title of the Act as the Aeronautical and Maritime Search and Rescue Act.

4. CONSULTATION

- SASAR Member Organizations;
- SAR Document Working Group; involving of Department of Transport Officials, Air Traffic Navigation Service, South African Maritime Safety Authority and South African Civil Aviation Authority
- Department of Transport Legal Services;
- Office of the Chief State Law Adviser;
- The South African National Space Agency (SANSA);
- The Global and Continental Affairs Committee (GCAC);
- Development Committee (DEVCOM);
- Justice, Crime Prevention and Security (JCPS) Cluster;
- International Cooperation, Trade and Security (ICTS) Cluster;
- Economic Sectors, Investment, Employment and Infrastructure Development (ESEID) Cluster; and
- Department of Performance, Monitoring and Evaluation.

5. FINANCIAL IMPLICATIONS

Translation and publication costs

6. CONSTITUTIONAL IMPLICATIONS

None.

7. COMMUNICATION IMPLICATIONS

If approved, the Bill will be published in government gazette.

8. PARLIAMENTARY PROCEDURES

The Bill will be dealt with in accordance with the procedure established by Section 76 of the Constitution.

DEPARTMENT OF WATER AND SANITATION

NO. 5223 **20 September 2024**

VAAL-ORANGE WATER MANAGEMENT AREA – UPPER VAAL CATCHMENT: PROHIBITING AND LIMITING THE USE OF WATER IN TERMS OF ITEM 6 OF SCHEDULE 3 TO THE NATIONAL WATER ACT, 1998 (ACT 36 OF 1998) FROM THE ASH AND THE LIEBENBERGSVLEI RIVERS FOR AGRICULTURAL PURPOSES DURING THE MONTHS OF OCTOBER 2024 TO MARCH 2025

It is necessary to shut down the Lesotho Highlands Water Project tunnel system for the required inspection and maintenance during the months of October 2024 to March 2025.

I, Dr. Sean Phillips, in my capacity as Director-General of the Department of Water and Sanitation (DWS), on reasonable grounds, believe that a water shortage is about to occur due to the above-mentioned shutdown and that it is necessary to limit and prohibit the taking of water from the Ash River and the Liebenbergsvlei River during the period of the shutdown within the following areas: the farms riparian to the Ash River from the Lesotho Highlands Water Project outfall near Clarens, to the confluence of the Ash with the Liebenbergsvlei rivers at Sol Plaatjie Dam wall, up to the confluence of the Liebenbergsvlei River with the Wilge River (the area concerned).This area is situated within the Upper Vaal catchment of the Vaal-Orange Water Management Area.

The establishment of the Vaal-Orange Catchment Management Agency (CMA) was gazetted through Government Gazette 47559 dated 25 November 2022, but the Chief Executive Officer has not yet been appointed, therefore, all powers and duties of the CMA in this area vests in terms of Section 72(1) of the National Water Act of 1998 (Act 36 of 1998) in the Minister of DWS.

The Minister of Water and Sanitation may in terms of item 6 (1)(i) of Schedule 3 to the Act limit and prohibit the use of water in the area concerned if the Minister on reasonable grounds believes that a water shortage exists or is about to occur within the area concerned. This power has been delegated to me in terms of section 63 (1) (b) of the National Water Act, 1998 (Act 36 of 1998).

Therefore, in my capacity as the Director-General of the DWS hereby under delegated authority in terms of 6 (1)(i) of Schedule 3 to the Act limit and prohibit the use of water in the area concerned during the months as follows:

1. The limitation and prohibition of the taking of water from the Ash and the Liebenbergsvlei rivers apply from 01 October 2024 to 31 March 2025.

2. The limitation and prohibition terms of this notice applies only to the taking of water as contemplated in section 21(a) of the Act for agricultural purposes from the Ash and the Liebenbergsvlei rivers apply within the area concerned, and "agricultural purposes" means the use of water for the irrigation of land.

3. No water may be taken from the Ash and the Liebenbergsvlei rivers for any agricultural purposes between 06h00 on a Saturday until 06h00 on a Monday succeeding that Saturday.

4. Other water users who may be affected by the limitation and prohibition terms of this notice are the hydropower stations and local municipalities along the Ash and the Liebenbergsvlei rivers within the area concerned. Consultations with these users are ongoing.

5. From 1 October 2024 to 31 March 2025 water may be taken as follows:

    a. Water users on the left banks of the Ash and the Liebenbergsvlei rivers may, from 06h00 to 06h00 on Monday, Tuesday and Wednesday, take water for agricultural purposes,

    b. Water users on the right banks of the Ash and the Liebenbergsvlei rivers may, from 06h00 to 06h00 on Wednesday, Thursday and Friday, take water for agricultural purposes.

6. Left bank of the river is defined as the left side of a person if that person looks in the direction the water flows in the river concerned.

7. Municipalities affected by the outage are urged to use water sparingly and minimize water losses during this period by implementing water conservation and water demand management measures.

In exercising the powers, I have given preference to the maintenance of the Reserve, treated all water users on a basis that is fair and reasonable, considered the actual extent of the water shortage, the likely effects of the water shortage on the water users, the strategic importance of any water use and any water rationing or water use limitations by a water services institution having jurisdiction in the area concerned under the Water Services Act (Act 108 of 1997).

Placing the limitation and prohibiting the taking of water as set out in this notice is an administrative action affecting the rights of the public as contemplated in section 4 of the Promotion of Administrative Justice Act (Act 3 of 2000) (PAJA). After taking into consideration all relevant factors, including those referred to in section 4(4)(b), I have decided that it is reasonable and justifiable in the circumstances to depart from the requirements referred to in section 4(1)(a) to (e), (2) and (3) and instituted this limitation and prohibition without allowing the water users affected and other role players to comment on the matter before I instituted the limitation and prohibition.

The required inspection and maintenance of the tunnel commence during October 2024 and allows enough time for users affected and other role players to comment on the matter before the required inspection and maintenance of the tunnel commence.

DIRECTOR-GENERAL
DATE: 12/07/24

DEPARTMENT OF WOMEN, YOUTH AND PERSONS WITH DISABILITIES

NO. 5224 20 September 2024

REPUBLIC OF SOUTH AFRICA

SIXTH ANNUAL PROGRESS REPORT

ON THE IMPLEMENTATION OF THE WHITE PAPER ON

THE RIGHTS OF PERSONS WITH DISABILITIES

April 2021- March 2022

TABLE OF CONTENTS

PART A: GENERAL INFORMATION 3
1 EXECUTIVE SUMMARY 3
1.1 MINISTER'S FOREWORD 3
1.3. INTRODUCTION 6
1.4. SITUATIONAL ANALYSIS: 8
1.4.1 External Environment 8
1.4.2 Internal Environment 12
1.5 LEGISLATIVE AND POLICY ENVIRONMENT 13
PART B: PROCESS 14
2. Methodology: Data Collection (Reporting Mechanisms) 14
2.1 Reporting and Timelines 14
2.2 Reporting Templates 15
2.3 Data Verification and Validation 15
2.4. Portfolio of Evidence 16
2.5 Limitations 16
PART C: PERFORMANCE INFORMATION 17
3. INSTITUTIONAL COMPLIANCE: SUMMARY 17
3.1 Quarter One and Two Submission Compliance Summary 17
3.2 Quarter Three and Four Submission Compliance Summary 19
3.3.1 PILLAR 1: REMOVING BARRIERS TO ACCESS AND PARTICIPATION 21
3.3.2 PILLAR 2: PROTECTING PERSONS WITH DISABILITIES AT RISK OF COMPOUNDED MARGINALISATION 40
3.3.3 PILLAR 3: SUPPORTING SUSTAINABLE INTEGRATED COMMUNITY LIFE 42
3.3.4 PILLAR 4: PROMOTING AND SUPPORTING THE EMPOWERMENT OF PERSONS WITH DISABILITIES 46
3.3.5 PILLAR 5: REDUCING ECONOMIC VULNERABILITY AND RELEASING HUMAN CAPITAL 69
3.3.6 PILLAR 6: STRENGTHENING THE REPRESENTATIVE VOICE OF PERSONS WITH DISABILITIES 97
3.3.7 PILLAR 7: BUILDING A DISABILITY EQUITABLE STATE MACHINERY 100
3.3.8 PILLAR 8: PROMOTING INTERNATIONAL COOPERATION 103
3.3.9: INSTITUTIONAL ARRANGEMENTS 104
3.4 COVID-19 INTERVENTIONS 105
3.5 DISTRICT DEVELOPMENT MODEL (DDM) 113

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

4. RECOMMENDATIONS 115
5. CONCLUSION 116
6. ACRONYMS AND ABBREVIATIONS 117
7. ANNEXURES 120

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PART A: GENERAL INFORMATION

1 EXECUTIVE SUMMARY

1.1 MINISTER'S FOREWORD

The Sixth Report on the implementation of the White Paper on the Rights of Persons with Disabilities (2015) covers government's disability inclusion performance information for the financial year 2021/22.

The White Paper on the Rights of Persons with Disabilities (WPRPD), approved by the Cabinet in December 2015, incorporates the vision and objectives of the National Development Plan as well as the 2030 Agenda for Sustainable Development, with all three instruments working towards set targets in 2030.

The interrelatedness of disability and poverty is articulated in South Africa's National Development Plan (NDP) adopted in 2012, which states that:

> ***Disability and poverty operate in a vicious circle. Disability often leads to poverty and poverty, in turn, often results in disability. People with disabilities face multiple discriminatory barriers. Disability must be integrated into all facets of planning, recognising that there is no one-size-fits-all approach.***

Implementation of the WPRPD requires that every public representative and public servant, all regulatory bodies, the private and non-governmental sectors, interrogate current practices, protocols, policies, laws and systems through a disability lenses.

Persons with disabilities are more likely than not, to have limited educational opportunities and limited opportunities to earn an income. The nature and severity of the disability, while major costs on their own, are likely to be compounded by other critical necessities such as the additional expenses on transport, personal assistive devices and medical expenses. These expenses have a profound impact on economic independence of persons with disabilities as they affect quality of life, the ability for self-determination and the enjoyment of basic rights. Consequently, persons with disabilities continue to experience persistent socio-economic inequalities.

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In uncertain economic times where every effort is being made to serve the historically under-represented groups, the importance of disability data has become more urgent in order to remove barriers to services for persons with disabilities. Our focus must remain sustainable inclusive growth. To this end we have included the dimensions of reporting on district development models and COVID-19 interventions.

Both in a South African and international context, the recurrent themes during this period have been economic recovery, resilience, innovation in the face of a plethora of challenges. It is imperative that all civil servants become engineers of victory by ensuring the achievement of disability mainstreaming in planning, budgeting, implementation, monitoring and reporting.

There are multiple challenges in reporting against both the pillars of the WPRPD as well as the various recommendations made since 2018. This include poor quality of reporting, lack of portfolio of evidence, non-responsiveness, slow progress on the uptake of 7% proportional population representativity of persons with disabilities in the workforce and programmatic inclusion. It will require more diligence, more innovation, stricter consequence management for non-performance against targets, and stronger partnerships and more creative collaboration between spheres of government, business and philanthropic partners.

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1.2 DIRECTOR-GENERAL'S OVERVIEW

The Department of Women, Youth and Persons with Disabilities, despite capacity constraints, has tirelessly worked together with the state machinery to collectively move the development agenda forward for persons with disabilities through the National Disability Rights Coordinating Mechanism.

The Department hosted quarterly meetings with national and provincial departments to collect data, together with validation workshops and DG to DG communications.
I am encouraged by the progressing institutionalising of disability mainstreaming that is emerging as pockets of excellence in the country. Although we have a long way to go, the systemic change has taken hold through the mainstreaming of the Medium-Term Strategic Framework and the vigorous engagement on annual planning for government in attaining the 7% target of programmatic inclusion of persons with disabilities.

I would like to highlight the Cabinet- approved recommendations contained in previous reports that focusses on the role of all executive authorities and accounting officers in embedding disability mainstreaming in the realisation of their respective mandates in tangible and measurable ways. This applies to all spheres of government, state-owned enterprises and business.

Let us all work together to create an enabling environment for all to realise their full potential and freedom.

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CONTINUES ON PAGE 130 OF BOOK 2

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1.3. INTRODUCTION

The White Paper on the Rights of Persons with Disabilities (WPRPD) was approved by Cabinet in December 2015, together with its implementation matrix. The strategic objective of the policy and matrix was to accelerate the mainstreaming of disability within the government-wide planning, budgeting, monitoring and evaluation system. It further informs an evidence-based policy development process during the development of the disability rights legislation.

The foundation for the WPRPD was laid by socio-political activists with disabilities, who, after an extensive community-based consultative process, adopted the Disability Rights Charter of South Africa in 1992. This Charter, founded on the principles enshrined in the 1955 Freedom Charter, informed and continues to inform, the promotion and protection of the rights of persons with disabilities in South Africa.

The WPRPD is intended to accelerate transformation and redress for full inclusion, integration and equality for persons with disabilities. Preliminary reports reflect that there's a challenge with qualitative and quantitative performance reporting as a result of poor disability-inclusive planning in government. This is also due to the lack of legislative enforcement mechanisms in the disability rights landscape.The NDP acknowledges that many persons with disabilities are not able to develop their full potential due to a range of barriers that include environmental, information, communication and attitudinal barriers. The National Development Plan (2030) states that "Disability must be integrated into all facets of planning, recognising that there is no one-size-fits-all approach".

A disability rights analysis of the NDP was published in 2015. This critical document informed the drafting of the WPRPD and its implementation matrix. As a point of departure, it is important to reflect on mainstreaming the Medium Term Strategic Framework (MTSF) outcomes in line with the disability-disaggregated National Development Plan. At the very least, the existing MTSF indicators must be disaggregated by disability to create a steady supply of disability rights performance information.

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The implementation of the WPRPD in South Africa requires that every public representative and public servant, across all three spheres of government, all institutions promoting democracy, all regulatory bodies, national and provincial legislatures, the private sector and the non-governmental sector should interrogate current practices, protocols, policies, laws and systems through a disability lens.

Therefore, this report provides an overview of how government departments have complied with the requirements of the WPRPD, implementation of the District Development Model (DDM) requirements and protection of persons with disabilities during national disasters and situations of humanitarian emergencies. The COVID-19 pandemic made persons with disabilities even more vulnerable, and the purpose of this report is also to reflect on interventions and measures adopted by the government to reduce their vulnerability.

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1.4. SITUATIONAL ANALYSIS:

1.4.1 EXTERNAL ENVIRONMENT

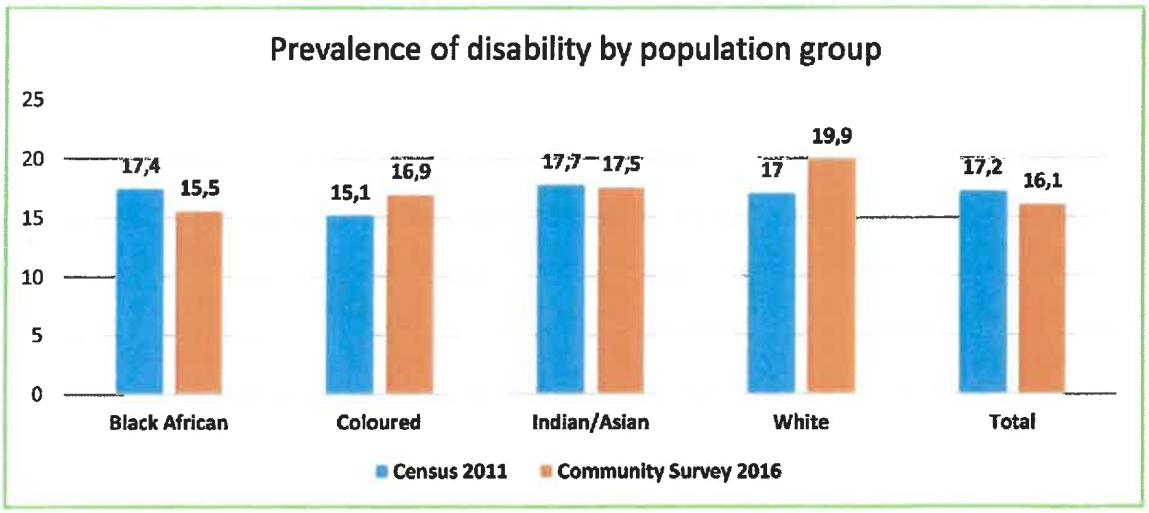
In South Africa, the national disability prevalence rate is 7.5%, according to Census 2011 which is confirmed by Statistics South Africa Community Survey, 2016. Disability is more prevalent among women as compared to men at 8.3% and 6.5% respectively (Statistics South Africa Community Survey, 2016). Black Africans in South Africa constitute the highest proportion of persons with disabilities at 7.8%, followed by the white population group at 6.5%. The data also shows that disability prevalence is directly proportional to age, with more than 50% of persons over the age of 85 reporting having a disability (Statistics South Africa Community Survey, 2016).

Disability is defined according to the Washington Short Set of Questions in STATS SA surveys since 2009. The data in Census 2011 and the General Household Survey (GHS) 2019 is an under-representation of the actual prevalence of disability. This is attributed to the limitation of the survey questions used for disability in the General Household Survey. These questions require a representative of the household to rate members of the household in terms of their ability to perform a range of activities such as seeing, hearing, walking a distances or up a flight of stairs, remembering and concentrating, self-care and communicating in his or her most commonly used language, including sign language.

The surveys exclude children under 5 years old, persons with disabilities in institutions, persons with disabilities who do not define themselves within the scope of the questions, for example; persons with neurological or psychosocial disabilities.

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Figure 3.1.1: Prevalence of disability by population group



Profiles disability prevalence by population group over the period 2011–2016. Trends showed a slight decrease in prevalence of persons with disabilities among black Africans, whilst there was an increase among the coloured and white population groups. The white population group recorded the highest increase in disability prevalence (from 17% in 2011 to about 20% in 2016). In Community Survey 2016, the black African population group recorded the lowest disability prevalence (15,5%), a figure marginally lower than the national average (16%) probably due to the huge youth bulge index compared to the other population groups.

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Figure 3.1.2 Disability prevalence by age group

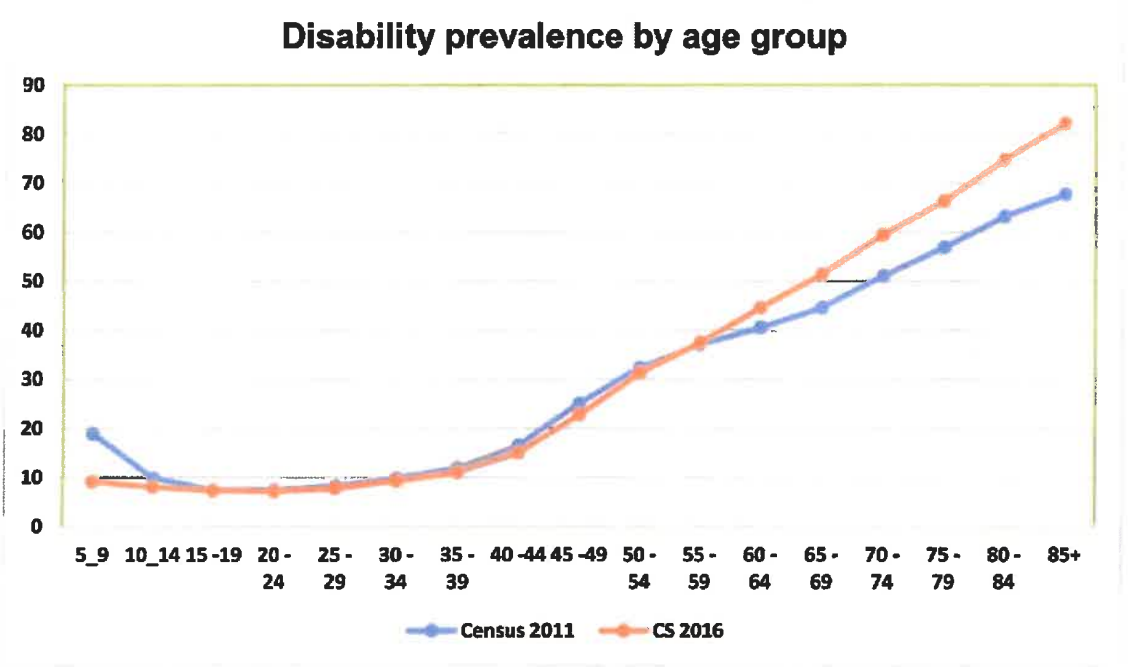
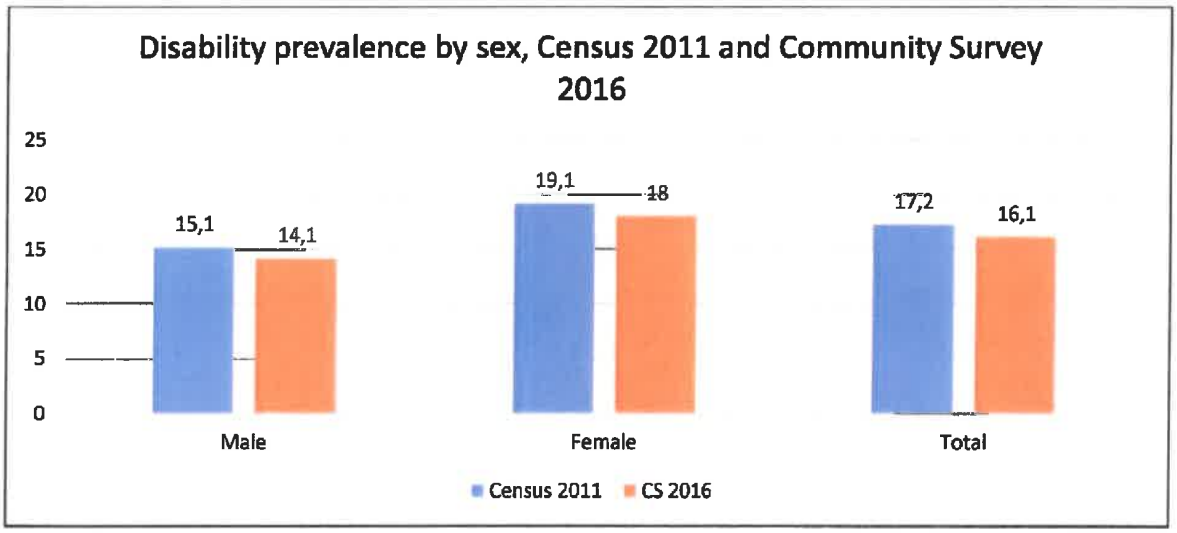


Figure 3.1.2: Disability prevalence was observed for children aged five to nine years. The results showed a massive decrease between 2011 and 2016 in the prevalence of persons with disabilities for this age group (from 18,9% to 9,1%). Differences were also noticed between the two data points for ages 55 years and older, where the proportion of persons with disabilities in the Community survey 2016 data was higher than that from Census 2011 data.

Figure 3.1.3: Disability prevalence by sex, Census 2011 and Community Survey 2016



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Figure 3.1.3: The results showed that disability prevalence decreased marginally for both males and females (from 15% in 2011 to 14% in 2016 for males and 19% in 2011 to 18% in 2016 for female. In both Census 2011 and Community Survey 2016, females' disability prevalence was four percentage points higher than that of males.

Figure 3.1.4: Disability prevalence by province, Census 2011 and Community Survey, 2016

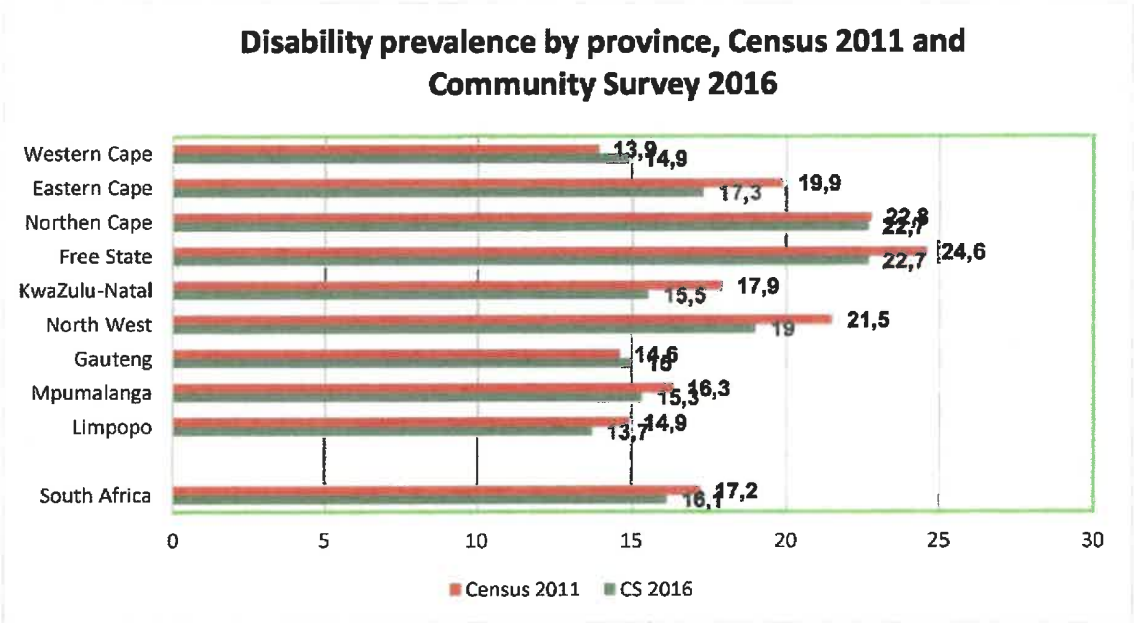


Figure 3.1.4: The results showed that Free State and Northern Cape had the highest disability prevalence rates for both the 2011 Census and 2016 CS. Trend analysis showed that with the exception of Gauteng, Western Cape and Northern Cape provinces, the rest of the provinces recorded a decrease in proportion of persons with disabilities. In Community Survey 2016, Limpopo and Western Cape provinces recorded the lowest prevalence of persons with disabilities (13,7% and 14,9% respectively).

A large proportion of South Africa's population live in poverty. The COVID-19 pandemic made this situation worse as it resulted in economic decline; loss of jobs; increasing unemployment rate; hunger and food insecurity as well as widening inequality gaps. This has impacted the country's human development trajectory and economic recovery.

An analysis of annual reports for national and provincial government departments was conducted. The results show that many departments still do not include disability in their planning, budgeting, auditing, monitoring and evaluation programmes. This trend harms the lives of persons with disabilities. In terms of institutional arrangements, departments do not have dedicated Disability Rights Focal Persons let alone at a sphere of influence and therefore there is a weakness in planning or budgeting for disability inclusiveness

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in the implementation of programmes. Most departments do not develop and implement their departmental-specific reasonable accommodation policy of the government. Reasonable accommodation if implemented is done in an ad-hoc manner, giving priority to people with sensory or physical disabilities not psychosocial disabilities.

A key milestone during this period, was the research conducted on the impact of COVID-19 on persons with disabilities. This was published by the Department of Women, Youth and Persons with Disabilities (DWYPD) in partnership with the Office of the High Commissioner on Human Rights (OHCHR) in October 2021. The report recommended that all government departments must put measures in place to ensure safety and protection of persons with disabilities during the COVID-19 pandemic, situations of risks and humanitarian emergencies. The department explores partnerships with different agencies and identifies issues that the Agencies, e.g. UN, can assist through the technical capacity to effect some of the work of the branch. The department is furthermore exploring the route that Cabinet notes, approves, and recommends actions for departments not integrating disability into their programmes, services and projects.

1.4.2 Internal Environment

All reporting institutions must have policies and strategies to implement the WPRPD policy directives and equity targets. This should include putting measures in place to support employees with disabilities with reasonable accommodations at the workplace. All reporting institutions must provide a budget to address reasonable accommodation needs for persons with disabilities. Reasonable accommodation requirements must be implemented at the level of recruitment, selection and employment and according to the changing needs of the workforce.

Currently, the majority of reporting institutions do not comply with the requirements of the job access strategy and policy on reasonable accommodation and assistive devices. The report also highlights a huge challenge in terms of inconsistency in equity targets set to address unemployment and procurement for persons with disabilities.

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In addition to the above, all government institutions must ensure compliance with minimum norms and standards for universal design and access to improve accessibility in the work environment and service delivery points for persons with disabilities.

1.5 LEGISLATIVE AND POLICY ENVIRONMENT

- The Constitution of the Republic of South Africa of 1996
- The UN Convention on the Rights of Persons with Disabilities (UN CRPD)
- The White Paper on the Rights of Persons with Disabilities
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa
- Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000)
- Employment Equity Act, 1 998 (Act No. 55 of 1998)
- Preferential Procurement Policy Framework Act, (Act No. 4 of 2000)
- Skills Development Act, 1998 (Act No. 97 of 1998)
- Disability frameworks
- Technical Assistance Guidelines on Employment of Persons with Disabilities
- Policy on Reasonable Accommodation and Assistive Devices
- UN Convention on the Rights of the Child
- UN Convention on the Elimination of all forms of Discrimination Against Women
- The National Youth Policy
- The Older Persons Act

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PART B: PROCESS

2. METHODOLOGY: DATA COLLECTION (REPORTING MECHANISMS)

The WPRPD reporting mechanism involves the collection of secondary data from reporting institutions. The performance information comprises qualitative and quantitative data in compliance with national and international disability treaty obligations from all national and provincial government departments. Both qualitative and quantitative information from administrative and statistical systems is synthesized in this report.

In addition to the above, reporting institutions were also requested to provide progress reports in implementing disability-specific projects in the District Development Model (DDM) and COVID-19 Interventions for persons with disabilities.

2.1 Reporting and Timelines

The WPRPD was officially launched at the National Disability Rights Summit in March 2016. Copies of the gazetted WPRPD were subsequently made available to departments with a covering letter detailing their obligations in embedding disability inclusion within their systems and alerting them to Cabinet's decision that progress reports on implementation be submitted to Cabinet annually.

The National Department for Women, Youth and Persons with Disabilities (DWYPD) is responsible for the National Disability Rights Coordination Mechanism which sets the agenda for all spheres of government on disability priorities. The department is also responsible for coordinating performance reports from all sectors of society in compliance with national and international treaty obligations such as the White Paper on the Rights of Persons with Disabilities (WPRPD), the Protocol to the African Charter on Human and People's Rights on the Rights of Persons with Disabilities and United Nations Convention on the Rights of Persons with Disabilities (UN CRPD).

Accounting officers of all national government departments as well as provincial Directors General were provided with an outline of the quarterly reporting process and

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requirements from April 2021 to March 2022. The deadline for submissions was set for the end of each quarter, and technical support from the DWYPD were offered and provided for departments requiring support in compiling their quarterly reports.

The DWYPD convened the National Disability Rights Quarterly meetings in 2021/2022 financial year for both national and provincial government departments to collect performance reports. Additionally, the DWYPD extracted performance information from the Departmental Annual Reports for the period under review. This is audited data that is published in the second or third quarter of the proceeding financial year.

The consolidated draft report was shared with the Heads of National and Provincial spheres to verify and provide further inputs. This year an extension was requested to provide further information. This is a common practice which delays the finalization of the report.

2.2 Reporting Templates

A standard reporting PowerPoint presentation template was shared with reporting institutions through Director-General letters in preparation for the quarterly meetings. The template focused more on disability quarterly reports, the District Development Model and COVID-19 interventions. In addition to the above, DWYPD also shared the national integrated disability reporting template which is inclusive of COVID-19 and DDM. The template is being simplified to assist reporting for the respective spheres of government.

2.3 Data Verification and Validation

The performance information was verified through stakeholder engagement processes such as quarterly meetings and the consultative process. Furthermore, DWYPD convened a validation workshop on 24-25 January 2023 to validate the performance information with national and provincial government departments, and National Disability Organisations. This process enabled robust and frank discussions, debates

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and proposals for accelerated implementation of the WPRPD and to strengthen the report.

2.4. Portfolio of Evidence

As part of compliance requirements, all departments were required to submit a written portfolio of evidence to support their performance reports.

2.5 Limitations

Some of the limitations include but are not limited to:

- Confusion with minimum disability set targets and indicators;
- Lack of legislative enforcement mechanisms for defaulting institutions;
- Poor quality of performance information to contextualise targets;
- Under-reporting; and
- COVID-19 restrictions impacted implementation of programmes.

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PART C: PERFORMANCE INFORMATION

3. INSTITUTIONAL COMPLIANCE: SUMMARY

3.1 Quarter One and Two Submission Compliance Summary

(See all compliant departments highlighted in green and those that did not comply highlighted in red)

National and Provincial Government Departments	Submission Compliance For Quarter 1 and 2	
	Yes	No
NATIONAL DEPARTMENTS		
Sports, Arts and Culture		X
Agriculture, Forestry and Fisheries		X
Basic Education	✓	
Communications and Digital Technologies		X
Cooperative Governance and Traditional Affairs		X
Correctional Services	✓	
Defence		X
Public Service and Administration	✓	
Forestry, Fisheries and the Environment		X
Government Communications and Information Systems		X
Health	✓	
Higher Education and Training	✓	
Home Affairs	✓	
Human Settlements		X
International relations and Cooperation		X
Justice and Constitutional Development		X

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National and Provincial Government Departments	Submission Compliance For Quarter 1 and 2	
	Yes	No
Employment and Labour		X
Military Veterans		X
Mineral Resources and Energy	✓	
National Treasury	✓	
Planning, Monitoring and Evaluation		X
Public Works and Infrastructure	✓	
The Presidency		X
Public Enterprises		X
Rural Development and Land Reform		X
South African Police Services	✓	
National School of Government	✓	
Science and Technology		X
Small Business Development		X
Social Development	✓	
South African Revenue Services (SARS)	✓	
Sports and Recreation		X
Statistics South Africa	✓	
Tourism	✓	
Trade and Industry		X
Transport		X
Water and Sanitation	✓	
PROVINCIAL GOVERNMENTS		
Eastern Cape		X
Free State		X
Gauteng	✓	
Limpopo	✓	
Kwazulu-Natal		X
Mpumalanga	✓	

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National and Provincial Government Departments	Submission Compliance For Quarter 1 and 2	
	Yes	No
North West		X
Northern Cape	✓	
Western Cape		X

3.2 Quarter Three and Four Submission Compliance Summary

National and Provincial Government Departments	Submission Compliance for Quarter 3 and 4	
	Yes	No
NATIONAL DEPARTMENTS		
Sports, Arts and Culture		X
Agriculture, Forestry and Fisheries		X
Basic Education	✓	
Communications and Digital Technologies		X
Cooperative Governance and Traditional Affairs		X
Correctional Services		X
Defence		X
Public Service and Administration	✓	
Forestry, Fisheries and the Environment		X
Government Communications and Information and Systems		X
Health		X
Higher Education and Training	✓	
Home Affairs	✓	
Human Settlements	✓	
International Relations and Cooperation		X

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National and Provincial Government Departments	Submission Compliance for Quarter 3 and 4	
	Yes	No
Justice and Constitutional Development	✓	
Labour		X
Military Veterans		X
Mineral Resources and Energy	✓	
National Treasury	✓	
Planning, Monitoring and Evaluation		X
Public Works and Infrastructure	✓	
The Presidency		X
Public Enterprises		X
Rural Development and Land Reform		X
South African Police Services	✓	
National School of Government	✓	
Science and Technology		X
Small Business Development	✓	
Social Development		X
South Africa Revenue Services (SARS)	✓	
Sports and Recreation		X
State Security Agency		X
Statistics South Africa	✓	
Tourism	✓	
Trade and Industry		X
Transport	✓	
Water and Sanitation	✓	
PROVINCIAL GOVERNMENTS		
Eastern Cape		X
Free State		X
Gauteng	✓	

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National and Provincial Government Departments	Submission Compliance for Quarter 3 and 4	
	Yes	No
Limpopo	✓	
Kwazulu-Natal		X
Mpumalanga		X
North West	✓	
Northern Cape	✓	
Western Cape		X

3.3 INSTITUTIONAL PERFORMANCE - WPRPD IMPLEMENTATION PROGRESS

3.3.1 PILLAR 1: REMOVING BARRIERS TO ACCESS AND PARTICIPATION

The creation of barrier-free environments requires collective and concurrent action by accounting officials, law and policymakers, regulatory bodies, implementing institutions, planners, financial officials, service providers, monitoring functions, the private sector as well as organisations of and for persons with disabilities.

Accessibility lies at the heart of the right to human dignity, being able to live as an equal resident in one's community, being accorded respect for self-determination, having the right to equal opportunities and negotiating one's life unhindered by manmade barriers.

Several articles in the UNCRPD require State Parties to take appropriate measures to ensure that persons with disabilities can access, on an equal basis with others, the built environment and public/private services across geographical locations.

According to the WPRPD Matrix, the following national and provincial governments/entities and civil societies are required to report under this pillar: Twenty-one (21) national departments and institutions contribute towards 36 indicators under this pillar. These are the Department of Correctional Services (DCS); Department of Home Affairs (DHA); Department of Higher Education and Training (DHET); Department of Water and Sanitation (DWS); Mpumalanga's Office of the Premier (OTP); Gauteng Department of Social Development (DSD); National School of Government (NSG);

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South African Police Services (SAPS); Department of Women, Youth and Persons with Disabilities (DWYPD); Department of Mineral Resources and Energy (DMRE); Department of Public Service and Administration (DPSA); The South African Revenue Services (SARS); Shonaquip Social Enterprise (SSE); National Department of Transport (NDoT); Department of Basic Education (DBE); Department of Social Development; Department of Tourism; Department of Regional Development (*DRD)* in the Gauteng Office of the Premier; Statistics South Africa (Stats SA); National Treasury (NT); Department of Science and Innovation (DSI).

3.3.1.1 Performance Indicators

Indicator 1.1 - Changing Attitudes and Behavior

The South African Language Practitioner's Council was established in law in 2014. Its policy aims to establish regulations for training, accreditation and control of language practitioners to set standards for the quality of translators and interpreters. The lack of regulating the sign language environment to date has resulted in the isolation of the deaf community as sign language interpreting services are not standardized. South Africa has taken strides in ensuring the inclusion of the South African Sign Language as the twelfth official language in the Constitution. Discussions of the eighteenth Amendment of the Constitution towards this end are still underway.

The Department of Correctional Services (DCS) on admission of offenders, manage information on disabled offenders in a sensitive manner. The information is reflected in the admission risk and needs assessment which is completed in the first six hours of admission. Like all offenders, offenders with disabilities are oriented at the correctional centre in terms of all resources and facilities.

The DCS has developed and is implementing a correctional programme which focuses specifically on the needs of female offenders. The objective is to create awareness and empower female offenders on areas such as general life skills, relationships, addictive behaviour and career building. In addition, all other correctional programmes are available and being facilitated to youths and to persons with disabilities as needed. The

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existing Correctional Programme was reviewed to enable the DCS to orientate offenders on all relevant information regarding Gender Based Violence (GBV).

The Department of Home Affairs (DHA) convened a Disability Rights Forum Meeting between national and provincial office bearers to discuss various issues affecting employees with disabilities in the department. The DHA Disability Rights Forum Terms of Reference was reviewed and finalised.

The Department of Higher Education and Training (DHET) funded inclusive gender, youth and persons with disabilities programme/campaigns, student support services as well as health and wellness programmes. A disability awareness workshop was held on 03 December 2021. All employees in the Department were invited.

Through its advocacy campaign, the DHET presented in the eThekwini Municipality (KZN) virtual career exhibition for persons with disabilities on 'Not in Education, Employment, or Training' (NEET) youth with disabilities. The emphasis was on the following:

- Making an informed career decision underpinned by a personal career development plan.
- Access to the Post School Education and Training (PSET) system /opportunities.
- Admission requirements and application process at PSET institutions.
- Financial Assistance with emphasis on the National Student Financial Aid Scheme (NSFAS) bursary for Persons with Disabilities.
- Support for students with disabilities in PSET Institutions.
- Employability Skills.

The Mopani TVET College in the Limpopo Province conducted awareness campaigns and regular meetings to encourage students to disclose their disabilities and to promote their rights within the campus.

The Department of Water and Sanitation (DWS) held awareness campaigns in Mpumalanga Province (MP) which focused on the most explicit disability barriers reflected in its Disability Policy. Furthermore, DWS conducted 24 Disability Radio slots.

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They also coordinated 12 disability radio programmes with Ligwalagwala FM and 12 disability slots with Ikwekwezi FM.

Mpumalanga's Office of the Premier (OTP) conducted awareness raising on removing barriers and creating enabling environments for persons with disabilities, which focused on:

- Workshops and monitoring of accessibility and reasonable accommodations
- Implementation of Education and Awareness
- Developed DRAM programme and monitored the implementation thereof
- Supported the induction programme for the Department of Culture Sports and Recreation by providing the Services of Sign Language Practitioners 21-25 June 2021 in Middelburg.
- 24 disability radio slots were flighted.

The National Treasury conducted two (2) awareness sessions on disability disclosure where all employees were invited.

The National School of Government (NSG) hosted webinars and master classes on a variety of topics. However, not all the registration information was disaggregated by sex, disability and age.

A voluntary Disability Disclosure Drive for employees to disclose their disabilities was conducted in June 2021 by the Department of Tourism. The drive will be conducted annually to allow employees an opportunity to disclose their disabilities. One (1) disclosure was received and recorded on the Persal system.

The Department of Tourism further conducted the Diversity and Disability information session for all employees in quarter 4 (10 March 2022). The focus was on deaf and hearing loss as a concern raised specifically in terms of COVID-19 regulations and how to accommodate the Deaf Community. The total number of 53 employees participated in the session, where:

- Male: 15, Male with disabilities: 1

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- Female: 36, Female with disabilities: 1

The profile on progress made with disability management was approved by the Chairperson of the Disability Management Forum (DMF). The DMF meeting was held on 24 February 2022.

On the issue of consultations with the disability and parent structures, the National Department of Social Development facilitated in Quarter 1, three dialogues with parents of children with disabilities, children and youth with disabilities in Amajuba district (No further contextual information or evidence was provided for the purpose of this report).

Gauteng Department of Social Development (DSD) hosted disability mainstreaming capacity-building for officials. There is annual training on Disability Management in the Public Service through the National School of Government (NSG).

The Gauteng Provincial DSD presented disability related topics in departmental webinars, meetings and workshops, including disability mainstreaming of its mandate during Strategic Planning, monitoring and evaluation reporting workshops for DSD and Non-Profit Organisations (NPOs). Gauteng DSD further disseminated relevant disability-related topics via departmental Internal Communications platform. The Gauteng DSD reviewed and provided inputs to existing and newly developed departmental policies to include disability imperatives.

The South African Police Services held capacity building sessions on the SAPS Guidelines for Policing of Persons with Disabilities, Standing Order General (291) on Mental Health 17 of 2002 (Act No 17 of 2002) as follows:

- Mpumalanga on *22-23 November 2021*;
- Northern Cape on *9-10 November 2021;* and
- Limpopo on *21-24 February 2022*.

A total of two hundred and one (201) SAPS employees, mostly frontline service members, were capacitated. Further roll out will continue in six remaining provinces in 2022-2023.

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The DWYPD hosted an economic empowerment webinar in partnership with the Department of Employment and Labour (DEL), the BBBEE Commission and the Department of Small Business Development (DSBD). The purpose of the webinar was to:

- Raise awareness and share information on different opportunities and packages specifically for persons with disabilities and uptake thereof
- To foster economic participation, ownership, access to resources and opportunities for WYPD,

Workshops were held as facilitated interventions to support economic empowerment and participation of women, youth and persons with disabilities (WYPD) within the Agriculture sector, Green Economy and in relation to AfCFTA in 2021.

Department of Mineral Resources and Energy (DMRE) hosted a webinar on economic empowerment and entrepreneurship workshop targeting persons with disabilities, on 13 November 2020. The DMRE stakeholders (mining companies) provided data to Disabled People of South Africa (DPSA) to enable connectivity to the webinar. Almost the entire disability sector was invited to participate in the webinar including Blind SA, Albinism South Africa, and South African National Deaf Association (SANDA).

The resolution of this webinar instructed that draft Terms of Reference between DMRE and DPSA be developed by the first quarter of the 2021 financial year. The aforesaid draft Terms of Reference was developed. There were approximately 67 persons with disabilities in the webinar from DPSA, but unfortunately numbers were not disaggregated in terms of sex, age and disability.

Mpumalanga Provincial Department of Agriculture, Rural Development, Land and Environmental Affairs approved one Disability Policy.

Mpumalanga DPWR&T conducted an entrepreneurs' workshop to 13 persons with disabilities at Kwaggafontein and Middleburg.

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Although departments have reported on different activities, it is not clear what each department's overall disability rights mainstreaming strategy is and how the information contributes to the sustainable inclusion over time consistently. Most departments provided information that does not demonstrate how different programmes impact on the lives of persons with disabilities and what interventions are in place to mitigate such gaps.

Indicator 1.2 - Access to the Built Environment

The Framework on Universal Access and Design was developed by the DWYPD through a consultative process. The framework was approved by Cabinet in 2020. This provides guidance to public and private sector. The South African Revenue Services (SARS) ensured new and refurbished built environments comply with prescribed accessibility standards at a minimum and incorporate best practice where possible. The modified existing built environments comply where possible as part of planned maintenance works with adequate parking and signage to assist persons with disabilities navigate with ease.

The DWS in terms of access and built environment advocates, advises, monitors and evaluates reports from accessibility inspections and access audits. There were also preparatory meetings with Occupational Health and Safety in regions, construction offices and clusters. Through consultation, an accessibility the audit tool was finalised.

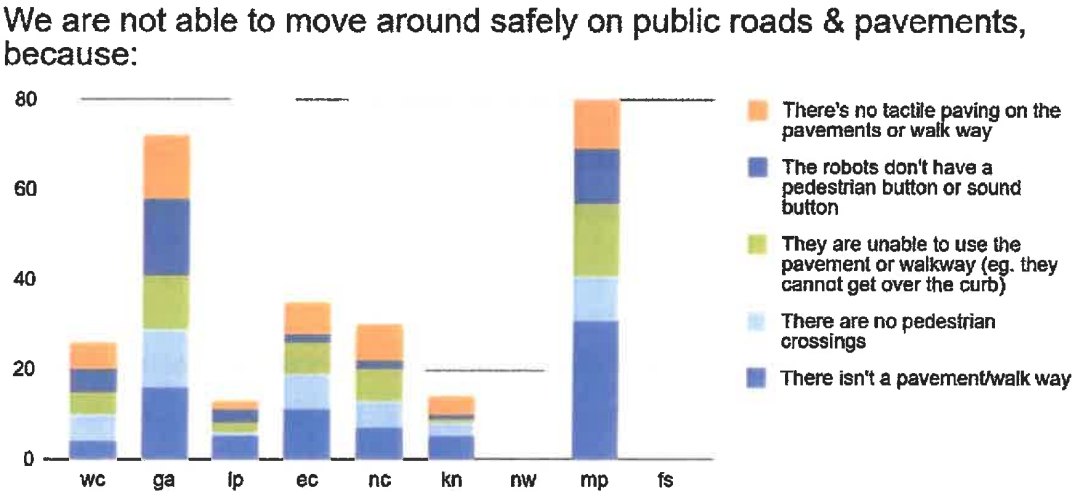
In the year under review, the DHS modified access to building and clearing of egress points. (There is no further context provided)

The DCS made provision for an accessible built environment. However, given that disabilities differ vastly, it is not always feasible to construct or renovate correctional facilities for specific types of disabilities, therefore, separate accommodation is arranged, depending on the barrier.

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Limpopo province reported to have 104 police stations and 90 are fitted with rails and ramps (86,5%). Mpumalanga province have reported 90 police stations and 54 have rails and ramps (60%). Northern Cape reported 91 police stations and 73 have rails and ramps (80,2%). North West reported to have 83 police stations and 74 have rails and ramps (89,9%). Western Cape: reported 151 police stations and 129 have rails and ramps (85,4%). The total number of accessible police stations by this measure is 926 and of inaccessible police stations is 229.

According to Shonaquip's research, there is continued challenges in accessing roads to access services, including transport. As indicated below, the rights holders' perspective and lived experiences:



This bar graph depicts the difficulty experienced by persons with disabilities when accessing public spaces. There are five bars per province measuring safety on public roads. One bar is in orange – representing that there is no tactile paving on the walkway; dark blue depicting that robots do not have pedestrian buttons or sound button. Green represents that they are unable to use the pavement or walkway (e.g they cannot get over curb). Sky blue means that there are no pedestrian crossings, whereas light blue means that there isn't the pavement/walkway. Although a province has all bars highlighted, some bars are less prominent than others.

- Western Cape – 5;
- Gauteng – 5;

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- Limpopo – 5;
- Eastern Cape – 5;
- Northern Cape – 5;
- KZN – 5;
- North-West – 0;
- Mpumalanga – 5;
- Free State – 0.

The Department of Public Works and Infrastructure conducted an accessibility audit in Newcastle at Osizweni police station. The Department recruited and employed a total of 1158 of NYS programme and five (5) youth with disabilities.

It is commendable that other departments, e.g SAPS, could demonstrate such high number of buildings that are accessible. Other departments must be encouraged to follow suit. Also, access to the built environment should not be restricted to only structural access, but systemic as well in order for other disabilities to be covered.

Indicator 1.3 – Access to Transport

The DoT's Universal Design and Access Plan (UDAP) development took place in 10 (ten) municipalities receiving the Public Transport Network Grant (PTNG), some are more developed than others. Regular annual reporting is evident:

The complaints system is established, but understaffed, presented in October to ICT sub-committee. The ICT sub-committee met on 28 January 2021 where a presentation from Shonaquip was shared on children with disabilities. No action results from the submission of complaints, at least within a reasonable timeframe.

The National minimum standards were developed supporting universal access that govern most public transport programmes and all aspects of the travel chain. However, these are not known, or not applied. There is an accessible rail services of Passenger Rail Agency of South Africa (PRASA) shareholder compact. Public Transport Network Grant budgeted 5.5 billion rands.

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Integrated Public Transport Network (IPTN) overview and roll out progress: 2021

	City	IPTN System	City
1	Johannesburg (Operating)	Rea Vaya	George (Operating) GoGeorge
2	Cape Town (Operating)	MyCitiV	Polokwane (Launching) Leeto La Polokwane
3	Ekurhuleni (Operating)	Harambee	Rustenburg (Launching) Yarona
4	Tshwane (Operating)	A re Yeng	eThekwini (Launching) GoDurban
5	Nelson Mandela Bay (Operating)	Libhongolethu	Mangaung (Launching) Hauweng

In March 2022, National Transport Policy White Paper was published. The strategic goal of public transport seeks to address safety and reliability in meeting the needs of users, including commuters, learners, and certain categories of passengers (pensioners, the elderly, children, pregnant women, persons with disabilities, and tourists). The White Paper further promotes affordable and sustainable public transport - distant passengers, as well as women. In particular, it aims to ensure that the transportation needs of persons with disabilities are taken into account when planning and designing new infrastructure and new operations.

The DoT established the Transport Sector Transformation Forum. This forum meets quarterly to share best practices in mainstreaming disability. Some of the NDoT entities have printed their reports in braille and shared them with the South African National Council for the Blind (SANCB). The NDoT established the Disability Forum, whose Terms of Reference (TOR) were signed and approved by the Executive Director.

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The DBE developed the Learner Transport Policy of 2014 which accepts the principle of universal design and accessibility. The aims is to address the challenges of accessibility and safety of learners. The policy states that services to learners with disabilities must be prioritised. In provinces, scholar transport in special schools is managed by either the DBE or DoT (as shown below). In some cases, this results in challenges in coordinating and administering the service properly.

Management of Learner Transport

PROVINCE	IMPLEMENTING DEPARTMENT
Eastern Cape	Department of Transport
Free State	Department of Education
Gauteng	Department of Education
KwaZulu-Natal	Department of Education
Limpopo	Department of Education
Mpumalanga	Department of Transport
Northern Cape	Department of Transport
North West	Department of Transport
Western Cape	Department of Education

Key Challenges relating to Learner Transport:

- Lack of uniformity in contracting and remuneration
- Inefficiencies in the provision of the programme
- Road safety
- Rationalisation of schools

Remedial Measures implemented:

- Model contract documents and guidelines were finalised and implemented.
- The evaluation of the programme will provide solutions in terms of the appropriate remuneration model based on the performance reviews.
- Address the transport of learners to schools of choice.

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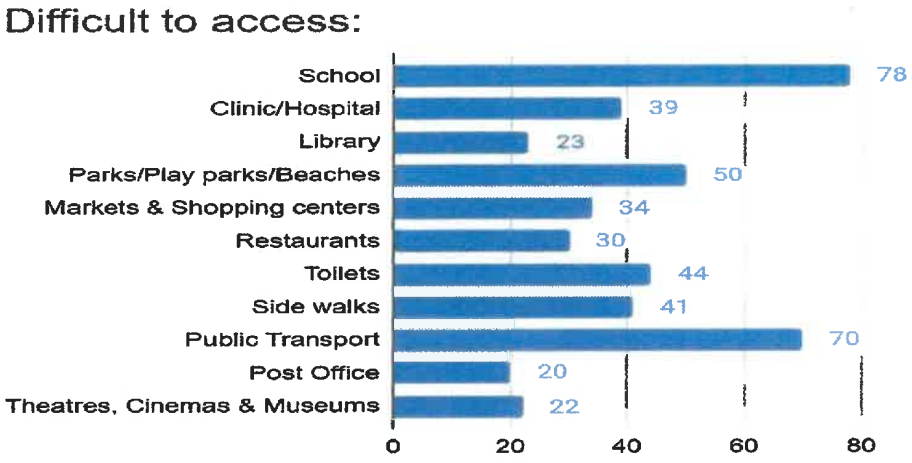
- Address contracting obligations to add a clause on contracting arrangement to address the drop in learner numbers.
- Strengthened law enforcement efforts; increase public engagement around road safety; involve citizens in debates around road safety and leading road safety campaigns (parents, learners, schools and operators).
- Implementation of Focused National Learner Transport Road Safety Programme in respect of awareness campaigns and enforcement.
- Develop and enforce driver and learner code of conduct.
- Provinces are assisted to ensure integration with other programmes to ensure that a common objective is achieved as these programmes can have an effect of increasing demand for transport, which results in increasing costs and inability to provide full coverage.
- A national task team to assist provinces address rationalisation challenges has been set up. Infrastructure component is an integral member of the committee to ensure that infrastructure matters are addressed timeously.

The Mpumalanga province OTP reported that a number of reports on monitoring implementation of the Integrated Provincial Programme of Action (PPOA) is in line with the WPRPD and the UN CRPD. They further reported that the OTP coordinated and facilitated one (1) assessment visit to government Institution to monitor Disability compliance and a disability compliance assessment was carried out at Matsulu South African Police Services (SAPS) on the 24 June 2021. No further context was provided, therefore the interpretation of performance remains vague. It is desirable that information provided must be able to provide clarity by substantiating on such performances and how those interventions impact on the lives of persons with disabilities. Furthermore, cities wherein there is still a delayed operationalisation of transport systems should be encouraged to act with a sense of urgency.

According to Shonaquip Social Enterprise (SSE), 535 parents of children, adolescents and adults with disabilities do not have access to public transport which poses a direct risk to access to any built environment. As the below graph depicts, 78% of schools, 39% of clinics and hospitals, 23% of libraries, parks/play parks/beaches 50%, markets

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and shopping centres 34%, restaurants 30%, toilets 44%, sidewalks 41%, public transport 70%, post office 20%, theatres, cinemas and museums 22% - are found to be inaccessible.



Indicator 1.4 – Access to Information and Communication

On 21 September 2021, the Northern High Court of South Africa heard an unopposed matter brought before it by Blind SA and Section27, about "the unconstitutional marginalisation or limitation of the rights of persons with various visual and print disabilities from access to information." The matter hinges on the requirement in terms of the Copyright Act 98 of 1978, that any person who wishes to convert material must first obtain permission from the author or publishers, to avoid a criminal offense. The applicants challenged the delay by government to bring into operations the provisions of the proposed Section 19D of the Copyright Amendment Bill.

The Court, in its judgment, found that the Copyright Act of 1978 infringes on the rights of visually impaired and otherwise print disabled persons. The Court further ordered Parliament to remedy the defect within twenty-four months.

On September 21 2022, the Court granted an immediate exception to copyright for persons with disabilities, allowing them to convert literary and artistic works into accessible formats without first getting authorisation from the copyright holder. This opens the door for persons with disabilities, improving access to books and other printed published works.

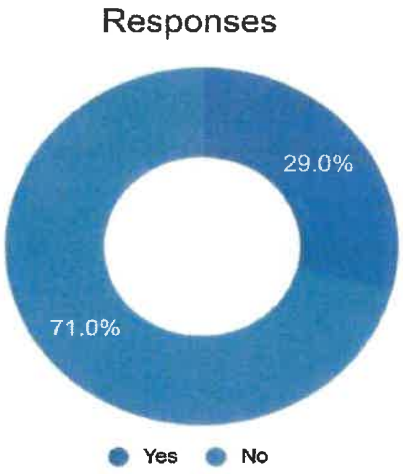
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Department of Social Development through partnership with MTN, launched four accessible media centres in special schools, community centres and TVET Colleges in Limpopo targeting youth with intellectual disabilities, deaf and blind youth for further development and keeping them on par with current developments.

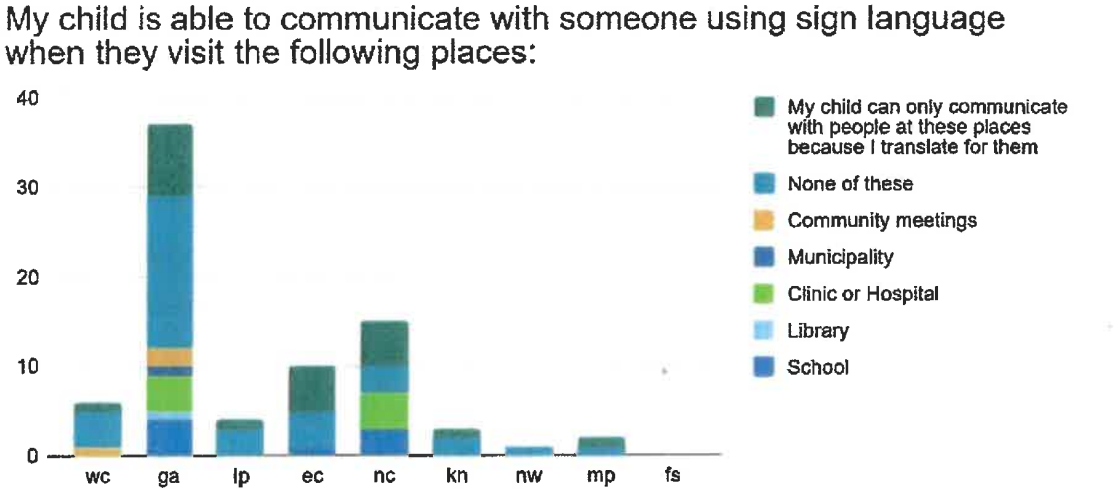
The South African Revenue Services (SARS) technology delivery solutions included integration of systems to improve access for persons with visual disabilities, establishment of the IT Helpdesk dedicated line, support to testing processes of SARS learning modules to ensure JAWS compliance, accelerated upgrade of networks to enable SARS hearing impaired colleagues to switch on cameras to allow lip-reading and to view facial expressions and testing of HTML5 forms which are compatible with JAWS, and the escalation to the VIP Protection Unit to facilitate video teleconferencing for hearing impaired taxpayers. The SARS made available Sign language interpreters at selected SARS branches during the filing season.
In the year under review, the Department of Tourism developed a draft framework for Inclusive Communication Guidelines and consulted with the Disability Management Forum in August 2021. The draft framework for the guidelines will be handed over to their Chief Directorate: Communication for completion and implementation.

According to ShonaQuip (see pie chart below), 71% of families are not able to access Government websites and information whilst 29% can access them. In addition, due to limited to no access to sign language interpreters, family members are forced to accompany persons with disabilities to access information or to visit places to access basic services.

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It was specifically reported that persons with disabilities who are deaf or severe hearing impairments are unable to access schools, libraries, clinics/hospitals, municipal buildings, and community meetings due to the lack of sign language interpreters, hence limiting their ability to access information.



Notes: This chart contains seven differently coloured bars to measure communication levels in various provinces. Green means a parent or guardian is abled to translate for the child at all places in the chart in different provinces.

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In January 2022, the South African Police Services (SAPS) provided braille booklets to SANCB.

- 100 books were on Breaking Silence on Sexual Offences, another
- 100 Breaking Silence on Domestic Violence
- 100 Rights of Victim
- 100 Rights of Older Persons
- 100 Children's rights
- 100 Child Justice

SAPS established a partnership with DeafSA which assisted SAPS with sign language interpretation services at a free rate. To assist victims and offenders with statement taking. Police Stations across the country easily access sign language interpretation services by contacting DeafSA National Coordinator. For Sign Language Training, ten (10) employees were trained in Basic Sign language.

For the first time in the history of South African television, DSAC dedicated and screened a television programme for artists with disabilities. Through the 2021 We Can Festival, artists with disabilities were given a platform on DSTV's Mzansi Magic Music channel to showcase their talents to digital markets through the screening of a three-part music show. The TV series contributed to getting artists with disabilities national exposure, which opened up the opportunity for bookings to perform at other national arts festivals.

Many departments provided information which helps make some understanding of the extent to which they are responding to the need to provide access to information. However, more information is required to be able to illustrate on the support provided to persons with disabilities, e.g the graph illustrating the responsiveness by different provinces to deaf and hearing impaired learners should show how support to those learners who could not access schools, clinics, etc. was offered.

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Indicator 1.5 – Universal Design and Access

All correctional centres (DCS) admitting offenders with disabilities have assistive devices which are specific to their needs. Given that disabilities differ vastly, it is not always feasible to construct or renovate correctional facilities for specific types of disabilities; however, separate accommodation is arranged, depending on the vulnerability caused by the disability.

The policy framework on the minimum service standards was developed by DoJ&CD in 2020/21. This enables victims and persons with disabilities in general to have equal access to courts in so far as the physical environment, facilities and services. As at the end of the year under review, 78 courts complied with the strategy on universal access for persons with disabilities.

The National School of Government implemented an eLearning platform that aims to be fully accessible and usable for the widest range of users. The platform complies with Web Content Accessibility Guidelines and Authoring Tool Accessibility Guidelines that covers a wide range of recommendations for making Web content more accessible to persons with disabilities, including blindness and low vision, deafness and hearing loss, and photosensitivity.

The platform is compatible with assistive technologies for persons with visual impairments, such as screen-readers and screen-magnifiers. Hearing impaired participants were accommodated by providing transcripts for all materials and activities that depend on audio as a feature. The Universal Access Workshop has been finalised and is available to client departments.

The Universal Accessibility (UA) assessment on Tourism House was conducted and a report was approved in March 2021 with recommendations for implementation.

The progress/status of the AU project is as follows on Destination Enhancement initiatives:

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- Blyde River Canyon - project in design stage (engineers are finalising construction drawings)
- Hilltop Resort - project completed (awaiting close out reports)
- Dwesa Nature Reserve - project has been completed (awaiting close out reports)

The UA work included construction of wheelchair ramps and pathways, universal access ablutions, UA parking bays, UA signage, and adjustment of joinery and door handles.

Department of Regional Development (*DRD)* in the Gauteng Office of the Premier hosted a two (2) day seminar focusing on Universal Design and Accessibility of the Built Environment and Beyond. An overview of the current context surrounding persons with disabilities in the built environment was provided to participants. Seven principles of the universal design were covered through showcasing of drawings, photos and videos which demonstrated practical application of these principles. On day two of the seminar, a practical segment was designed to create an immersive experience as participants maneuvered through a facility with an impairment.

Furthermore, the need for one (1) quarterly report on the state of compliance of GPG buildings with the National Building Regulations for UD&A and corrective measures was identified. Also, the need for one (1) Annual report on the state of compliance of GPG buildings to the National Building Regulations for UD&A and corrective measures was identified.

Indicator 1.6 – Reasonable Accommodation Measures

The SARS is in the process of reviewing its Employment Equity Policy and Standard Operating Procedure, which includes the enhancement of the declaration process for persons with disabilities and the reasonable accommodation process.

The Department of Tourism's report on the state of workplace assistive devices was approved for implementation in October 2021. The report was submitted to managers of employees with disabilities for noting and requested further details on assistive

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devices. Details included the service level agreements, warranty / guarantee and life span of the devices.

Statistics South Africa (StatsSA) has an ongoing provision of reasonable accommodation for all staff members with disabilities.

The National Treasury made provision of assistive device for a female employee who is deaf and facilitated access to Occupational Therapy for assessment for one male employee with Cerebral Vascular disease.

The Department of Public Service and Administration (DPSA) monitored the implementation of the Job Access Strategic Framework on the Recruitment, Employment and Retention of Employees with Disabilities in the Public Service (JASF) and developed a report. According to the report on the Provision of Reasonable Accommodation and Assistive Devices (RAAD) accommodation and assistive devices cost the department R1 974 924.96.

In the year under review, the DSI Policy on Reasonable Accommodation for People with Disabilities was in a process of being reviewed, however, the department had not finalised the process. From the information provided under this indicator, it appears that reasonable accommodation measures are not clearly understood by some government departments. Reasonable accommodations are diverse, individualized and go beyond providing assistive devices. Reasonable accommodations need to be drafted and implemented by government departments in accordance with the provisions stipulated in the Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA).

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3.3.2 PILLAR 2: PROTECTING PERSONS WITH DISABILITIES AT RISK OF COMPOUNDED MARGINALISATION

Persons with disabilities do not constitute a homogeneous group, and, as with all other constituencies, experience inequality, discrimination and poverty differently, depending on the context. Girls, boys, men and women with different disabilities from different age groups, living in different geographical and socio-economic settings, with different sexual orientations require specific measures to ensure that their rights to life; citizenship; dignity; integrity; equality before the law; access to justice; freedom from torture or cruel, inhumane or degrading treatment or punishment; and freedom from exploitation, violence and abuse, are protected.

Regrettably, women and girls with disabilities still do not enjoy all human rights and fundamental freedoms on an equal basis with men and boys with disabilities. Whilst all women with disabilities bear the brunt of inequality, black African women with disabilities are particularly affected by compounded marginalisation caused by the inter-connectedness of race, disability, gender, socio-economic status and class. Children, young people, as well as older persons with disabilities have very distinct age-dependent situations and needs that must be taken into consideration when programmes are designed.

In accordance with the WPRPD, the following departments and institutions are required to provide information on pillar 2, namely: the Department of Basic Education (DBE); Department of Higher Education and Training (DHET); Department of Transport; Mpumalanga Provincial Department of Community Safety, Security and Liaison (DCSSL), and Department of Women, Youth and Persons with Disabilities (DWYPD).

3.3.2.1 Performance Indicators

Indicator 2.1 Right to life

No information provided.

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Indicator 2.2 - Equal recognition before the law

The transformation in access to education for children with Severe to Profound Intellectual Disability (SPID) was due to the Western Cape Forum for Intellectual Disabilities' court case and the subsequent court order. The DBE's conditional grant was obtained on the premise of the court order.

Indicator 2.3 - Access to justice

The Offenders with Disabilities Policy was approved on 09 March 2022 by the delegated authority. The DCS supports and adopts the social model, which regards disability as a development and human rights issue. The Department has committed itself through this policy to the wellbeing and empowerment of offenders with disabilities who are entrusted into its care. This Policy focuses on the removal of barriers for equal participation and the elimination of discrimination based on disability. The purpose of the policy is to cater for special needs, protection and to preparation for re-integration into society as law-abiding citizens once offenders are released.

Indicator 2.4 Freedom from torture or cruel, inhuman or degrading treatment or punishment, exploitation, violence and abuse.

The DCS provides adequate primary healthcare in correctional facilities to narrow the health gap and promote equity in health. Inmates can gain access to care for known conditions that may not be available to them as in the community. Such conditions include mental health care, communicable and non-communicable diseases. Primary health services can offer an opportunity to assess, detect and treat serious illnesses, especially mental health, infections and dependence problems. Facilities should be adequate to deliver care, including size and cleanliness, availability of equipment, natural light, adequate access for persons with disabilities and administrative facilities.

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Mpumalanga Provincial Department of Community Safety, Security and Liaison (DCSSL):

1 GBV Campaign was hosted at Moloto, (Thembisile Hani Local Municipality on 20 April 2021; 1 at Boekenhouthoek (Thembisile Hani Municipality on 20 April 2021; 1 at Hlalanikahle (eMalahleni Municipality) on 24 June 2021; and 1 Anti-Rape and Assault GHB was conducted at Kwa-Guqa on 24 June 2021.

The Department of Higher Education and Training (DHET) reported that Gender-Based Violence and Femicide (GBVF) is monitored in the Post School Education and Training (PSET) system in order to ensure that persons with disabilities are safe.

The DoT on their GBVF programmes, partnered with the DWYPD and Sonke Gender Justice to educate their members on GBVF matters. Both departments signed a Memorandum of Understanding (MoU) in December 2021 to formalise the partnership and set a programme of action. The transport sector further developed an annual report on the implementation of programmes addressing violence against women, youth and persons with disabilities where interventions to address GBVF were identified. A GBVF Steering Committee was also established inclusive of external and internal stakeholders to form a multidisciplinary team to drive the Passenger Rail Agency of South Africa (PRASA) GBVF strategy.

It appears many departments still do not understand how to champion the rights of persons with disabilities under this pillar. It is worrying that we had some indicators for which information was not provided. Unfortunately, lack of this critical information perpetuates marginalisation of persons with disabilities.

3.3.3 PILLAR 3: SUPPORTING SUSTAINABLE INTEGRATED COMMUNITY LIFE

Persons with disabilities have an equal right to live in the community, with choices equal to others. This requires that government, across all three spheres, takes effective and

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appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community.

In accordance with the WPRPD, the following departments and institutions are required to provide information on pillar 3: Mpumalanga Provincial Department of Social Development (DSD); Gauteng Department of Social Development (DSD); South African Federation Mental Health (SAFMH); Department of Public Service and Administration (DPSA); Department of Women, Youth, and Persons with Disabilities (DWYPD); Department of Cooperative Governance and Traditional Affairs (COGTA) and Shonaquip.

3.3.3.1 Performance Indicators

Indicator 3.1 - Building Socially Cohesive Communities and Neighbourhoods

The Mpumalanga DSD reported that 616 persons with disabilities are accessing funded residential facilities. The targeted number of beneficiaries were not reached due to beneficiaries either having died, or opting to remain at their respective homes during the pandemic.

The Gauteng DSD Services to Persons with Disabilities reported that 1509 persons with disabilities are accessing funded residential facilities. The number of persons with disabilities accessing assisted living facilities managed by funded NPOs were at 49. The number of persons with disabilities accessing services in protective workshops managed by funded NPOs was at 3672. The number of persons with disabilities in residential facilities managed by government was at 170.

The SAFMH reported that existing licensed community-based mental health organisations do not receive programmatic support from government. This means that the therapeutic and recovery services rely on external funding (e.g. the Fountain House Model currently implemented at Cape Mental Health). This lack of funding makes it extremely difficult to implement and run evidence-based psychosocial rehabilitation and

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person-cantered care, ultimately violating the rights to access quality care in their community.

For Mpumalanga Provincial Department of Social Development, 1884 persons with disabilities accessed services in funded protective workshops. The challenge which DSD in the province encountered was that the targeted number of beneficiaries was not reached due to beneficiaries either passing on or opting to remain at their respective homes during the pandemic. However, the mitigation plan was to reassure parents/guardians about COVID-19 Standards Operating Procedures in place to prevent and combat the spread and motivate them to go back. Those who fail to go back during the stipulated time will be replaced by those who are on the waiting list.

Indicator 3.2 - Building and Supporting Families;

No information provided.

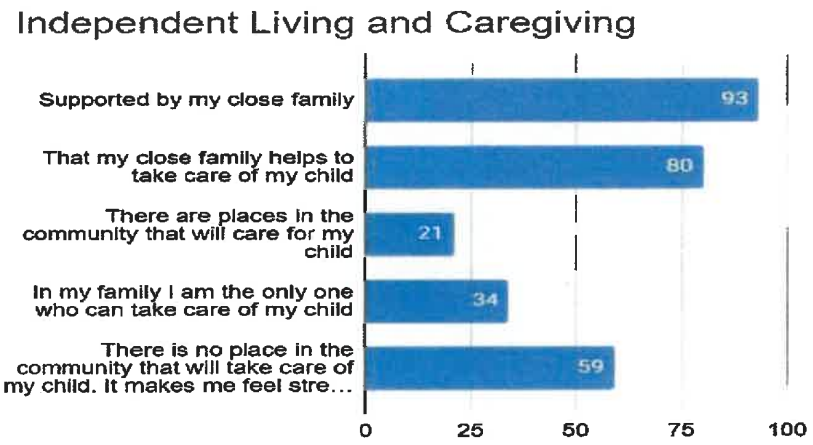
Indicator 3.3 - Accessible Human Settlements/Neighbourhoods;

No information provided.

Indicator 3.4 - Access to Community-Based Services Supporting Independent Living

According to Shonaquip, women and mothers continue to carry the brunt of care responsibilities in families, and caring for children and dependent adults with disabilities. This often detracts from their overall socio-economic empowerment as women. Places or support for independent living and caregiving remains mostly unavailable. There are significant waiting lists with mother and family continuing to be the main caregivers.

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Notes: The picture above depicts the five scenarios with varying degree of support for children with disabilities. Scenario 1: Supported by my close family: 93%; Scenario 2: That my close family helps to take care of my child: 80%; Scenario 3: There rare placesin the community that will care for my child: 221; Scenario 4: In my family I am the only one who can take care of my child: 34%; Scenario 5: There is no place in the community that will take care of my child. It makes me stressed: 59%

One of the Department of Public Service and Administration's public entities (Vulamanzi on Point Water Filtering System) replicated the Vulamanzi water filtering solutions in a residential care centre in Odirile Centre Hammanskraal. The centre caters for persons with profound intellectual disabilities aged 2 to adults aged 55. This had an impact on the facility as there was a dependency on the municipal trucks for water whenever they come.

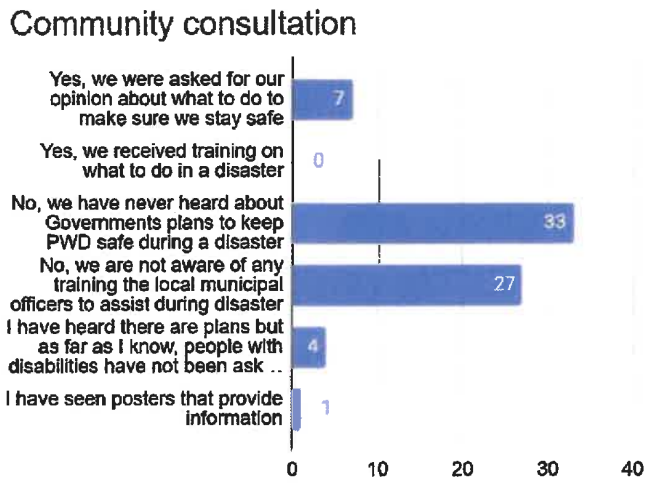
The Gauteng DSD Services to Persons with Disabilities reported that 542 persons with disabilities benefitted from community based care and support programmes

Indicator 3.5 - Protection during Situations of Risk and Disaster

The DWYPD launched the report on the impact of COVID-19 on persons with Disabilities in 2021 to support government with inclusive programming during the pandemic.

Shonaquip reported that persons with disabilities have indicated that they do not know where to go in the case of a disaster. Furthermore, they do not have any support and are often scared of a disaster".

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NOTES: The picture above contains six questions and responses which were asked by COGTA Parliamentary Portfolio Member.

In relation to Storm Eloise and flooding in provinces for the period under review, the portfolio committee member for COGTA raised matters relating to provision regarding the analysis of the impact of disaster on gender, age, disability, and cultural perspectives.

They enquired on the assessment made on the matter. It is commendable that some national departments, including provincial departments and civil society organisations reported on this pillar. Supporting sustainable integrated community life is important for integration and wellbeing of persons with disabilities. Other departments and institutions must be encouraged to provide information in this area.

3.3.4 PILLAR 4: PROMOTING AND SUPPORTING THE EMPOWERMENT OF PERSONS WITH DISABILITIES

The human rights-based approach to development aims both at strengthening the capacity of duty-bearers and in supporting the empowerment of rights-holders. Participation is a key component of a rights-based approach to development and a key component to achieve people's empowerment.

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The normal life cycle of persons with disabilities is often interrupted due to, among others:

- Barriers which exclude them from accessing socio-economic opportunities created in the various stages of their life cycle.
- Lack of effective articulation and alignment between different services offered by different departments targeting the same target group.
- Lack of access to appropriate and timeous information and support.
- Lack of access to essential disability and other support services in particular in more rural contexts.
- Poor enforcement of existing enabling legislation; and
- The high cost associated with disability which deprives persons with disabilities and their families from taking up opportunities.

Factors which contribute to dependency and disempowerment among persons with disabilities include:

- **Social isolation** – For most persons with disabilities, their social isolation began early in life. It is experienced at home, at school, at work and in the community. Escaping social isolation is therefore a major step on the road to empowerment.
- **Unresponsive services and systems** – barriers to access to opportunities and services available to the general population, inappropriate or unavailable disability-specific interventions, combined with the additional cost of accessing services, contribute to disempowerment of persons with disabilities and keep them in a state of prolonged dependency.
- **Poverty** – dependency on others for survival contributes to high disempowerment levels among persons with disabilities.
- **Abuse** – Persons with disabilities – and children and women in particular experience high levels of vulnerability to abuse.

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- Lack of access to essential disability and other support services, in particular in more rural contexts.
- Poor enforcement of existing enabling legislation; and
- The high cost associated with disability which deprives persons with disabilities and their families from taking up opportunities.

Factors which contribute to dependency and disempowerment among persons with disabilities include:

Successful implementation of the UNCRPD is premised on the meaningful participation and empowerment of persons with disabilities as rights-holders. Supporting the empowerment of persons with disabilities for purposes of the WPRPD is defined as a process whereby individuals achieve increasing control of various aspects of their lives and participate in the community with dignity.

In accordance with the WPRPD, the following departments and institutions are required to report on pillar 4, namely: Shonaquip; Mpumalanga Provincial Department of Basic Education; Mpumalanga Provincial Department of Culture, Sports and Recreation; the Mpumalanga Department of Education; Department of Basic Education; Department of Women, Youth and Persons with Disabilities (DWYPD); Department of Higher Education and Training (DHET); National School of Governance (the NSG); Department of Social Development (DSD); Department of Science and Innovation (DSI); Gauteng DSD; Mpumalanga Department of Health.

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3.3.4.1 Performance Indicators

Indicator 4.1 - Early Childhood Development (ECD)

According to Shonaquip's ordering patterns, the following number of full devices have been ordered. This is most likely a fraction of children who needed devices, especially as reported, being on a waiting list for more than 3 years.

Western Cape	262
Free State	53
Gauteng	432
Eastern Cape	437
KwaZulu Natal	271
Mpumalanga	105
Limpopo	73
North West	51

Mpumalanga Provincial DBE reported the procurement of learner/teacher support material (LTSM) for 59 Special Care Centres and Tools of trade for 25 Itinerant Outreach Teams.

Indicator 4.2 - Lifelong Education and Training

The Mpumalanga Provincial DCSR reported that 5 Athletes with disabilities were supported by sports academies to access scientific programmes.

The Mpumalanga Provincial DBE reported that the provincial DBE trained 136 teachers from special schools and full service schools on the Integrated, Differentiated Lesson Plan for Learners with severe to profound intellectual disabilities. It also reported that the challenge was the remaining training was scheduled to take place from 27-29 June 2021 but was discontinued due to Level 4 lockdown. One hundred and seventy-four caregivers were trained on implementation of the new integrated, differentiated lesson

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plan and learning programme (7 of whom are persons with disabilities). It also reported that 40 learners were home schooled.

Department of Basic Education reported that all nine (9) provinces piloted the Learning Programme for Learners with Profound Intellectual Disabilities. Three thousand four hundred and twenty-three (3 423) learners in special care centres were using the Learning Programme for Learners with Profound Intellectual Disabilities (1 468 female; One thousand nine hundred and fifty-five males with Profound Intellectual Disability). The budget allocation for Learners with Profound Disability was R 242 760 000 with a 100% 0065 expenditure for the year under review.

The DBE departmental Annual report reflected that in line with the National Development Plan's Vision 2030, in 2021, South African Sign Language Home Language (SASL HL) candidates sat for the fourth SASL HL examinations in the National Senior Certificate (NSC) Examinations. A total of 879 learners with special needs attained admission to Bachelor studies, 636 achieved admissions to diploma studies, and 314 achieved admissions to higher certificate studies.

A total of 3 530 teachers were trained on inclusion. More teachers were trained on inclusive programmes (3 412) and 55 have been trained in Braille and 70 have been trained on Autism.

The department conducted the annual performance evaluation of conditional grants at more than 300 schools located across all Provincial Education Departments (PEDs). The conditional grants included the Education Infrastructure Grant (EIG) and Learners with Severe to Profound Intellectual Disability (LSPID). The purpose of the conditional grant for Children/learners with Severe to Profound Intellectual Disability (C/LSPID) is to provide the necessary support, resources and equipment to identified care centres and schools for the provision of education to C/LSPID. The Annual Performance Evaluation Report on Conditional Grants was approved by the Director-General and then submitted to National Treasury by 31 July 2021 in compliance with the Division of Revenue Act (DoRA) prescripts.

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To enhance the implementation of Inclusive Education, the DBE, in collaboration with the DWYPD held an Inclusive Education Summit from 22 to 23 November 2021. The Summit commissions generated specific recommendations in respect of the strengthening of the implementation of inclusive education.

The department presented SA-SAMS functions in the "Using SA-SAMS and assessment data to inform policymaking" Workshop held on 24 August 2021 that was co-presented by Stellenbosch University. Learners with Severe and Profound Intellectual Disability Project (LSPID) were supported on SA-SAMS and maintained the Care Centre Project Master list.

The disaggregated data of 477 of the targeted 518 special care centres with 3 104 caregiving staff and 9 325 learners were captured and used for planning and reporting. There is a deviation from the target is - 41 because the target was an estimate and was not based on real data. Real data has been captured and has been used for the 2022/23 financial year planning. In support of strengthening learning outcomes, 217 of the targeted 245 transversal itinerant outreach team members, 1 789 of the 2 970 targeted caregivers, 940 (target 928) teachers, 125 of the targeted 408 in-service therapists and 215 of the targeted 510 officials were trained on the implementation of the Learners with Profound Intellectual Disability (LPID) Grant, and the Learning Programme for LPID. There has been a negative deviation from almost all the training targets. This is because the targets, especially caregivers, were estimates and not based on real data. In addition, a few provinces did not train the targeted officials mainly in-service therapists and officials.

A range of outreach services were provided to 9 797 of the 12185 targeted learners. The services include:

- 4347 learners with profound intellectual disability (3 875 from special care centres and 472 from schools) used the learning programme for LPID.
- 1811 LSPID received therapy (physio, occupational, speech and psycho-social therapy).
- 511 LSPID were provided with assistive devices.
- 157 learners that were enrolled in SCCs were placed in schools.

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- 350 special care centres and 44 selected schools were provided with learning and teaching support materials (LTSM); and
- 21 special care centres that have challenges with storage were provided with shipping containers to use as storage.

The EU fund that focuses on Education for Employability committed to funding R 98 042 734,80 from 2022 to 2024. The funding will be used to create a differentiated schooling system through multiple learning pathways that will improve the performance and responsiveness of basic education to building an inclusive society, providing equal opportunities, and helping learners to realise their full potential, especially those previously disadvantaged - blacks, women, and people with disabilities.

The DBE piloted the Vocational Stream through testing pilot sample schools' readiness to introduce to the 13 vocational stream subjects as prescribed by the DBE. The amount spent was R 11 000 000,00 out of the R19 012 169,91 received, as timeframes for deliverables were extended.

The DBE reported that there are 29 680 (learners in public ordinary schools with disabilities), and 133 055 (learners with special education needs and disability in special schools).

Access to Education for Learners with Disabilities, 2002 – 2020

Growth Area	2002	2020
Number of special schools	295	501 (447 Public, 54 Independent)
Learner enrolment in special schools	64 000	133 055
Number of full-service schools	30	834

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Number of learners with disabilities in public ordinary schools	77 000	121 461
Number of children with severe to profound intellectual disability supported in special care centres	Implementation started in 2018	3 423

Enrolment of Learners in Special Schools per Province, 2020

Province	No of Schools	No of Hostels	No of Learners 2020
Eastern Cape	46	24	9 973
Free State	23	17	6 488
Gauteng	124	16	54 994
KwaZulu-Natal	75	41	18 798
Limpopo	35	23	8 645
Mpumalanga	18	9	3 882
Northern Cape	11	5	1 946
North West	32	15	7 833
Western Cape	71	29	20 496
National	435	179	133 055

Enrolment of Learners with Disabilities in Public Ordinary Schools

Province	Number of Learners
Eastern Cape	19 506
Free State	24 548
Gauteng	40 367
KwaZulu-Natal	16 905
Limpopo	2 118
Mpumalanga	7 958

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Northern Cape	1 419
North West	2 582
Western Cape	6 058

Overall performance to date include;

- To date 137 332 and 121 461 learners, compared to 64 000 and 77 000 learners in 2002, are enrolled in special and ordinary schools respectively.
- 139 out of 435 special schools serve as resource centres, providing outreach services to full-service and ordinary schools.
- 848 public ordinary schools have been designated into full-service schools across all education districts.
- District-based support teams (DBSTs) have been established in all education districts.
- Induction of school management teams and school governing bodies includes general orientation to inclusive education.
- In 2014, the DBE promulgated the Policy on Screening, Identification, Assessment and Support (SIAS). To date, 6 772 Grade Practitioners, 172 164 teachers and 10 010 officials have been trained in the implementation of the Policy on Screening, Identification, Assessment and Support.
- 3 423 learners with Profound Intellectual Disabilities are accessing the learning programme. In addition, the DBE is working with organisations representing persons with disabilities to identify and place learners in schools.

Key Interventions to Improve Equitable Access to Basic Education Public Special Schools Funding, 2021-2024

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PROVINCE	Budget 2021/22	Budget 2022/23	Budget 2023/24
Eastern Cape	945 259 000	927 344 000	968 147 000
Free State	582 871 000	592 111 000	605 283 000
Gauteng	4 460 195 000	4 828 273 000	4 961 760 000
KwaZulu Natal	1 333 569 000	1 392 847 000	1 454 132 000
Limpopo	563 758 000	567 630 000	592 612 000
Mpumalanga	353 221 000	352 984 000	369 927 000
Northern Cape	162 281 000	170 631 000	178 821 000
North West	718 441 000	766 337 000	800 056 000
Western Cape	1 310 914 000	1 338 666 000	1 367 067 000
TOTAL	10 430 509 000	10 936 823 000	11 297 805 000

Notes: The table above provides information about budgets made available by different provinces between 2021-2024.

Teaching for all Initiative

To this end, a group of key stakeholders: the University of South Africa (UNISA), British Council and MIET AFRICA with the Department of Basic Education as associate partner, came together in response to a call by the European Union to ask: "*How can we together help build a teacher development programme for Inclusion*?".

This led to the initiative called Teaching for All: Mainstreaming Inclusive Education in South Africa which aims to strengthen the capacity of pre-service and in-service teachers to recognise and respond effectively to the educational needs of children, thereby contributing to a more effective inclusive education system.

The key deliverables of the Teaching for All initiatives are:

- A comprehensive and collaborative research report on The State of Inclusive Education in South Africa and the Implications for Teacher Development Programmes, which was published in 2018.

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- A 24-credit NQF Level 6 module and materials for Bachelor of Education and Postgraduate Certificate in Education programmes.
- Short courses and support materials for continuing professional development (CPTD) endorsed by the South African Council for Educators (SACE).
- The initiative aims to train and equip teachers with the necessary skills to maximise the potential of the diverse classrooms they meet, and is being piloted in selected provinces.

Funza Lushaka Bursary Programme

- Students must offer one of the following subjects as specialisation in the BEd to be selected:
  - Neurodevelopmental needs;
  - Visual challenges (Braille); and
  - Hearing difficulties (South African Sign Language).
- 62 (BEd) students were funded in 2020 with SASL, Braille and neurodevelopmental needs.

Designation, Conversion and Resourcing of Full-Service Schools

In the year under review, Education White Paper 6 targeted the conversion and designation of 500 schools as full-service schools in 30 education districts. However, by end of 2018, provincial education departments (PEDs) had already designated 848 public ordinary schools into full-service schools. This exceeded the sector target of 624 full-service schools for 2018 by 26,4%.

In performing the education sector audit on full-service schools (FSS), the Auditor-General of South Africa (AGSA) identified several shortcomings and weaknesses. To address the identified weaknesses and shortcomings, the DBE issued Circular S4 of 2019 to guide PED's to undertake the following remedial actions:

- Assessing the situation at the designated schools to establish the extent of resourcing, conversion and orientation required.

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- Developing a business plan, containing a roadmap of what needs to be done by whom and by when to ensure designated schools are functional. This must include outreach services and linking the school with a special school as resource centre, where possible.
- Providing once-off funding to improve accessibility at the designated school, including the improvement of infrastructure.
- Developing and implementing a support programme for the designated school in line with the different services the schools are expected to provide.
- Implementing monitoring and support services to ensure that the school functions as a full-service school.

Conditional Grant on Learners with Profound Intellectual Disability

The goal of the conditional grant was and still is to ensure that learners with severe to profound intellectual disability access quality, publicly funded education and support. The purpose of the grant is to provide the necessary support, resources and equipment to identified care centres and schools for the provision of education to learners with severe to profound intellectual disability.

The 2020/21 LPID Grant Framework required that the following percentage allocations are adhered to:

- 5% for training;
- 8% for LTSM and assistive devices;
- 65% for compensation of employees; and
- 12% for administration, including travel, vehicles, accommodation and subsistence.

In order to respond to the COVID-19 pandemic, the conditional grant framework was amended to allow for grant funds to purchase Personal Protective Equipment, (PPE) for itinerant team members, staff and learners in special care centre. Funds could also be used for thermometers and consumables.

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South African Sign Language, 2018-2020

In 2018, 44 learners in eight (8) of the seventeen (17) schools for the Deaf that offer Grade 12 wrote the first National Senior Certificate (NSC) examination in SASL Home Language. In 2019, 101 learners in 15 schools wrote the NSC examination. For 2020, 140 candidates from five provinces (EC, FS, GP, KZN and WC) were expected to write the NCS examination.

Provision of Assistive Devices, ICTs and Connectivity

PROVINCE	VODACOM	MTN	CELL C	LIQUID TELCOM
EC	Yes	Yes	No	Yes
FS	Yes	No	No	Yes
KZN	Yes	No	No	Yes
LP	Yes	Yes	No	Yes
MP	Yes	No	No	Yes
NC	Yes	No	No	Yes
NW	Yes	Yes	Yes	Yes
WC	Yes	No	No	Yes

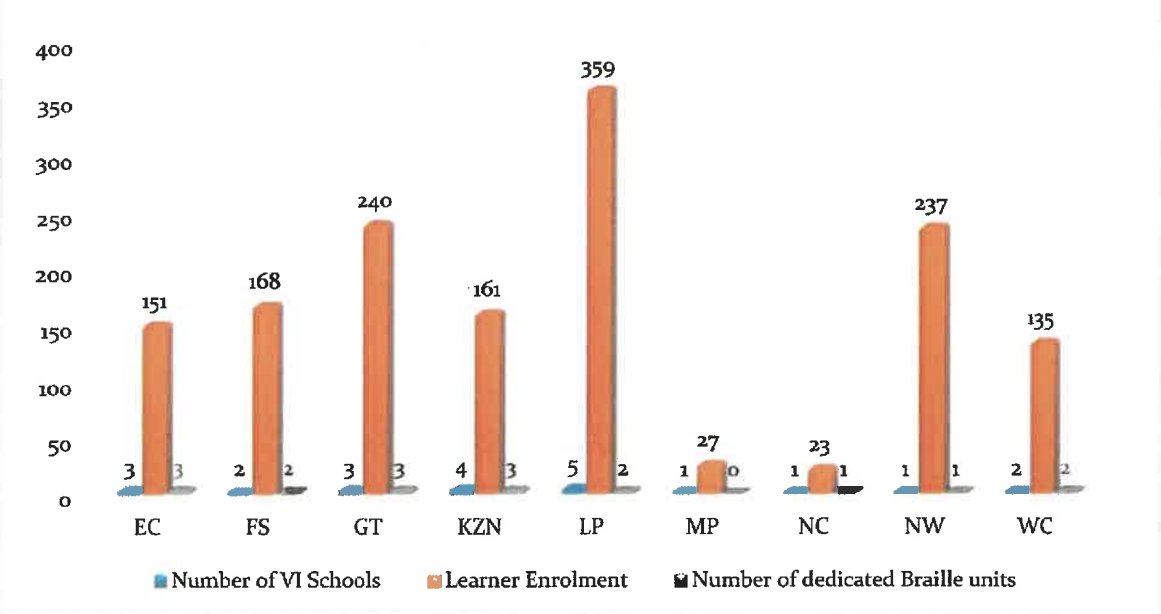
Provision of Assistive Devices, ICTs and Connectivity

Network Operators	Number of Schools Allocated and the Progress on Pilot School		
	Number of Special Schools	Name Of School and Province	Progress
MTN	140	Helen Franz for Physical disability (LP)	Completed
Cell-C	140	Silindokuhle – SID/Deaf and Blind (Multi Disabled) (MP)	Not Completed
Vodacom	140	St Thomas School for the Deaf (EC)	Completed

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Liquid Telcoms/Neotel	140	Bartimea school for the Deaf and Blind (FS)	Completed

Number of Schools for the Visually Impaired, Learner Enrolment and Braille Unit per Province



NOTES: The bar graphs above show number of visually impaired schools per province; learner enrolment per province; and number of dedicated braille units per province. For the first bar, schools range from 1 to 5 in a province. For the second bar, numbers range between 23 to 359 learners in a province, whereas the third bar depicts a number of braille units, ranging from 0 to 3 units in a province.

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Development and Procurement of Braille Master Copies

- All Braille Master Copies by Pioneer Printers and BlindSA - R12 348 744, 47.
- More than 58 titles in all African Languages for PEDs and schools.
- English and Afrikaans materials have been developed for all grades.

Number of Learners in Waiting Lists per Province, 2021

Province	Number of Children
EC	610
FS	765
GT	521
KZN	1 288
LP	12
MP	350
NC	146
NW	83
WC	423
Total:	4 198

Support is provided to learners in their current schools, while awaiting appropriate placement. Western Cape Department of Basic Education centralised waiting lists in special schools.

The number of teachers trained on disability inclusion

In order to prepare PEDs on the indicators, the directorate added all indicators in a presentation template for provinces to report on for all Inclusive Education inter-

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provincial meetings. Furthermore, a submission was generated (approved in July) to inform Heads of Departments (HODs) and provinces on the dates in which quarterly and annual reports must be submitted.

Department of Higher Education and Training (DHET) progress report for 2021/22 financial year:

Progress Report (Implementation)	Data Disaggregation (Gender, age & Disability)
National Skills Fund (NSF) concluded adjudication of an Unsolicited Proposal for Tshwane North College – Pretoria, Targeting skills programmes for persons with disabilities in Bread and Flour; and Garment Making	20 Males 40 Females 60 (Youth) Disability: 60
NSF concluded the Terms of Reference for this Request for Proposal (RFP) and awaiting the Minister's approval to advertise for Skills Development Providers that specializes in programmes targeting CETC to apply for NSF funding	1080 Males 1620 Females Age: 1620 (Youth) 1080 (Older persons) Disability 54 2%)
NSF concluded the Terms of Reference for this Request for Proposal (RFP) and awaiting the Minister's approval to advertise for Skills Development Providers that specializes	**Total RFP Target: 4 300** Age: 3 000 Disability: 4 300 (100%)
Evaluation processes of applications for this RFP concluded for the programmes targeted (Capacity building programmes for TVET Phase III)	**Total RFP target: 22 442** 13 500 females 8 942 males 20 000 (youth) 2 442 older persons Disability: 449 (2%)

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National Skills Fund to fund Private Skills Development Providers to implement Artisan Development Programme benefiting 6430 persons. However, a total of 128 (2%) will be persons with disabilities to benefit on the programme.	68 Females 60 Males 128 (Youth & Women) Disability: 128
NSF concluded the Terms of Reference for this Request for Proposal (RFP) and awaiting the Minister's approval to launch this RFP	4000 Males 4620 Females 1620 (Youth) 1080 (Older persons) Disability: 165 (2%)
16 527 learners or students placed in workplace based learning programmes supported by SETAs in quarter 1 2021/22	Males: 6 952 Females: 9 575 Youth: 13 625 Adults: 2 902 Disability: 16
38 891 learners were registered in Skills Development Programmes in quarter 1 2021/22	Males: 22 694 Females: 16197 Youth: 21 420 Adults: 17 471 Disability: 25
7 886 learners completed learnerships in quarter 1 2021/22	Males: 3 431 Females: 4 455 Youth: 5 989 Adults: 1 897 PWD: 5
625 learners completed internships in quarter 1 2021/22	Males: 198 Females: 427 Youth: 557 Adults: 68 PWD: 0

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<table>
<tr>
<td>A total of 9960 students in TVETs were reached with disability sensitisation and support dialogues. The provincial reach is provided below:</td>
<td>3165 Males
6655 Females
84 LGBTQI
6794 (Youth < 25 years old)
3110 (Older persons > 25 years old)
Disability, not documented</td>
</tr>
<tr>
<td>A total of 9960 students in TVETs were reached with disability sensitisation and support dialogues. The provincial reach is provided below:
<table>
<tr><th>Province</th><th>Peer to peer dialogues on Disability</th><th>Disability sensitisation Posters</th></tr>
<tr><td>EC</td><td>2624</td><td>307</td></tr>
<tr><td>FS</td><td>0</td><td>172</td></tr>
<tr><td>GP</td><td>778</td><td>223</td></tr>
<tr><td>KZN</td><td>3058</td><td>140</td></tr>
<tr><td>LP</td><td>2234</td><td>202</td></tr>
<tr><td>MP</td><td>228</td><td>61</td></tr>
<tr><td>NC</td><td>849</td><td>59</td></tr>
<tr><td>NW</td><td>79</td><td>106</td></tr>
<tr><td>WC</td><td>54</td><td>100</td></tr>
<tr><td>Totals</td><td>9904</td><td>1370</td></tr>
</table>
</td>
<td>3165 Males
6655 Females
84 LGBTQI
6794 (Youth < 25 years old)
3110 (Older persons > 25 years old)
Disability, not documented</td>
</tr>
</table>

Programmes Implemented by Colleges (Polokwane)

Polokwane Campus was identified as the main Disability Campus for enrolment of students with disabilities, although other three campuses have students with mild disabilities.

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Disaggregation of data (Disability):

- Communication (listening /talking) **09**
- Emotional (behavioral /psychological) **02**
- Intellectual (learning difficulties) **02**
- Hearing (even with hearing aid) **02**
- Multiple **01**
- Physical (moving ,standing, grasping) **29**
- Sight **15**
- Disabled but unspecified **01**

The College offers academic support to students with disabilities in the form of assistive devices and Peer Tutoring whereby a special tutor is hired for them. The college has introduced Blended learning due to COVID-19.

The College has employed Disability Care Workers in Polokwane and Senwabarwana Campus hostels to provide psycho-social support to students with disabilities. These students with disabilities were supported through:

- One-on-one counselling;
- Peer Education /Counselling Programme; and
- Awareness Campaigns and Dialogues on Disability, Mental Health, Gender Based Violence, Sexual and Reproductive Health, and LGBTIQ+.
- One of the major silent campaigns was done in May 2021

Two (2) females and two (2) males Disability Care workers were employed. About 1033 students were reached through dialogues including those with disability. The College has an approved Disability Support Policy which is reviewed annually.

The college has two (2) students with disabilities (1 male and 1 female, both youth) placed at corporate office funded by ETDP SETA and one placed at SVD Campus funded by Premier's office. One blind male student was provided with s laptop, tape recorder, walking stick, memory card and Jaws software. The College further in 2021/22 procured 35 spectacles for students with low vision as per Doctor's reports (14 males, 21 females, and all youth).

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Technical and Vocational Education and Training (TVET) Sector Development

Service delivery for students with disabilities was addressed through the establishment of Disability Support Units (DSU) in four colleges, with the aim of establishing six centres over a ten-year period.

The Department of Higher Education and Training (DHET) continues to offer Career Development Services (CDS) programmes on career opportunities and pathways to persons with disabilities through Khetha.

The NSG's Disability Management course is currently being reviewed for further South African Board for Personnel Practice (SABPP) accreditation. The anticipated conclusion date is September 2022.

The NSG implemented an eLearning platform that aims to be fully accessible and usable for the widest range of users. The platform complies with Web Content Accessibility Guidelines and Authoring Tool Accessibility Guidelines which cover a wide range of recommendations for making Web content more accessible to persons with disabilities, including blindness and low vision, deafness and hearing loss, and photosensitivity. The platform also compatible with assistive technologies for the visually impaired, such as screen-readers and screen-magnifiers. Hearing impaired participants were and are still accommodated by providing transcripts for all materials and activities that depend on audio as a feature.

A Service Delivery Charter for the recipients of NSG services which encompasses the principle of inclusivity, was approved after consultations with relevant stakeholders.

Life-long learning is essential for persons with disabilities. Contributions by various departments/institutions to this indicator helps in the richness of this report. Evidently, departments like DBE had done a lot toward life-long learning. Provision of assistive devices to enhance the learning experience of learners with disabilities is an initiative which is commendable, especially looking at the reality of 4IR era we live in. Universities have taken lead in ensuring that higher education is accessible to persons with disabilities. It is also noted that some TVET colleges do open up for students with disabilities. It is important for DHET to increase funding for these colleges to be able to

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provide much needed support to students with disabilities and to encourage other TVET colleges to improve their enrolment of persons with disabilities.

Indicator 4.3 - Social Integration Support

Mpumalanga DoE: Monitoring and supported 15 Special Care Centres:

The Department of Social Development (DSD) developed a plan for mitigating family responsibilities of caring for persons with disabilities, the draft guidelines on Respite care services for families of children with disabilities will be finalised in the 2021-2022 financial year. The guidelines will be implemented in two (2) rural provinces (Mpumalanga and Northern Cape).

Department of Science and Innovation's Grassroots Innovation Programme (GIP) and Living Labs Programme supported the realisation of the intended STI White Paper policy to strengthen the skills in the economy and support social innovation. During the financial year 2021/2022 reporting period, the DSI supported 100 beneficiaries and continues to increase the number of innovators supported by the programme. The GIP has been instrumental in ensuring an inclusive and responsive NSI characterised by equitable access to knowledge infrastructure, support for technology product development, commercialisation, intellectual property (IP) protection and mentorship is provided to beneficiaries in a manner that encourages the participation of women, youth and persons with disabilities.

Mpumalanga Provincial Government:

Department OF Education: 75 educators were trained on Curriculum Differentiation

DCSR: Number of libraries offering services to the blind and partially sighted persons

There are 28 Libraries that cater for the partially blind and 88 for all types of disabilities: The 28 libraries are:

Siyabuswa,Mhluzi, Emalahleni, Mashishing, Kamaqhekeza, Mkhondo, Volksrust, Mbombela, Msogwaba, Maphotla, Gerald Sekoto, Secunda, Ermelo, Mafemane,

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Embalenhle, Emthonjeni, Emjindini, Carolina, Matsulu, Acornhoek, Thulamahashe, Kanyamazane, Thulamahashe, Sakhile, Balfour, Emallahleni, Thembisile Hani, Botleng 7 Mini –libraries are open and providing services for the blind

Indicator 4.4 - Access to Healthy Lifestyle Support

Shonaquip pointed out that children and adults with disabilities who require urgent life-saving resources and medical interventions are moved lower on waiting lists as their lives are perceived to have less value. A total of 66.5% of parents reported not to have access to the medicine their children needed due to their local clinics or hospitals not having resources. Choice in medicine is also problematic as they reported not to be comfortable with the side effects of the medicine

Gauteng DSD Services to Persons with Disabilities reported that 2894 persons with psychosocial disabilities received support services.

The Mpumalanga DoH reported that the Mental Health and Substance Abuse programme undertook various initiatives in 2021/22 financial year towards improving quality of and access to mental health services in the country. The South African Federation for Mental Health was funded to operate a mental health information and support desk providing information on various mental health issues and linkage to services provided by other stakeholders where necessary.

The draft Regulations for the licensing of community day care and residential care facilities for people with mental illness and severe or profound intellectual disability were approved by the NHC. Innovative technologies created and used during the COVID-19 pandemic in the health and rehabilitation sector:

1. Tele-Health/Tele-rehabilitation: some institutions were pushed to create platforms for tele-rehabilitation, especially for patients who could not come to the institution for follow-up rehabilitation. This involved using telephones and computers to communicate and give assistance to patients. Sometimes it was just to check on

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the progress of the patient. Physiotherapists at Chris Hani Baragwanath Academic hospital have embarked on a project to develop Standard Operating Procedure for tele-rehabilitation so that it meets ethical consideration for safety of patients.

2. Electronic patient management system-developed at Manguzi hospital to replace the old fragmented system which was hybrid of electronic and paper-based systems. Benefits of this innovation were realised in more coverage of people requiring rehabilitation and assistive technology. This also enabled the team to reduce health transport costs for patients by developing a household model where the team goes to patients instead of the reverse.
3. Integrating end users/rights holders as part of the rehabilitation team-peer supporters in Manguzi have brought fresh perspectives as they were integrated as part of the core rehabilitation team; thereby strengthening community networks and ensuring an early warning system during the pandemic.

The Department of Health has a strong assistive technology provision system that addressed a wide range of devices from wheelchairs, hearing aids, and spectacles. This was supported by a national procurement system facilitated by the National Department of Health (NDoH) and managed by National Treasury through a transversal tender system.

Training of health workers in all disciplines supported the universal access to health services, rehabilitation and assistive technologies. The rehabilitation team was made up of different disciplines trained at university level, including orthotics and prosthetics, occupational therapists, physiotherapists, audiologists, podiatrists, optometrists, speech therapists and social workers.

Intersectoral collaboration covered other state agencies and departments, NGOs, DPOs, statutory bodies, and professional organisations. In the community, end users were integrated into the core team of rehabilitation interdisciplinary team. This ensured that the needs of end users were expressed directly by them.

The Gauteng Provincial government progress on health - rehabilitative services provide assistive devices to improve persons with disabilities quality of life. Over 78 720 assistive

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devices were provided to clients. The table below shows the devices requested and issued and the issue rate during the reporting period

Devices 2021/22	Requested 2021/22	Issued 2021/22	Issue rate	Budget
Hearing aid	6,752	5,184	76.8%	R26.5m
Orthoses	22,135	21,122	95.5%	R7.633m
Prostheses	1,658	1,039	62.7%	
Podiatry	5,187	5,075	97.8%	No dedicated budget
Walking aid	N/A	31,392	N/A	R28M
Wheelchairs	4,931	4,233	85.8%	R25M

Mpumalanga Provincial Department of Health procured for the year under review 200 wheelchairs and 100 hearing aids and other assistive devices.

Indicator 4.5 - Supported Decision-Making

DWYPD inquired with the South African Law Reform Commission on progress about the Disability Rights Bill. At the time of preparing this report, it was not clear how far is the process, except that the Issue paper regarding the Bill was consulted on with the civil society organisations in 2021.

3.3.5 PILLAR 5: REDUCING ECONOMIC VULNERABILITY AND RELEASING HUMAN CAPITAL

Economic security and social protection for persons with disabilities requires a complex web of inter-related interventions. Persons with disabilities must have access to adequate financial resources to cover the additional cost of living associated with disability.

Reducing inequality in economic security by persons with disabilities and their families will require a concerted and coordinated effort by all government departments, municipalities, employers, labour unions, financial institutions, statistical bodies,

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education and research institutions, organisations of and for persons with disabilities, skills development agencies, regulatory bodies, institutions promoting democracy, as well as international development agencies to synergise legislation, policies, systems, programmes, services, and monitoring and regulatory mechanisms aimed at the creation of decent work, employment schemes, skills development, social protection, environmental accessibility and the reduction of inequality.

According to the WPRPD Implementation Matrix, there are fourteen (14) national departments and institutions required to report on the twenty-six (26) indicators under pillar 5, namely: the Financial Services Board (FSB), South African Revenue Services (SARS), Department of Women, Youth and Persons with Disabilities (DWYPD) and Planning, Monitoring and Evaluation (DPME) and additionally, DSD, DBE, DPW, NT, DCOG, DCDT, the DTI, DoE&L, DoH and DSBD.

3.3.5.1 Performance Indicators

Indicator 5.1 - Disability, Poverty, Development and Human Rights

Mpumalanga Provincial Government: CoGTA

Number of Persons with disabilities recruited for participation in the EPWP (Community Works Programme):

Recruit 2% of Persons with disabilities in the EPWP (CWP) projects and monitor statistics internally in the department. 604 persons with disabilities were recruited for participation in the CWP projects in three (3) District Municipalities

- Gert-Sibande – 248 (2.3%)
- Nkangala – 131(1.9)
- Ehlanzeni – 225 (2.8%)

Persons with disabilities participants' breakdown data

- 78 Male youth with disabilities
- 42 Female youth with disabilities

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- 261 Male non youth with disabilities
- 299 Female non youth with disabilities

The Department of Social Development (DSD) subsidised disability-specific services rendered by Disability Service Organisations (NGOs) by financial support (at provincial and national level) subsidising any disability-specific services rendered on behalf of government.

Indicator 5.2 - Access to Decent Work and Employment Opportunities

The South African Revenue Services' (SARS) Annual Training Report was to be submitted to Finance and Accounting Services Sector Education and Training Authority (FASSET) and Public Services Sector Education and Training Authority (PSETA) and indicated a performance achievement of 68% towards Workplace Skills Plan. The Workplace Skills Plan for the same period identified 126 staff with disabilities to undergo skills development related initiatives.

A project was scoped to roll out interview skills to employees with disabilities as part of career development and growth. Stakeholder Partnerships were Chapter 9 institutions – South African Human Rights Commission (SAHRC) and Commission for Gender Equality (CGE). The training and development programme in partnership with WCO for middle managers prioritised persons with disabilities.

Mpumalanga DCSR: Number of persons with disabilities attended workplace skills:

9 targeted for training as per the workplace skills plan.

3 persons with disabilities attended the training.

Challenge: Not Achieved (as per the required %), due to COVID-19 National Lockdown

Mitigation plan: Differed to the next quarter.

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Mpumalanga DCSR: Number of job opportunities created for youth at Barberton Pilgrims Rest museum during holidays and weekends:

Jobs opportunities created for 18 Youth at Barberton and Pilgrim Rest museum during holidays and weekends (no disaggregation of disability data). Caretakers receive R200 per day per person and qualified tour guides receive R200 per day per person in assisting with care taking and tour guiding.

Persons with disabilities 3: 3 not achieved

Challenge: Did not reach the required %

Mitigation Plan: Awareness campaign

Mpumalanga DCSR: Number of training interventions conducted as per the workplace skills plan – DCSR targeted three persons with disabilities to attend a training intervention and one person with disability attended. This reflected negatively since the target was not met because of COVID-19 lockdown.

Mpumalanga Provincial DCSSL

One Employment Equity Committee meeting coordinated on 20 April 2021 Middleburg Cost Centre.

One report on Internships and one quarterly report on Internships were implemented.

One report on Learnerships and one quarterly report on Learnerships were implemented

Under the year in review, 1 (one) Disability Audit report was produced.

Number of Employee Assistance Programmes report produced:

One Employee Assistance Programmes report produced.

Number Persons with Disabilities in power and decision-making:
One Female Person with disabilities in power and decision-making.

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DHET has a target of 2% for women with disabilities in decision making positions. This target could not be met. Only 1.4% could be achieved, Furthermore, DHET could not appoint persons with disabilities in skills development.

The Department of Rural Development and Land Reform (DRDLR) created 47 704 jobs through its various initiatives, including those by state owned entities, of which 5 653 were for the youth, 5 122 for women and 157 jobs for persons with disabilities.

The department remains one of the best achievers on representation of employees with disabilities in the Public service. While the national targets is set at 2%, the Department had, by March 2022, achieved a 4.6 % and the highlight for 2021/2022 was the appointment of an SMS member with disability at Chief Director level. The Department continued with the implementation of reasonable accommodation for employees with disabilities which has been an excellent retention strategy.

Supported Employment Enterprises (SEE). This entity facilitates supported employment and provides work opportunities for Persons with Disabilities. It develops and implements programmes that promote the employability of persons with disabilities, including persons with permanent disablement as defined in the Compensation for Occupational Injuries and Diseases Act No 130 of 1993, in the light of their evolving need in a changing economy, and performs any other function as may be prescribed by the Minister. The SEE has a factory network across eight of the nine provinces in the country. The entity has invested in wood and metal machinery for all the factories, which is aimed at improving production efficiency and quality. Other investment includes the procurement of vehicles suitable to enable the delivery of all manufactured products to customers on time and in a good state.

The Employment Equity Amendment Bill, 2020 is currently undergoing Parliamentary processes and the Select Committee of the National Council of Provinces (NCOP) has voted on all clauses of the EE Amendment Bill on 15 March 2022. As per the 2021 EE Reports submitted by designated employers, it is evident that self-regulation of EE Targets by designated employers has resulted in the slow

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pace of change observed at senior management level and also for the employment of persons with disabilities because the representation of this group remained around 1% over the 24 years of the Employment Equity Act.

For 2020/21, using the official statistics (Stats SA), job creation in 2020/21 was relatively minimal. Not enough to reach the Presidential Job Summit agreement of 275 000 jobs in the year. There were 5 245 000 job losses. In 2021/22, 262 000 jobs were created in relation to 479 000 job losses.

Public Employment Services (PES) - DOE&L assists companies and workers to adjust to changing labour market conditions. It provides funding and monitors use of allocated funds to promote employment in - Supported Employment Factories to increase employment levels of Persons with Disabilities and - Non-governmental organisations employing Persons with Disabilities subsidies among other programmes.in 2020/21, employment of persons with disabilities increased by 0.2% (i.e.1.1% in 2019 to 1.3% in 2020) as reported by designated employers in 2020 EE reporting period. In 2021/22 persons with disabilities decreased by 0.1% (i.e. from 1.3% in 2020 to 1.2% in 2021) as reported by designated employers in 2021 EE reporting period.

PES Equity focus and prioritisation of designated groups resulted in the following;

- 59% (553 160) of registered work seekers are young persons aged 15-35 years
- 41% (383 461) are adults aged 36 years and above
- work seekers registered is 54% females and 46% males.
- 66% (44 460) of work seekers placed are young persons aged 15-35 years.
- 34% (22 597) aged 36 years and above placed in work and learning opportunities.
- 0.2% (2 335) of work seekers registered on ESSA have different forms of disabilities:

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- 1 001 blindness
- 457 physical disability
- 298 chronic condition
- 115 mental, neurological
- 148 deafness
- 95 Partially sighted.

The challenges the PES experiences include skills mismatch, the number of work seekers lack required experience, and COVID-19 pandemic lockdown impacted the economy negatively and led to closure of some businesses. The PES offers employment counselling and intensified profiling of work seekers on Employment Services of South Africa (ESSA) database. Partnership Agreements (Collaboration) with business and other departments to identify and fill new employment opportunities - Employment Schemes to be implemented as soon as budget is available.

A number of departments strived to achieve the 2% employment equity target set for persons with disabilities and ensure their representativity in the workplace. As of 31 March 2022, the following departments had achieved the set target of 2.%:

Department of Sports, Arts and Culture with an achieved target of 2,42%. Department of Planning, Monitoring and Evaluation is presently at 2.2%, which is above the national target of 2%. However, representation of persons with disabilities at the SMS level remains a challenge despite efforts to attract candidates with disabilities.

The DPSA met the 2% national target of employment of persons with disabilities in previous reporting periods. However, the percentage of persons with disabilities has decreased from 2,5% (2020/2021) to 2,25% at the end of the current reporting period (2021/2022), still exceeding the national target by 0,25%.

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Department of Small Business Development managed to overachieve on the target of representation of persons with disabilities at 3.8% representation.

The Department of Science and Innovation achieved representation of 3,5% of the total staff being PWD's..

DTIC has been resilient in promoting a transformed workplace with a representation of 3.9% of the department's workforce, exceeding the 2% target set by Cabinet. The department further makes employment efforts to providing persons with disabilities with assistive devices such as hearing and reading aids, and the services of sign language practitioners, while ensuring that offices are accessible to all.

The Department of Transport's Rolling Stock Fleet Renewal Programme has to date created over 1 154 jobs, 414 of whom are women, 809 youth and 16 are persons with disabilities. More to that, in the 2021/2022 financial year, the Provincial Road Maintenance Programme created 1 489 jobs for persons with disabilities. Through the SANRAL Road Maintenance Programme, 8 906 jobs were created (61 jobs of the 8 906 were created for persons with disabilities). In the Kilometre un-paved roads VCI programmes, 1 544 jobs were created for persons with disabilities.

As a slight improvement in achieving the 2.5% employment equity target for employees with disabilities, the Department of Transport for the 2020/21 financial year increased from twelve (12 – 1,6%) to thirteen (13 – 1,8%) in the financial year 2021/22.

Several departments have had challenges in reaching the set target for persons with disabilities. The Department of Public Enterprise for 2021/22 was sitting at 1.8% representativity of employees with disabilities. The department's implementation of the EE plan is closely monitored, and the Selection Committees are assisting to address its equity gaps during recruitment. In terms of increasing the contribution of SOCs to support the transformation of the South African economy, the department also supported interventions initiated by the Department of Women, Youth, and Persons with Disabilities, to address gender disparities and advance the empowerment of gender, youth and persons with disabilities (GEYODI) through various initiatives in the

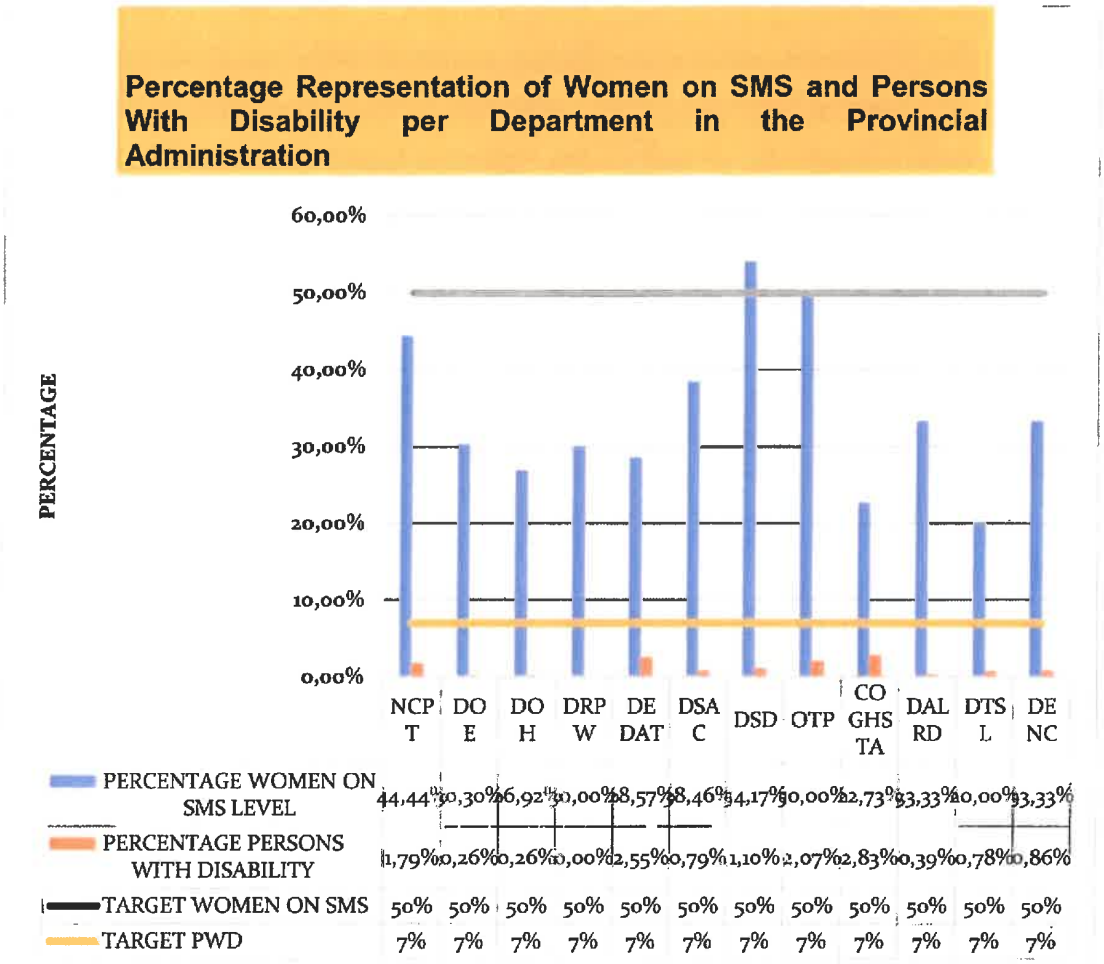
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department and SOCs. As a result, the Department will continue to leverage SOC preferential procurement towards the empowerment of designated groups, albeit still experiencing challenges, especially regarding empowerment through companies owned by youth and persons with disabilities, which was further aggravated by both financial and economic constraints, as well as the impact of Covid-19 during the period under review.

In the Department of Water and Sanitation, 1.48% of the total staff represents persons with disabilities.

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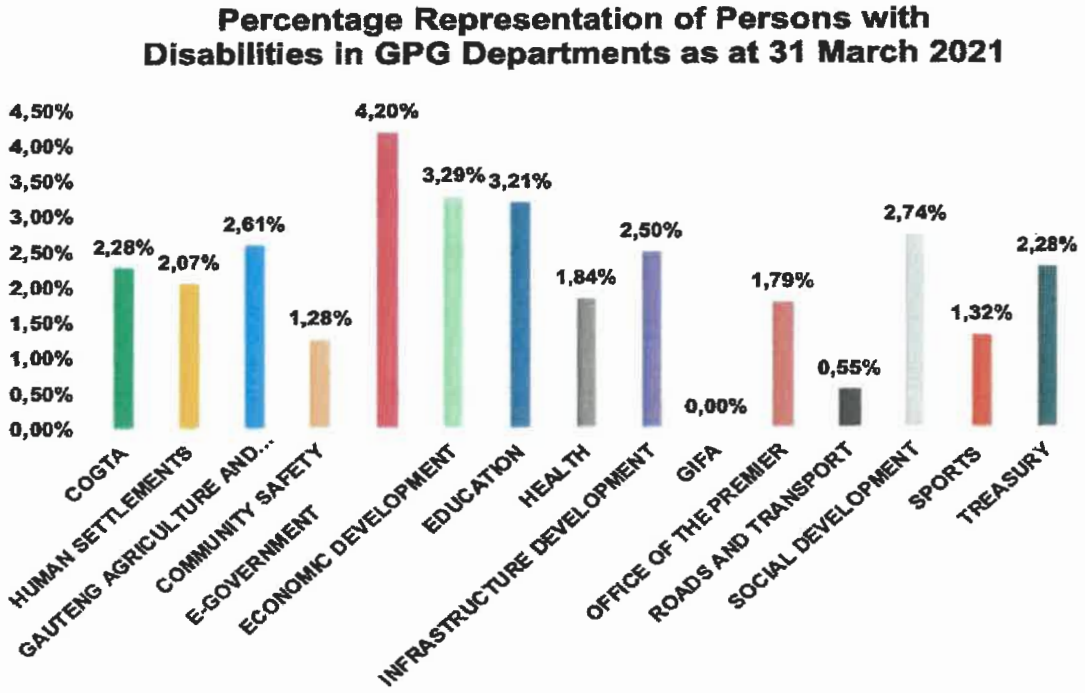
Northern Cape Provincial Government (See chart below)



Gauteng Provincial Government

Status of employment of Persons with Disabilities in GPG Departments:

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NOTES: The Chart Above Shows The Following Information:2.53% Persons With Disabilities Are Employed In Gauteng Provincial Government (GPG) As At 31 March 2021; Representation Of Persons With Disabilities In GPG Departments Increased By 2.35% To 2.53% From December 2020 – March 2021, Number Increased By 364 From 4,257 To 4,621 Between Quarters 3 And 4; Office Of The Premier Has Developed A Strategy On Massified Recruitment Of Persons With Disabilities In GPG Departments. The Strategy Includes The Supplementing Of GPG Professional Job Centre With The Independent Recruitment Platforms Targeting Persons With Disabilities.

Outcome	Output	Indicator	Target	Actual Performance
Employment Equity Achieved	Improved gender representation	% of women employed in terms of Employment Equity	70%	Total Number of Women= 3687 out of 4863 Employees Percentage= 75.81 %

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Improved representation of women at decision making level	Percentage of Senior management positions held by women	50%	Total Number of Women In SMS Position= 23 out of 37 SMS Percentage= 62.16 %
Improved disability representation	Percentage of People with Disabilities employed in the Department.	3%	Total Number of People with Disabilities in the Department = 126 out of 4863 Employees Percentage= 2.59 %

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GDSD-HIV/AIDS: *Expanded Public Works Programme* (EPWP) Work Opportunities Created by DSD through EPWP 1st Quarter 2021/22

Number Of Work Opportunities Created By GDSD Through EPWP	1st Quarter Target 2021/22	1st Quarter Actual	1st Quarter Actual Performance 2021/22				
			Males	Females	Undisclosed Gender	Youth	Persons with Disabilities
Ekurhuleni	1600	1630	334	1296	0	1065	10
Johannesburg	1800	1750	472	1278	0	1183	6
Sedibeng	1392	1323	242	1081	0	775	2
Tshwane	966	926	183	743	0	573	4
West Rand	927	894	241	653	0	633	5
Grand Total	**6685**	**6523**	**1472**	**5051**	**0**	**4229**	**27**

The Department of Public Works and Infrastructure's (DPWI) EPWP Economic transformation and job creation reported against the 2021/22 financial year target of 1 009 972. The 472 646 (work opportunities) was broken down as follows, per EPWP Sector:

- 110 904 (wos) – EPWP Infrastructure Sector;
- 55 871 (wos) – EPWP Environment & Culture Sector

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- 89 991 (wos) – EPWP Social Sector
- 215 880 (wos) – EPWP Non-State Sector (NSS) Community Work Programme.

One challenge that DPWI highlighted was there was no breakdown of disaggregated data. However, a corrective measure to be taken was to engage with EPWP implementers to include disaggregated data.

The EPWP (NYS) Education, Skills and Health programme, youth participated in the Graduate and Experiential Internships Programmes, Candidacy, Artisan Development, and Management Trainee Programme, between 18 and 35 years. The disaggregated data is as follows:

- 59.2 % are women
- 100% youth
- 0% persons with disabilities

The South African Revenue Services' (SARS) intake of trainees for persons with disabilities was at 2.99% (7 out of 70) in 2021/22 financial year in quarter four (4) (4 males, 3 females, and 7 youth).

The Department of Human Settlements established a Project Portfolio Office led by Housing Development Agency (HDA) in order to address issues of Job Creation and Socio-Economic Transformation in the Human Settlements Sector. The National Home Builders Registration Council (NHBRC) is responsible for training of participants in the construction environment. This includes persons with disabilities. The planned Nkqonkqweni Community Garden will assist the community, including persons with disabilities, in reducing economic vulnerability and release of human capital.

Department of Tourism's working for tourism projects created 3822 work opportunities through the *Expanded Public Works Programme* (EPWP). The total number of persons with disabilities employed was 23.

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The Department of Employment and Labour released the Commission for Employment Equity (CEE). The report shows the analysis of the workforce profile over a period of three years that provided insight into the actual progress made in terms of equitable representation of the various population groups i.e., per race, gender and disability at different occupational levels.

Workforce Profile Trends Analysis from 2019 To 2021

9.2.4 Senior management – disability (all employers) - 2019 to 2021

Figure 9: Senior management - Disability

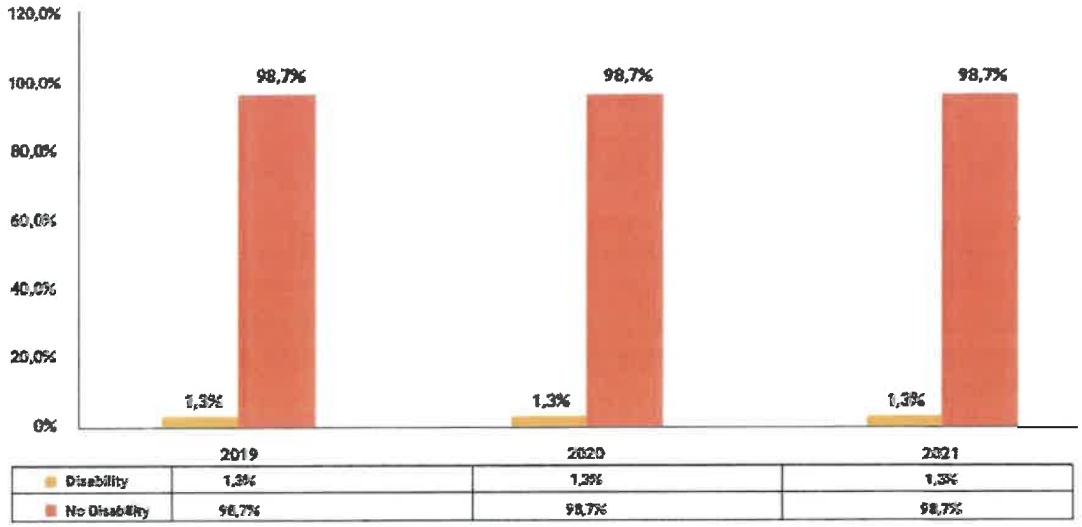


Figure 9 shows that the representation of persons with disabilities at this occupational level remains consistently low.

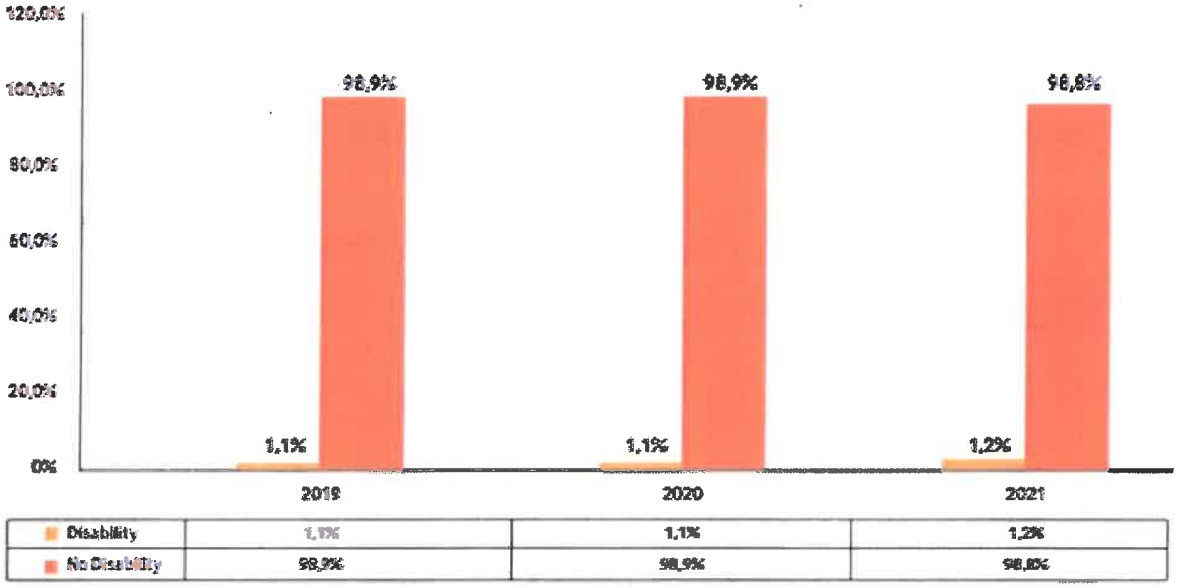
(Source: 22nd Commission for Employment Equity)

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Workforce Profile, Workforce Movement and Skills Development at the Professionally Qualified Level by population group, gender and disability

Professionally Qualified – Disability (all employers) - 2019 to 2021

Figure 13: Professionally qualified - Disability



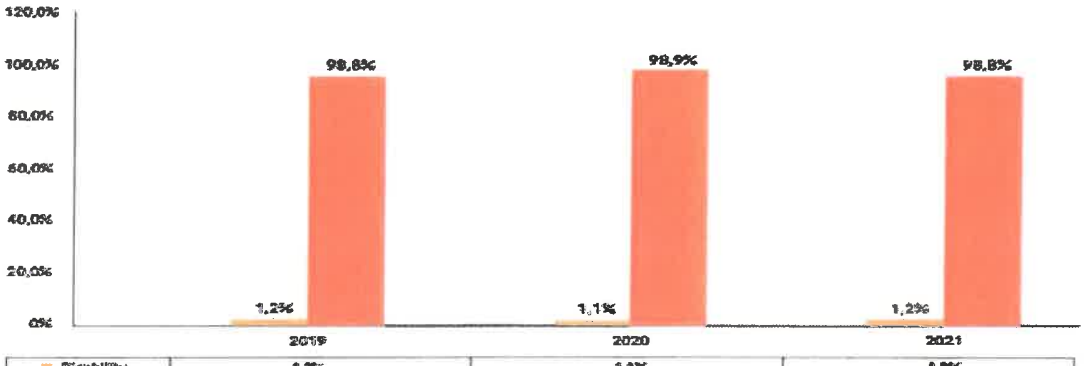
	2019	2020	2021
Disability	1,1%	1,1%	1,2%
No Disability	98,9%	98,9%	98,8%

Note: Data in the above figure indicates that the representation of people with disabilities have slightly increased from 1.1% in both 2019 and 2020 to 1.2% in 2021 at this level. ***(Source: 22nd Commission for Employment Equity)***

Workforce Profile, Workforce Movement and Skills Development at the Skilled Level by population group, gender and disability

Skilled – Disability (all employers) - 2019 to 2021

Figure 17: Skilled - Disability



	2019	2020	2021
Disability	1,2%	1,1%	1,2%
No Disability	98,8%	98,9%	98,8%

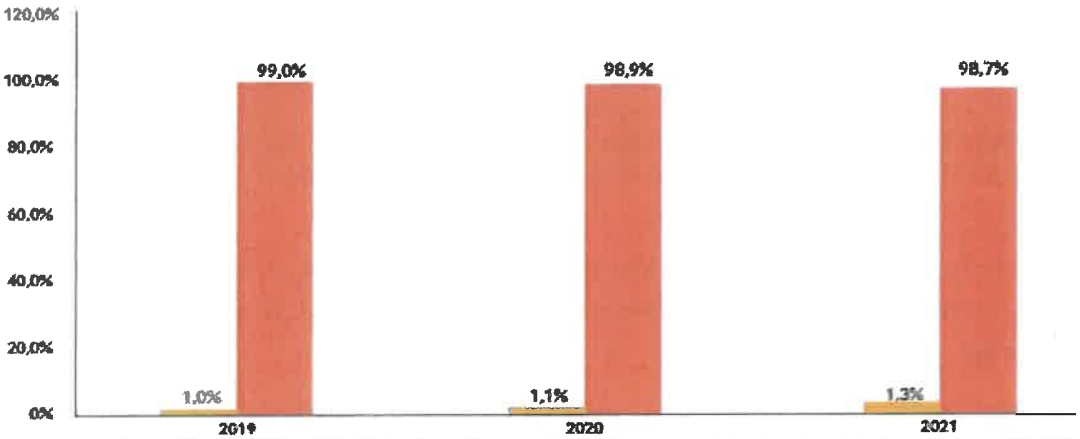
Note: The above figure shows that the representation of persons with disabilities remained flat from 2019 to 2021 at the Skilled Level. ***(Source: 22nd Commission for Employment Equity)***

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Workforce Profile, Workforce Movement and Skills Development at the Semi-Skilled Level by population group, gender and disability

9.5.4 Semi-skilled – Disability (all employers) - 2019 to 2021

Figure 21: Semi skilled - Disability



	2019	2020	2021
Disability	1,0%	1,1%	1,3%
No Disability	99,0%	98,9%	98,7%

Figure 21 shows a slight increase in the representivity of persons with disabilities at the Semi-Skilled Level.

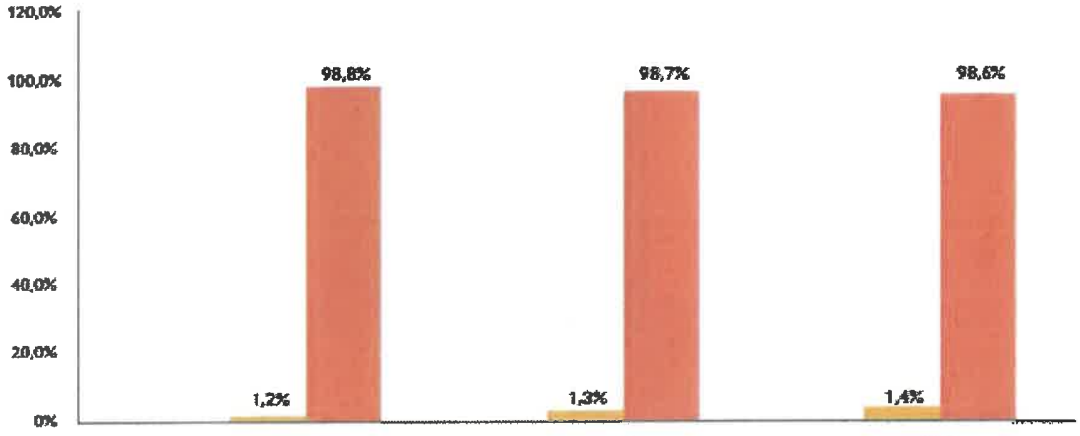
Note: Figure 21 shows a slight increase in the representivity of persons with disabilities at the Semi-Skilled Level at 1.3%.

(Source: 22nd Commission for Employment Equity)

Workforce Profile, Workforce Movement and Skills Development at the Unskilled Level by population group, gender and disability

Unskilled – Disability (all employers) - 2019 to 2021

Figure 25: Unskilled - Disability



	2019	2020	2021
Disability	1,2%	1,3%	1,4%
No Disability	98,8%	98,7%	98,6%

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Figure 25 illustrates that representation of persons with disabilities remained flat at around 1,2%, over the past three years at the Unskilled occupational level.

Workforce Profile Trend for the representation of Persons with Disabilities from 2019 to 2021

Table 28: Representation of Persons with Disabilities from 2018 to 2020		
2019	2020	2021
1.1%	1.3%	1.2%

Table 28 indicates that the representation of persons with disabilities in the total workforce slightly increased from 1.1% in 2019 to 1.2% in 2021, but still remained around 1% for the past three years.

Note: The picture above indicates that the representation of persons with disabilities in total workforce slightly increased from 1.1% in 2019 to 1.2% in 2021, but still remained around 1% for the past three years. ***(Source: 22nd Commission for Employment Equity)***

The report further provided an analysis of Public Service vs Private Sector Workforce Profiles For 2021 EE Reporting. This section of the report provided an extent of reporting by both the Public Service (i.e. National and Provincial governments) and the Private Sector. It also reflected on an analysis of the workforce profile for all designated employers in the Public Service and the Private Sector for all six occupational levels in terms of population groups, gender and disability for the 2021 EE reporting period.

Top Management Public Service vs Private Sector

11.2.4 Top management - Disability - 2021

Figure 29: Top management - Disability 2021

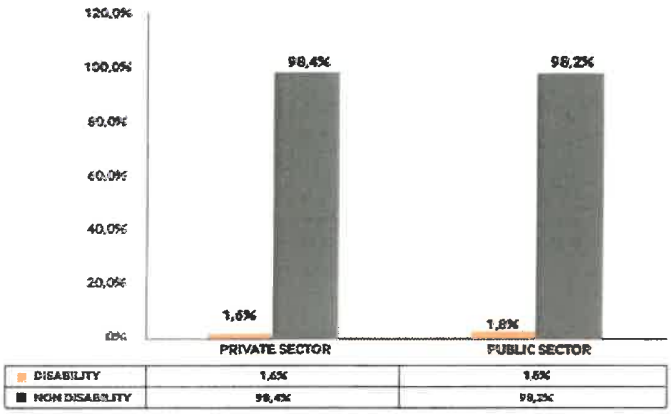


Figure 29 illustrates that the Public Service (1.8%) employs more people with disabilities than the Private Sector (1.6%) at this level.

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Note: the picture above indicates that the top management of public sector stood at 1.8% for persons with disabilities against 98.2% of persons with no disabilities; with private sector standing at 1.6% for persons with disabilities against 98.4% of persons with no disabilities. ***(Source: 22nd Commission for Employment Equity)***

Senior Management Public Service vs Private Sector

11.3.4 Senior management - Disability - 2021

Figure 33: Senior management - Disability 2021

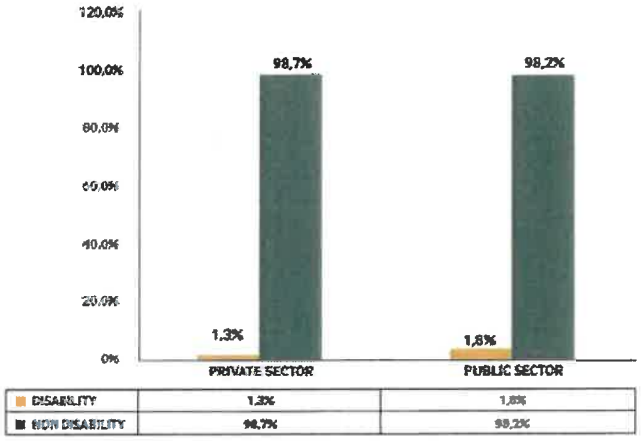


Figure 33 shows that the Public Service (1.8%) employs more people with disabilities than the Private Sector (1.3%) at this level.

Note: the picture above indicates that the senior management of public sector stood at 1.8% for persons with disabilities against 98.2% of persons with no disabilities; with private sector standing at 1.3% for persons with disabilities against 98.7% of persons with no disabilities. ***(Source: 22nd Commission for Employment Equity)***

Professionally Qualified / Middle Management Public Service vs Private Sector

11.4.4 Professionally Qualified / Middle management - Disability - 2021

Figure 37: Professionally qualified - Disability 2021

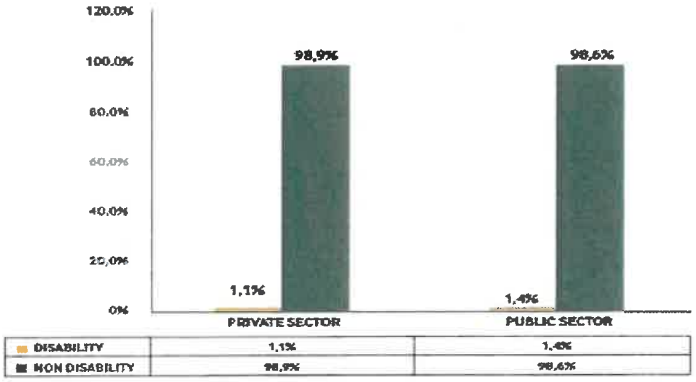


Figure 37 indicates that the Public Service (1.4%) employs more people with disabilities than the Private Sector (1.1%) at this level.

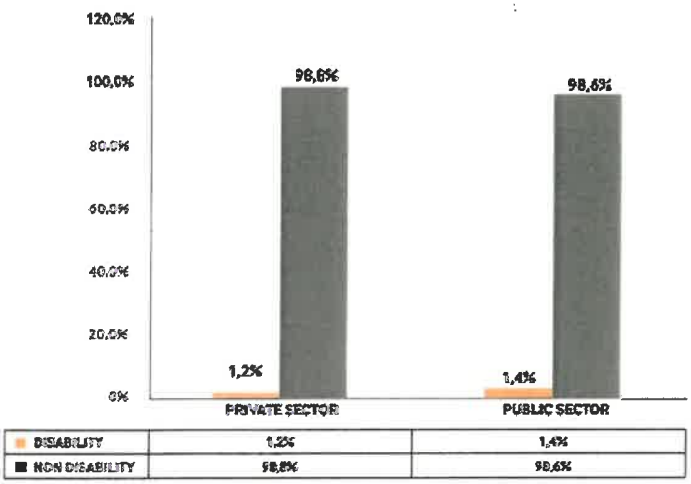
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The picture above indicates that the professionally qualified/middle management of public sector stood at 1.4% for persons with disabilities against 98.6% of persons with no disabilities; with private sector standing at 1.1% for persons with disabilities against 98.9% of persons with no disabilities.

Skilled Technical / Junior Management Public Service vs Private Sector

11.5.4 Skilled Technical / Junior Management - Disability - 2021

Figure 41: Skilled - Disability 2021



	PRIVATE SECTOR	PUBLIC SECTOR
DISABILITY	1,2%	1,4%
NON DISABILITY	98,8%	98,6%

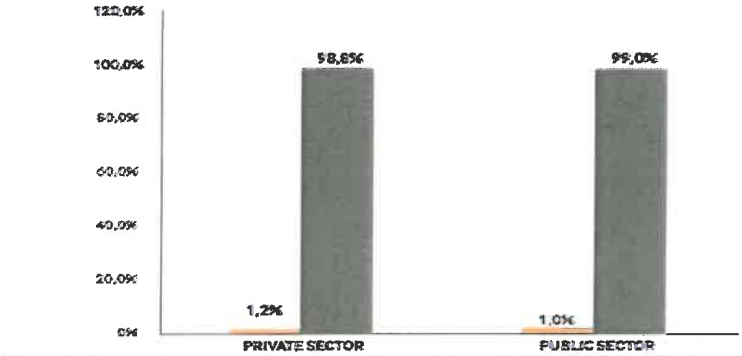
Figure 41 illustrates that the Public Service (1.4%) employs more people with disabilities than the Private Sector (1.2%) at this level.

Note: The picture above indicates that the skilled Technical/junior management of public sector stood at 1.4% for persons with disabilities against 98.6% of persons with no disabilities; with private sector standing at 1.2% for persons with disabilities against 98.8% of persons with no disabilities.

Semi-Skilled Public Service vs Private Sector

11.6.4 Semi-skilled - Disability - 2021

Figure 45: Semi - Skilled - Disability 2021



	PRIVATE SECTOR	PUBLIC SECTOR
DISABILITY	1,2%	1,0%
NON DISABILITY	98,8%	99,0%

Figure 45 shows that the Private Sector at 1.2%, employs more people with disabilities and the Public Service at 1.0%, employs fewer people with disabilities at this level.

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Note: The picture above indicates that the semi - skilled of public sector stood at 1.0% for persons with disabilities against 99.0% of persons with no disabilities; with private sector standing at 1.2% for persons with disabilities against 98.8% of persons with no disabilities. ***(Source: 22nd Commission for Employment Equity)***

Unskilled Public Service vs Private Sector

11.7.4 Unskilled - Disability - 2021

Figure 49: Unskilled - Disability 2021

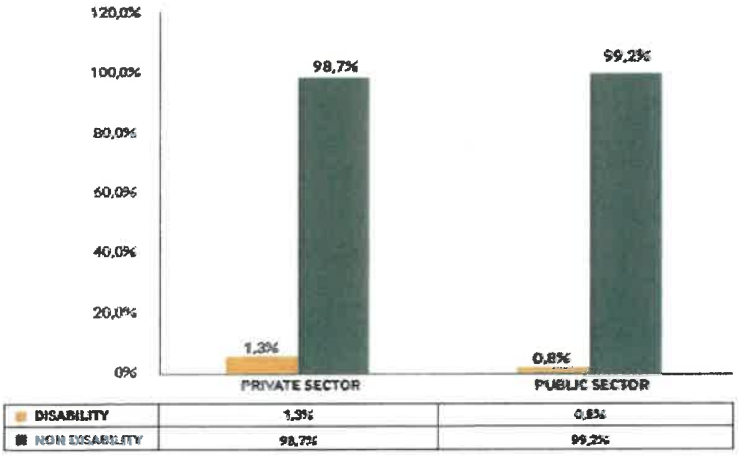


Figure 49 shows that the Private Sector employs more people with disabilities at 1.3% and the Public Service employs less people with disabilities at 0.8% at this level.

NOTES: the picture above indicates that unskilled workers at the public sector stood at 0.8% for persons with disabilities against 99.2% of persons with no disabilities; with private sector standing at 1.3% for persons with disabilities against 98.7% of persons with no disabilities. ***(Source: 22nd Commission for Employment Equity)***

Mpumalanga Provincial DPWR&T: Number of persons with disabilities employed on EPWP:

One hundred and twenty-seven persons with disabilities employed on EPWP (targeted)

Seven persons with disabilities employed on EPWP (achieved)

Challenge: Minimal reporting of active implemented projects.

Mitigation plan: monitoring

Access to decent work and employment opportunities is an area which is still concerning for persons with disabilities. Despite the voluminous report received under this indicator from various departments, it is still clear that persons with disabilities are not being reached as expected. More concerning is that challenges highlighted, e.g COVID-19

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lockdown, have adversely affected persons with disabilities than any other person, thereby justifying the low rate of ensuring equitable access to job opportunities and decent work. It is worrying also that it is difficult for provinces to demonstrate what interventions are being put in place to support the initiatives to progressively meet the 7% target.

Indicator 5.3 - Persons with Disabilities as Owners of the Economy

The Department of Small Business Development (DSBD) initiated partnership with MEDUNSA Organisation for Disabled Entrepreneurs (MODE) to implement economic empowerment interventions for persons with disabilities including promotion of entrepreneurial development programmes for the members and non-members within the community. To date, 28 persons with disabilities are participating in these initiatives.

In 2021/22 financial year, National Treasury (NT) had registered on their Central Supplier Database (CSD):

- Persons with disabilities owned: 6 225 (1%)
- Women owned: 259 618 (31%)
- Youth owned
  252 136 (29%)

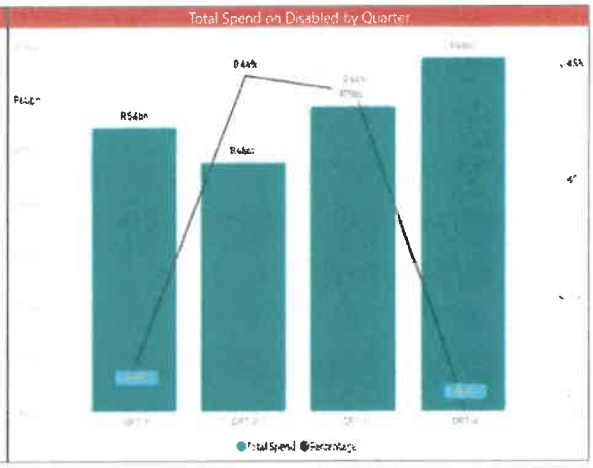
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OVERALL SPEND SUMMARY REPORT

Total Spend	Total Spend on Disabled Owned	Total Number of Disabled Owned Suppliers
R227.83bn	R 845.17M	752

Total Spend on Disabled by Quarter

Quarter	Total Spend	Spend on Disabled	Disabled
QRT-1	R54,296,227,141.22	R 173,853,463.38	0.32%
QRT-2	R47,610,600,466.07	R 211,709,795.37	0.44%
QRT-3	R58,300,623,807.03	R 255,096,247.37	0.44%
QRT-4	R67,622,182,309.79	R 204,508,674.01	0.30%

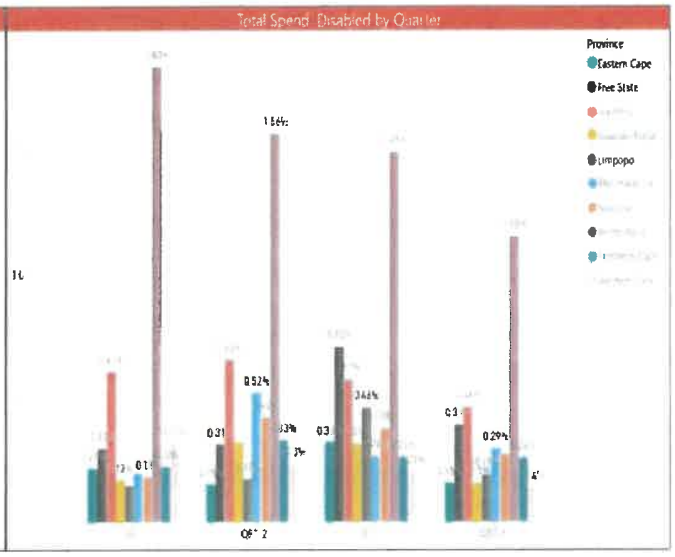


PROVINCES SPEND SUMMARY REPORT

Total Spend	Total Spend on Disabled Owned	Total Number of Disabled Owned Suppliers
R227.83bn	R 845.17M	752

Total Spend on Disabled by Provinces

Province	Total Spend	Spend on Disabled	Percentage
Eastern Cape	R20,328,668,845.27	R 41,004,908.64	0.20%
Free State	R7,065,348,429.16	R 30,471,407.49	0.43%
Gauteng	R37,146,100,130.49	R 210,792,614.53	0.57%
Kwazulu Natal	R34,340,687,781.05	R 80,960,766.48	0.24%
Limpopo	R14,025,805,236.16	R 33,924,943.88	0.24%
Mpumalanga	R15,091,831,054.21	R 48,255,042.22	0.32%
National	R63,831,035,035.00	R 187,252,645.40	0.29%
North West	R10,657,325,336.92	R 156,299,465.42	1.47%
Northern Cape	R6,034,634,232.71	R 15,940,657.56	0.26%
Western Cape	R19,308,197,643.14	R 40,265,728.51	0.21%



The Department of Small Business Development (DSBD) funded 12 enterprises owned by persons with disabilities to the value of R17, 2 million in Quarter three (3). These

firms created and saved 115 jobs. In quarter four (4), four (4) enterprises owned by persons with disabilities were funded to the value of R20, 2 million. These firms created and saved 22 jobs.

In The year under review, the Department of Tourism's (DoT) spent on procurement of goods and services from B-BBEE compliant businesses and SMMEs a total amount spent by December 2021 R70 377 916.77, for persons with Disabilities: R17 225.00 (Quarter 3). For expenditure on procurement from B-BBEE compliant enterprises, a total amount was spent by January 2022: R101 131 715.81. Persons with disabilities was R4 777.00 (Quarter 4).

The Department of Planning, Monitoring and Evaluation (DPME) monitor's persons with disability appointed as well as persons with disability who were given tenders.

Gauteng Provincial government departments spending on Persons with disabilities owned enterprises for quarter:

Business owners with disabilities

The total GPG procurement spend with companies owned by business owners with disabilities during this period was R 12 586 185 which represents only 0,23% of the total procurement spend against our target of 7% of total spend. This is 6,77% short of the target.

Department of Rural Development and Land Reform (DALRRD) had 0 hectares of land which was distributed to persons with disabilities in the year under review. However, additional hectares were acquired in February 2022 without time to process distribution. This will be done in the new financial year.

Department of Tourism SMMEs in the Tourism Sector for inclusive economic growth

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Annual target 2021/22	Quarterly Targets (Quarter 3)	Progress Report (Implementation)	Data Disaggregation (Gender, age & Disability)
To support tourism SMMEs through the following Incubators (Business support and development): 1. Manyeleti Incubator 2. Phalaborwa Incubator 3. Mier Incubator 4. Tech Incubator 5. Tour Operator Incubator 6. Food Services Incubator 7. Two (2) community-based enterprises incubation programmes	Eight business support and development Incubation Programme implemented through the following: Final year implementation of the following three incubators: 1. Manyeleti 2. Phalaborwa 3. Mier These 3 incubators concluded in Q3 of 2021/22	Incubators Manyeleti: Mpumalanga 47 participants Phalaborwa: Limpopo 51 participants Mier: Northern Cape 46 participants.	Manyeleti: Mpumalanga 47 participants • 13 women (28%) • 6 youth (13%) • 1 person with disabilities (2%) Phalaborwa: Limpopo – 51 participants • 26 women (51%) • 3 youth (6%) • 25 men (49%) Mier: Northern Cape 46 participants. • 32 women (70%) • 14 men (30%) • 4 youth (9%) • 1 person with disabilities (2%)
To support tourism SMMEs through the	Eight business support and	Incubators Manyeleti: Mpumalanga	Manyeleti: Mpumalanga 47 participants

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following Incubators (Business support and development): 1. Manyeleti Incubator 2. Phalaborwa Incubator 3. Mier Incubator 4. Tech Incubator 5. Tour Operator Incubator 6. Food Services Incubator 7. Two (2) community-based enterprises incubation programmes	development Incubation Programme implemented through the following: Final year implementation of the following three incubators: 1. Manyeleti 2. Phalaborwa 3. Mier These 3 incubators concluded in Q3 of 2021/22	47 participants Phalaborwa: Limpopo 51 participants Mier: Northern Cape 46 participants.	• 13 women (28%) • 6 youth (13%) • 1 person with disabilities (2%) Phalaborwa: Limpopo – 51 participants • 26 women (51%) • 3 youth (6%) • 25 men (49%) Mier: Northern Cape 46 participants. • 32 women (70%) • 14 men (30%) • 4 youth (9%) • 1 person with disabilities (2%)

Mpumalanga Provincial Government: DHS

a) Effective and efficient Supply chain management

At least 1% of budget directed towards empowerment of persons with disabilities

1.13% persons with disabilities were appointed

DTIC contributed towards greater development impact through the revision of incentive guidelines for the AIS, CIP, EMIA and SSAS. The revisions included greater support for projects owned by women, youth and persons with disabilities (EMIA and SSAS); reporting on localisation for applicants (AIS); and green/clean infrastructure projects (CIP). All incentives were required to report on women, youth and persons with

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disabilities ownership; and jobs. Further to that, 69 companies participated for the first time in export promotion initiatives inclusive of women, youth and persons with disabilities.

The Limpopo Department of Agriculture and Rural Development supported 16 500 subsistence, 3 359 smallholders and no commercial farmers supported through Ilima/Letsema; 1 426 youth, 9 034 women and 99 farmers with disabilities supported through Ilima/Letsema. The Departmental Annual report indicated that a further 79 farmers with disabilities were supported through the programmes.

The total cumulative employment created by the programme is broken down as follows: 60 contractors, 225 159-person days, 979 full-time equivalent jobs, 506 youth and 321 women and 24 people with disabilities. In Cape Agulhas, all participants were women. Work is undertaken and skills developed included building and civils, road and paving repairs, fencing, thatching (repairs and new), electrical, welding and carpentry (repairs and new).

Participation in economic activities remains generally concerning for persons with disabilities. This indicator goes deep in confirming the extent to which persons with disabilities are not fully participating in the economy. Only 1% of registered business owners are persons with disabilities. We still account for a 0% of hectares of land given to persons with disabilities. This is the trend which departments should collaboratively work together in order to improve the status quo.

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Indicator 5.4 - Reducing the Cost of Disability for Persons with Disabilities and their Families

The Department of Small Business Development will be kick-starting a process of reviewing the Amavulindlela Funding Facility for persons with disabilities in order to make it more accessible. The MoU between Seda and DeafSA is in circulation for vetting/inputs. DSBD recruited an official resource whose primary focus was to manage the Amavulindlela Fund including identifying potential applicants for the scheme. The department begun to reap the benefits of having this targeted by improvement uptake of the funding in both quarter three (3) and quarter four (4) relative to the first half of the 2021/22 financial year.

The department initiated the process of reviewing the Amavulindlela Fund. A stakeholder engagement process to source inputs will be ensuing during Quarter 2 (two) of 2022/23 financial year.

The department highlighted some of the challenges encountered:

- The department is not getting enough funding applications deals from enterprises owned by persons with disabilities despite the marketing initiatives that have been put in place to enhance SEFA's brand and visibility.
- Some persons with disabilities are hesitant to start their own businesses, sighting the potential loss of a secure income or allowance from the Department of Social Development
- Many of the applicants are seeking grant funding whereas the available facility is a Blended Finance.

The DWYPD in partnership with the United Nations Development Programme (UNDP) completed the research study on the Elements and Economic Cost of Disability for children and persons with physical disabilities, part 2 in March 2022. The main objective of the research study was to cover the gap in information in terms of cost analysis for children and persons with physical disabilities.

Part 2 of the study provided evidence on cost estimates for, among others, the determination of social security benefits and subsidisation of services targeting persons with disabilities, as well as reasonable accommodation support. In that regard, the study

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provided distinct costing of reasonable accommodation measures support intended to remove barriers to participation for children and persons with physical disabilities.

Mpumalanga Provincial Government Departments' progress:

Department of Culture, Sport and Recreation supported to promote 15 Arts and Craft Cooperatives heritage culture as part of investment in the cultural and creative industries. Three (3) cooperatives for person with disabilities was achieved and was supported by creating market platform at eMnotweni Arena on 15 May 2021.

DPWR&T awarded contracts 2% value of infrastructure contracts awarded companies owned by black persons with disabilities.

Furthermore, the DEDT assisted (3) persons with disabilities with tax returns.

It is commendable that efforts to empower persons with disabilities are being made, particularly in Mpumalanga. This calls for other provinces to emulate Mpumalanga. Whilst it is acknowledged that there are challenges regarding the applicants with disabilities to Amavulindlela fund, more efforts must be made to ensure that persons with disabilities apply for so that persons with disabilities can benefit.

3.3.6 PILLAR 6: STRENGTHENING THE REPRESENTATIVE VOICE OF PERSONS WITH DISABILITIES

Being able to take decisions that affect one's standard of living – where you go to school, where you live, with whom you live, who you form relationships with, where you work and what work you do – is an unknown concept for many persons with disabilities. The principle of self-representation is therefore paramount in ensuring an adequate standard of living,and goes hand in hand with the concepts of empowerment, participation and independent living.

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The first level of self-representation, at individual level, has been covered under the pillar on Supporting Empowerment of Persons with Disabilities. This Pillar focuses on strengthening the collective representative voice of persons with disabilities.
All national departments and institutions contribute towards the 13 indicators under this pillar.

Only four (4) national departments and institutions/organisations reported under pillar 6, these departments are: these departments are Department of Human Settlement (DHS); Shonaquip; Department of Social Development (DSD); South African Revenue Services (SARS).

3.3.6.1 Performance Indicators

Indicator 6.1 - Strengthening Access and Participation through Self-Representation

The DHS has a National Human Settlements Disability Forum (NHSDF) that represents voice strengthening of persons with disabilities in the human settlements sector.

A report by Shonaquip stated that 62.1% of families with young people over the age of 18 years are not able to realise their rights to vote in the national and local elections. More than 80% of participants do not belong to any DPO and are vaguely aware of organisations that support active participation.

Further to this, there is limited understanding of legal and policy frameworks for disability inclusion in South Africa. Rights-based approaches to realising the rights of persons with disabilities are a cornerstone of our democracy. It is problematic that South Africans do not have basic knowledge about this.

94% of parents believe it is important that the parents of children with disabilities must be able to speak to the issues they and their children face. According to pillar 6, parents do have the right to represent their children.

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Indicator 6.2 - Recognition of Representative Organisations of Persons with Disabilities

No information provided

Indicator 6.3 - Strengthening the Diversity and Capacity of DPOs and Self-Advocacy Programmes

In Strengthening the diversity and capacity of DPOs and self-advocacy programmes, the Department of Social Development supported a number of DPOs financially (provincially and nationally), inclusive of Deafblind SA, Autism SA, DICAG, SANDA, DEAFSA, ILC, and UHAMBO foundation).

Indicator 6.4 - Public Participation and Consultation Programmes

South African Revenue Services (SARS) undertook an initiative to improve engagement with persons with disabilities to enhance their engagement with the employer and SARS. Special needs were often not considered, known, nor accommodated. This resulted in persons with disabilities being economically excluded which compromised the national revenue collection. In collaboration with the South African Disability Alliance, engagements were arranged and so far SARS engaged the deaf and visually impaired sector. The initial meetings raised several, challenges for persons with disabilities. The business to implement solutions for phase 1 of the project in 2021/22 financial year was at costing stage in preparation for the investment committee.

Indicator 6.5 – Self-Representation in Public Life.

SARS launched the Disability Champions Structure to strengthen the Representative Voice of Persons with Disabilities.

Self-representation is important for persons with disabilities. In order to enhance this, DWYPD had formulated a Policy Framework on self-representation. Continued support of Disabled People Organisation is also necessary to ensure a multifaceted approach in the delivery of services and support to persons with disabilities belonging to these

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organisations. To this end, departments/institutions that have programmes to support persons with disabilities should be appreciated.

3.3.7 PILLAR 7: BUILDING A DISABILITY EQUITABLE STATE MACHINERY

Efficient, effective and development-oriented state machinery that delivers services in an equitable manner is an essential element of a capable and developmental state that pursues a 'substantive' rather than 'formal' approach to equality, in other words, that the circumstances of people are taken into account and focus is on ensuring equality of outcomes. The state machinery includes the legislative, executive across all three spheres of government.

All government departments and institutions are affected by this pillar, but 14 national departments and institutions lead in giving direction for the implementation of the 25 indicators under this pillar. The departments that reported under this pillar are, the Department of International Relations and Cooperation (DIRCO), Public Service and Administration (DPSA) Department of Planning, Monitoring and Evaluation (DPME) and Department of Women, Youth and Persons with Disabilities (DWYPD).

3.2.7.1 Performance Indicators

Indicator 7.1 - Disability Equitable Planning, Budgeting and Service Delivery

A Sector Transformation Workstream comprising of National Departments and all Departments of Human Settlements entities developed the Implementation Strategy, Sector Economic Empowerment and Enterprise Development programme (SEEED). A minimum of 40 percent (40%) of Human Settlements Development Grants allocations was recommended to be allocated to designated groups. Provinces have not managed to meet the required minimum of 30% threshold in the previous financial years. An amount of R2.6 billion (20%) was reported by Provinces to have been allocated to designated groups from the voted allocation of R13.4 billion. Free State and Mpumalanga Provinces accounted for the bulk of the allocation.

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It should be noted however that Free State and Mpumalanga Provinces have reported allocations more than their voted funds. Both Provinces have been notified in the past of this concern. This implies that this allocation is likely to be less than the reported R2.6 billion (20%) once the two Provinces have corrected their allocations.

Northern Cape, NorthWest and Western Cape Provinces have reported allocations of between 10% and 20% of their allocations. Metros have not managed to meet the required minimum of 30% threshold in the previous financial years. An amount of R1.4 billion (18%) was reported by Provinces to have been allocated to designated groups from the voted allocation of R7.4 billion.

The reported allocation by City of Johannesburg accounted for the bulk (73%) of the reported R1.4 billion. Clarity was needed on allocations reported by its agencies in particular Joburg Water and Joburg Roads Agency. Buffalo City, Ekurhuleni, City of Tshwane and eThekwini Metros have reported their allocations for the year.

The NHSDF (DHS) is responsible for building equitable state machinery for persons with disabilities in the human settlements sector, and is tasked with the realisation of same in the three spheres of government.

Indicator 7.2 - Monitoring, Evaluation, Reporting, Research, Data and Statistics

The DWYPD in partnership with DPME and departments at the centre of government completed the analysis of draft 2022/23 Annual Performance Plans (APPs) for national departments. The purpose was to ensure inclusion of women, youth and persons with disabilities in key planning processes. The department also produced the draft APP disability analysis report.

It is evident that all efforts are slowly yielding more inclusive planning as well as disaggregated performance reporting. However, the pace of government-wide implementation of inclusive mandates remain a challenge.

The DWYPD appointed a service provider to harmonise disability rights policy and legislative instruments, and to develop the disability rights based framework which is

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inclusive of all disability indicators. The project is a six month and expected to be completed in December 2022.

The DWYPD, in partnership with DPME, is in the process of conducting the evaluation of the Implementation of the White Paper on the Rights of Persons with Disabilities. The project duration is 12 months and expected to be completed in 2023/24 financial year.

Indicator 7.3 Public Procurement and Regulation

The Department of Tourism developed a Business Process Map and Standard Operating Procedures (SOP) for the procurement and maintenance of assistive devices for Persons with Disabilities and was approved for implementation.

Indicator 7.4 - Capacity Building and Training

As of 31 March 2022, DIRCO had two strategic interventions in strengthening the capacity of the department to effectively and equitably implement the White Paper on the Rights of Persons with Disabilities.

Indicator 7.5 - Strengthening Accountability

No information provided

Proper budgeting and planning are critical in ensuring service delivery. Persons with disabilities require specific programmes, projects and interventions which, if not planned and budgeted for, persons with disabilities will always be excluded from the mainstream. Preferential procurement, in a way of empowering persons with disabilities, should be realistically monitored for its implementation to benefit persons with disabilities.

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3.3.8 PILLAR 8: PROMOTING INTERNATIONAL COOPERATION

South Africa has acceded to, or ratified, most of the African regional and international human rights instruments in the area of economic, social, cultural, civil and political rights. The African Union's adoption of the Declaration of the African Decade for Persons with Disabilities in 2000 places responsibilities on African states to implement Decade programme activities. South Africa supports and participates in the African Decade for Persons with Disabilities (2010-2019).

Two (2) national departments contribute towards the three (3) indicators under this pillar. These are DIRCO and the DWYPD.

3.3.8.1 Performance Indicators

The DWYPD participated in virtual 14th Conference of State Parties which was hosted on the 15-16 June 2021. The conference was hosted virtually at the United Nations Headquarters, New York. The overarching theme of the Conference was: *"Building back better: COVID-19 response and recovery; Meeting the needs, realising the rights and addressing the socio-economic impacts on persons with disabilities"*. The proceedings included three round-tables under the following themes:

I. ***Sub-theme 1:*** *Protecting the rights of persons with disabilities in armed conflict and humanitarian emergencies*

II. ***Sub-theme 2****: Living independently, being included in the community*

III. ***Sub-theme 3****: Right to education; challenges with inclusive education and accessibility during COVID-19.*

South Africa was represented by Ambassador Mathu Joyini and Counsellor Andy Makwabe in persons as the official opening of the conference. They are both based at South Africa Permanent Mission in New York.

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3.3.9: INSTITUTIONAL ARRANGEMENTS

The monitoring process involves collecting, analysing, and reporting data on inputs, activities, outputs, outcomes and impacts as well as external factors, in a way that supports effective management of implementation of the WPRPD.

Evaluations will assess relevance, efficiency, effectiveness, impact and sustainability, and thereby provide credible and useful information to answer specific questions to guide decision making by staff, managers and policy makers on accelerating the implementation of the WPRPD. In all processes, it is necessary to include from line departments and civil society.

Only the following departments have reported against the policy directives outlined in pillar 9: Statistics South Africa.

3.3.9.1 Performance Indicators

The population and social statistics programme at Statistics South Africa has completed phase one (1) on the research on the harmonisation of disability definitions and classifications has been finalised. Phase two (2), which is the development of disability statistics framework is currently underway.

In the year under review, the Disability Advisory Group (DAG) Terms of reference have been drafted and were awaiting for approval during the inception meeting. Stats SA sent invitation/appointment letters to serve on DAG to Academia (5 institutions plus 1 research council), Disability sector (4 representatives), and National departments. Outstanding letters were still to be served to Provincial representation and Local government.

Furthermore, Terms of Reference for the establishment of the Regional Group on Disability Statistics for English Speaking Countries in Africa were drafted and were to be presented in the inaugural meeting for approval by member countries.

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The Post Enumeration Survey (PES) fieldworkers were trained on how they should approach and collect data from households that are headed by persons with disabilities.

Many indicators from pillars were not fully dealt with in this report largely because no or insufficient information was provided to be included in the report, that provided very limited information, thus creating gaps in the report.

3.4 COVID-19 INTERVENTIONS

As a response to the COVID-19 pandemic, the DSBD's Township and Rural Entrepreneurship Programme assisted with financial and/or non-financial Support to women, youth and persons with disabilities in all provinces and all district municipalities. The total spent budget for this intervention was R545 533 845.44.

The DBE supported visually impaired learners on Orientation and Mobility (O&M). As part of the sector's efforts to contain the spread of the virus and protect the learners in the academic year, the Directorate: Inclusive Education, together with South African Guide Dogs Association, developed short videos, in five languages-isiZulu, English, Afrikaans, isiXhosa and Setswana. The English video had close captions and training materials which were complementary to the video. Furthermore, PDF copies with pictures and word document for screen readers and braille printing were available. The link to the videos was shared with Provincial Education Departments (PEDs) after a presentation (on the use and features of the videos) was done in April 2021.

Monitoring of the implementation of inclusive education:

- Conducted oversight visit to the Free State in the period under review. Three (3) districts where monitored and supported.
- The visits were conducted to ensure that inclusive education is mainstreamed in an ordinary public school, full service, and special school and special care centres. Furthermore, to ensure that both district and

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provinces are coordinating services and providing support to schools, learners and teachers.

COVID – 19 Activities/programmes	Interventions/implementation reports
Directions in respect of attendance by learners in primary schools	the Department of Basic Education gazetted Directions for the attendance of all primary schools learners
National Vaccination programme	The Department of Health has prioritised and implemented vaccination programme for all educators and non – educators – today is the last day.

DBE reprioritised portion of LSPID Conditional Grant funding in compliance with regulations and requirements of management of COVID-19.
The DBE procured thermometers; masks; consumables; and technology to enable remote learning and access to therapy. DBE further developed guidelines for Healthcare and Social Service Professionals in the Department of Basic Education on the Coronavirus (COVID-19) Outbreak in South Africa.

DBE Developed guidelines to support schools with:

- Deaf learners;
- Blind and partially sighted learners;
- Learners with autism;
- Learners with epilepsy;
- Learners with intellectual disability; and
- Learners with physical disabilities.

The Department of Public Service and Administration issued Circular No 05 of 2021 (State of Disaster Covid-19: Public Service Adjustments to Risk Adjusted Level 4 Regulations) to all heads of departments and provincial administrations.

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Remote working arrangements: The Accounting Officer ensured reduction of the occupancy rate to not more that 30% at any given time, using shift work, rotation and remote working arrangements amongst others.

When determining the eligibility criteria, Accounting Officers had to consider the nature of work for office-based employees (e.g. security, administration, cleaners, SCM etc.) as well as the availability of enabling systems. This must be done on a case-by case basis after assessment of eligibility and the needs of mission critical functions, which support essential services.

Accounting Officers had to have a clear outline as to the consequences should the employee fail to adhere to the content of the agreement or any other organisational rules while working remotely.

All Heads of Departments, should use their discretion in dealing with matters which may not be specifically covered in this circular but which maybe workplace, occupational or sector specific and in line with the delegated authority, especially when dealing with risk assessment and the categorizing of employee comorbidities and vulnerabilities.

Accounting Officers retained the legal responsibility to determine workplace requirements and to ensure the delivery of the full public service array. Taking into account the dynamic and fluid contextual circumstances arising from the National Disaster, Departments who are unable to implement the above provisions must provide reasons for such failure to the Minister for Public Service and Administration within two weeks of such matter arising.

Work towards 100% capacity in the workplace, however, officials with comorbidities and/or relevant conditions will be required to apply individually for consideration by Accounting Officers to continue remote working arrangements

The DPWI Remote working arrangements issued circular as per DPSA regulations and conducted a COVID-19 Disability Inclusive Workplace with DPWI Health and Safety Committee and Equity & Disability Committee members. To ensure compliance as per

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circular in terms of leave management, adequate resources were provided as per requirement to work remotely and rotation schedule for social distance purposes. Equity and Disability Committee members were the officials who determined whether all employees with disabilities were catered for in all regional offices.

Department of Mineral Resources and Energy (DMRE) established a Steering Committee and appointed a Compliance officer. PPE's were provided to all employees and COVID-19 related leaves were administered.

The DMRE's issued regulations / guidelines for awareness campaign purposes on the impact of COVID-19 for all employees. The COVID-19 interventions dating from April to June 2021 was disaggregated into following specific designate group but rather focused on the entire Departmental workforce in general:

- Steering committee meets regularly.
- All cases were reported to the compliance officer.
- Sanitisers were placed in strategic places and employees were provided with face cloth and hand sanitizer.
- Ten (10) days to quarantine were provided to all employees that were reportedly diagnosed with, or in close contact of person having contracted COVID-19.
- Employee Assistance programme was observed for COVID-19 related cases (e.g. counselling).
- One person with a disability within the Department reportedly contracted COVID-19 in the first week of June 2021 and were afforded with 10 days quarantine period and provided counselling support through follow up calls.

Department of Social Development's mitigating COVID-19 circumstances with regards to persons with disabilities in DSD funded facilities and centres. They issued directions /regulations on the prevention, containment and management of COVID-19 in Residential facilities, Protective workshops and Respite care facilities. Furthermore to that, DSD developed an easy read Standard Operating Procedures (SOPs) on the prevention, containment and management of COVID-19 in day care centres for children

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with disabilities. This translated into trained parent/families, youth with disabilities and centres on the SOPs. Further training of Social Workers working with persons with disabilities, parents/care givers and youth with disabilities were to be facilitated jointly with JICA.

SARS developed COVID-19 Guidelines for high risk employees with disabilities. Persons with disabilities with pre-existing serious medical conditions, were reasonably accommodated and provided with the necessary IT support to be able to work from home. This included specific devices (including computers), access to the SARS VPN, mobile devices to connect to the SARS VPN as well as equipment and assistive devices required by persons with disabilities.

Each disability was viewed in terms of its own merits and the prevalent co-morbidities to allow for the correct measures to be put in place. Emphasis was on the use of and purchasing tools that would promote smooth conversation and reasonableness in all circumstances. SARS further improved on IT related services in fast-tracking reasonable accommodation within the COVID-19 scenario to allow service flow to clients. Continuous engagement and consultation were held with different stakeholders in realisation of any other measures that needs to be placed to assist our clients with disabilities.
Regrettably, Department of Small Business Development on COVID-19 economic relief benefits to small businesses did not receive applications from enterprises owned by persons with disabilities for this intervention.

The National School of Government provided reasonable accommodation to employees with disabilities. These employees were accommodated as follows: All employees with disabilities were on rotation and one (1) employee with mobility disabilities was provided with transport. Eleven (11) employees were granted permission to work from home due to identified uncontrolled risks and vulnerabilities.

Statistics South Africa allowed a significant workforce to remain working remotely due to COVID-19. This created a sense of connectedness among employees with disabilities in that they must not be left isolated from the rest of workforce. Stats SA further facilitated

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the availability of identified and appropriate working equipment for all employees approved to work from home. Teams connected and employees informed on continuous advances in technology and assistive technology to enhance the range of work that people can do outside the office environment. Staff members with disabilities were provided with transport as per their request to vaccination centres.

Department of Higher Education and Training's employees with disabilities were encouraged to work remotely during the start of COVID-19 pandemic. The department has a COVID-19 Steering Committee which met every week to provide updates, share challenges and information on COVID-19. Counselling and assistance was provided to officials who required it, including officials with disabilities.

Gauteng Provincial Government:

- Non-Profit Organisations (NPOs) where COVID-19 positive cases or deaths were reported were decontaminated by Church of Scientology through the interventions of DSD to prevent the spread of COVID-19 infections. Eleven (11) approved and verified COVID-19 information sets shared with 150 NPOs, DPOs and individuals with disabilities during the reporting period enabling NPOs to receive updated, approved and verified COVID-19 information to use for prevention and awareness
- Gauteng Provincial Government had weekly collation of comprehensive statistics and status of COVID-19 at Residential facilities in the Province. Gauteng Provincial Government provided continued telephonic support offered to NPOs in relation to the management of COVID-19 during service delivery. Gauteng Provincial Government continued unblocking of challenges in the sector as they arise.
    - Implementation of electronic site visits as part of monitoring and evaluation at 10 NPOs, prevention and awareness programmes during the reporting period took place.
    - Radio interviews were conducted.
    - Developed relevant content for discussion per quarter

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- Capacity building on disability policies / programmes
- Developed Guidelines / Policy and established a task team.
- Provincial Disability Forum meeting
- Monitoring compliance with policy, legislation and norms and standards- TEAMS / Physical On-site visits
- Disability Regional co-ordinators meetings
- Updated Disability data base and bed capacity register.

Gauteng / DSD COVID-19 overall March 2020 - June 2021

The Department conducted a survey with a total of 23 officials with disabilities to gain understanding on how COVID-19 affected them within the department; to provide an opportunity for officials with disabilities to state what should be done to enhance the conducive nature of their working environment; and to use the findings as a planning tool on how to address the needs of officials with disabilities.

Number of residential facilities for Persons with Disabilities	**36 including 7 Assisted Living Facilities (1 NPO in West Rand closed permanently)**
Number of Persons with disabilities	1633 including 44 residents in Assisted Living Facilities
Number of Report COVID-19 Cases	172 residents tested positive
Number of Recoveries	157 recoveries
Number of Deaths	15 COVID-19 related deaths

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Persons with disabilities are amongst those considered as vulnerable amidst the COVID-19 pandemic, and can be disproportionately impacted by interruptions at home, in communities and access to social services and support. While taking into cognisance the COVID-19 health protocols and national restrictions it remained imperative to uphold the rights of persons with disabilities in relation to their access to services and information. The department continued partnerships with organisations of persons with disabilities to engage on strategies that will ensure that no one is left behind. Services were rendered through information channels that can be accessed by persons with disabilities to ensure that all programmes to prevent and respond to Gender-Based Violence (GBV) were inclusive of women and girls with disabilities (e.g. ensuring that information and reporting channels are available in multiple and accessible formats).

The Department remained committed to ensuring that inclusion of persons with disabilities during the COVID-19 pandemic is deliberate and purposeful, and that the risk of exclusion from accessing critical services and information is minimised.

With regards to the Department of Human Settlements, management of COVID-19 was the responsibility of the provincial human settlements administrations. However, the National Department of Human Settlements made endeavors to assist and manage COVID-19 by the provision of Temporary Residential Units (TRU's). The DHS coordinated with provincial administrations in the COVID-19 interventions, e.g. provision of TRU's for citizens, including persons with disabilities.

Parents for Children with Special Educational Needs' (PACSEN) project called "Health and Welfare" together with staff at schools helped families during COVID-19 period. When schools opened, they NGO got necessary information about COVID-19 which was sent to Special Schools in the country. Since 60% of the children with disabilities come from homes of poverty, PACSEN worked on supporting these families, providing them with food parcels.

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3.5 DISTRICT DEVELOPMENT MODEL (DDM)

The Department of Social Development (DSD) developed and launched national guidelines on the Empowerment of Persons with Disabilities and Disability Mainstreaming at District level. These are guidelines aligned to the country's district development model. The launched guidelines were shared with the broader sector, national departments including DWYPD. Facilitated capacity building on the guidelines and continue to monitor the implementation thereof. The project is a partnership between Japan International Cooperation Agency (JICA) and the DSD- Working in different districts/municipalities, prioritising the identification, mobilising and profiling of disability organisations and persons with disabilities in different districts and municipalities.

The National School of Government in responding to the adoption of the DDM, and in line with the legislative mandate, will support the DDM through its ETD interventions, including the option of rapid capacity development interventions. Key among the interventions is the partnerships – firstly with the Department of Co-operative Governance and South African Local Government Association in order to determine and strengthen capacity for delivery – and secondly with professional bodies in order to professionalize certain categories of employees across the spheres of government. Furthermore, the NSG programmes and courses that can be offered include: Applying Monitoring and Evaluation Principles in the Public Sector; Data Analysis and Presentation methods for Monitoring and Evaluation; Information Management for Monitoring and Evaluation; Contract Management (PFMA and MFMA); Basic and Advanced Project Management for the Public Service; and Budget Analysis and Budget Information for the Public Service. These ETD interventions will be reported on as they take place and disaggregated to illustrate the participation of persons with disabilities.

Department of Human Settlements instituted a National Human Settlements Disability Forum (NHSDF). This forum enables effortless reporting in all the dimensions of government, including the DDM. The DDM is being progressively introduced (e.g. Enoch Mgijima, Ndlambe, Nyandeni, Raymond Mhlaba, uMkhanyakude, City of Cape Town, City of Tshwane, Buffalo City and Ekurhuleni Municipalities).

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Mpumalanga Provincial Government: CoGTA monitored the Implementation of the Indigent policies in Municipalities in ensuring that persons with disabilities access Free Basic Services. All Municipalities at Ehlanzeni District implemented the Indigent policies and verified.

Mpumalanga Provincial Government: DoH

Number of Technical support rendered to the 3 districts on Rehabilitation issues

Technical support rendered to 3 districts on Rehabilitation issues (target)

Support was rendered to Gert Sibande District: Gert Sibande has no Coordinator rehabilitation and the provincial office was required to support the officials of the districts. Ehlanzeni and Nkangala was requested to seek any support from the province through their coordinators.

The Department of Basic Education Strengthening the SBST at Full Service, Special, Multi-Grade and Ordinary Public Schools during Coding and Robotics Roadshow

- Participated in the coding and robotics roadshow. Advocacy campaign was conducted in Eastern Cape, KwaZulu-Natal, Limpopo, North West, Free State, Western Cape provinces at schools that will pilot coding and robotics subjects in all full service and special schools.
- Developed a template of Guidelines for Responding to Learner Diversity through CAPS for Foundation, Intermediate and Senior Phases in the coding and robotics subjects.

Finalisation of the draft Procedural manual on Accommodations and Concessions

- During the period under review, the directorate established a task team which consisted of therapists, psychologists and official's part of the District/Provincial Based Accommodations Committee to finalise the procedural manual on accommodations and concession. Two sessions were held where inputs and clarity on processes were incorporated into the

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document. The document is still in the process of being cleaned up for approval.

4. RECOMMENDATIONS

a) The South African Law Reform Commission must fast track the development of the National Disability Legislation to enforce compliance on reporting and defaulting reporting institutions.
b) Department of Employment and Labour and Department of Public Service and Administration must establish mechanisms to ensure consistency in setting National Disability Equity Targets.
c) All reporting institutions must prioritise and accelerate the employment of persons with disabilities through their public employment programmes, and provide them with reasonable accommodations to retain and to be efficient in their employment.
d) Department Small Business Development must ensure that entrepreneurs with disabilities are prioritised in all government procurement opportunities
e) All provincial and local governments must ensure compliance with minimum equity targets and disability reporting requirements set out in the Medium Term Strategic Framework.
f) All reporting institutions must put measures in place to ensure protection and safety of persons with disabilities during the State of National Disasters, situation of risks and humanitarian emergencies.
g) The National Treasury must put measures in place to release a list of entrepreneurs with disabilities benefiting from national and provincial government procurement opportunities
h) All reporting institutions must ensure that all performance information is disaggregated by gender, age and disability.
i) All reporting institutions must ensure inclusion of disability in their strategic and annual performance plans
j) All reporting institutions must provide detailed reports on interventions and activities implemented in their District Development Model.

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k) The Department of Social Development and National Treasury must develop a funding framework to support of/for persons with disabilities which are under distress due to the effects of COVID-19 pandemic.

l) The DWYPD and DPSA must work with relevant departments to develop the framework and guidelines on institutional arrangements and profession for focal persons for national and provincial government departments.

5. CONCLUSION

There is a significant decline in submitting quality information and lack of compliance with disability reporting requirements. This challenge compromises efforts to improve availability of disability data and to comply with national and international disability obligations. Furthermore, poor quality reporting has a negative impact in addressing access to service delivery, inequality, unemployment and poverty for persons with disabilities. Poor reporting impacts also on the budgetary processes of the disability sector across all government departments and entities.

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6. ACRONYMS AND ABBREVIATIONS

AGSA	Auditor-General South Africa
APP	Annual Performance Plan
B-BBEE	The Broad-Based Black Economic Empowerment
CGE	Commission of Gender Equality
CEE	Commission of Employment Equity
DeafSA	Deaf Federation of South Africa
DBE	Department of Basic Education
DCDT	Department of Communications and Digital Technologies
DCOGTA	Department of Cooperative Governance and Traditional Affairs
DCS	Department of Correctional Services
DOD	Department of Defence
DOE&L	Department of Employment and Labour
DHA	Department of Home Affairs
DHET	Department of Higher Education and Training
DHS	Department of Human Settlements
DIRCO	Department of International Relations and Cooperation
DOJ&CD	Department of Justice and Constitutional Development
DMV	Department of Military Veterans
DMRE	Department for Mineral Resources and Energy
DPME	Department of Planning, Monitoring and Evaluation
DPE	Department of Public Enterprise
DPSA	Department of Public Service and Administration
DPWI	Department of Public Works and Infrastructure
DRDLR	Department of Rural Development and Land Reform
DSBD	Department of Small Business Development
DSD	Department of Social Development
DSAC	Department of Sport, Arts and Culture
DTIC	Department of Trade and Industry and Competition
DWYPD	Department of Women, Youth and Persons with Disabilities
DRD	Department of Regional Development

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DDM	District Development Model
DRAM	Disability Rights Awareness Month
DMF	Disability Management Forum
ECD	Early Childhood Development
ERRP	Economic Reconstruction and Recovery Plan
EPWP	Expanded Public Works Programme
FASSET	Finance and Accounting Services Sector Education and Training
FSB	Financial Services Board
GHS	General Household Survey
GCIS	Government Communication and Information System
HDA	Housing Development Agency
ICASA	Independent Communications Authority of South Africa
ICT	Information and Communications Technology
IPTN	Integrated Public Transport Network
JICA	Japan International Cooperation Agency
LPID	Learners with Profound Intellectual Disabilities
LGBTIQ+	Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, +
MODE	MEDUNSA Organisation for Disabled Entrepreneurs
MTEF	Medium Term Expenditure Framework
MTSF	Medium Term Strategic Framework
NDOH	National Department of Health
NDOT	National Department of Transport
NDP	National Development Plan
NGO	Non-Governmental Organisation
NSG	National School of Government
NT	National Treasury
NEET	Not in Education, Employment and Training
NHBRC	National Home Builders Registration Council
NHSDF	National Human Settlements Disability Forum
NPO	Non-Profit Organisation
NSF	National Skills Fund

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NSFAS	National Student Finance Aid Scheme
OHCHR	Office of the High Commissioner of Human Rights
PACSEN	Parents for Children with Special Educational Needs
PANSALB	Pan South African Language Board
PEDs	Provincial Education Departments
PRASA	Passenger Railway Agency South Africa
PSET	Post School Education and Training
PTNG	Public Transport Network Grant
SABS	South African Bureau of Standards
SACE	South African Council for Educators
SAFMH	South African Federation Mental Health
SAHRC	South African Human Rights Commission
SALGA	South African Local Government Association
SANCB	South African National Council for the Blind
SANDA	South African National Deaf Association
SAPS	South African Police Services
SAQA	South African Qualification Authority
SARS	South African Revenue Services
SA-SAMS	South African School Administration and Management Systems
SASSA	South African Social Security Agency
SASL	South African Sign Language
SEEED	Sector Economic Empowerment and Enterprise Development
SETA	Sector Education and Training Authority
SIAS	Screening, Identification, Assessment and Support
SITA	Sector Information and Technology Agency
STATS SA	Statistics South Africa
TVET	Technical and Vocational Education Training
UA	Universal Accessibility
UDAP	Universal Design and Access Plan
UN CRPD	United Nations Convention on the Rights of Persons with Disabilities

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UNDP	United Nations Development Programme
UNISA	University of South Africa
WPRPD	White Paper on the Rights of Persons with Disabilities

7. ANNEXURES

- Reporting Template (PowerPoint) – Annexure A

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DEPARTMENT OF PUBLIC SERVICE AND ADMINISTRATION

NOTICE 2727 OF 2024

PUBLIC SERVICE ACT, 1994 (PROCLAMATION NO.103 OF 1994)

DRAFT DETERMINATION AND DIRECTIVE ON DIGITAL SERVICES

The Draft Determination and Directive on Digital Services is hereby made available for public comments.

The Draft Determination and Directive proposes to provide norms and standards, as well as to direct departments on the implementation of Digital Services within the public service.

Electronic copies of the draft Directive may be obtained from the DPSA website: www.dpsa.gov.za.

All interested persons and organisations are invited to submit written comments on the draft Determination and Directive, within 30 working days from the date of publication of this notice by-

a) Emailing to: NtsimaneN@dpsa.gov.za or Tshifhiwa.Mudau@dpsa.gov.za
b)

c) Posting comments to:

Director-General
Department of Public Service and Administration
Attention: e-Services Directorate
Private Bag X916
Pretoria
0001

Kindly provide the name, address, telephone, and email address of the person or the organisation submitting the comments.



DETERMINATION AND DIRECTIVE ON DIGITAL SERVICES

TABLE OF CONTENTS

1. INTRODUCTION 8
2. PURPOSE 8
3. AUTHORISATION 9
4. SCOPE OF APPLICATION 9
5. REGULATORY FRAMEWORK (PROVIDES THE CONTEXT WITHIN WHICH THE DETERMINATION AND DIRECTIVE EXISTS) 9
6. IMPLEMENTATION OF THE DETERMINATION AND DIRECTIVE 9
7. NON-COMPLIANCE MANAGEMENT 10
8. DATE OF IMPLEMENTATION 10
9. PROVISIONS ON THE IMPLEMENTATION OF DIGITAL SERVICES DETERMINATION AND DIRECTIVE 10
9.1. THE CONCEPT OF DIGITAL SERVICES AND ATTRIBUTES 10
PART A: DIGITAL SERVICES ATTRIBUTES STANDARDS 11
9.2. FRONTEND USER INTERFACE DESIGN 11
9.3. BACK-END RE-ENGINEERING PROCESS 13
9.4. IDENTITY AND LEGITIMACY OF DIGITAL SERVICES 13
9.5. DIGITAL PAYMENT 14
9.6. ACCESSIBILITY 14
9.7. INCLUSION 15
9.8. SCALABLE /APPROPRIATE TECHNOLOGY 15
9.9. REUSABILITY 15
9.10. MEASUREMENT OF DIGITAL SERVICES 16
9.11. INFORMATION SECURITY AND PRIVACY 16
9.12. INSTITUTIONAL MECHANISM 17
PART B: E-SERVICES 17
9.13. LEVERAGING EXISTING INFORMATION TECHNOLOGY (IT) INVESTMENTS ON ADMINISTRATIVE PROCESSES 17
9.14. ADVANCED ELECTRONIC SIGNATURE 18
9.15. E-SERVICE CATALOGUE 19
9.16. FORMS REQUIRED TO BE DIGITISED 19
9.17. CATEGORISATION OF E-SERVICES 20
9.18. REPORTING 20
ANNEXURE A: CORE ADMINISTRATIVE PROCESSES 22
ANNEXURE B: DIGITAL MATURITY RATING 24
ANNEXURE C: 16 CATEGORIES OF SERVICES 25
REFERENCES 31

Abbreviations

API	=	Application Programming Interface
ICT	=	Information and Communications Technology
ITU	=	International Telecommunication Union
KPI	=	Key Performance Indicators
MPSA	=	Minister for the Public Service and Administration
URLs	=	Uniform Resource Locators
XaaS	=	Everything as a service

DEFINITIONS

In this Determination and Directive, any word or expression bears the meaning which was assigned in the Public Service Act and the Public Service Regulations, unless the context indicates otherwise-

'Advanced electronic signature' means an electronic signature as defined in section 1 of the Electronic Communications and Transactions Act (Act no.25 of 2002).

'Backend process' refers to the part of a software system that handles the server-side processing and data management. It is responsible for executing the logic and functionality of an application, processing user input, communicating with the database, and generating responses to client requests.

'Business Process Re-engineering' is the fundamental rethinking and radical redesign of business processes to achieve intense improvements in critical measures of performance such as cost, quality, service and speed.

'Cloud' refers to servers that are accessed over the Internet, and the software and databases that run on those servers.

'Digital Services' refers to an automated service delivered through digital technologies on the internet, or an electronic communication network using digital devices (laptop or computer, phones or kiosk etc.).

'Department' means a National department, a National government component, the Office of a Premier, a Provincial department or a provincial government component.

'Digital Design' encompasses a wide range of activities required for giving a definitive shape to a digital service, including defining the functional requirements of the digital service, ensuring an optimal user experience to end users and deciding the technology dimensions of the service.

'Electronic government' means the use of information and communication technologies in the public service to improve its internal functioning and to render services to the public.

'Electronic Format' means any document or other means of communication that is created, recorded, transmitted or stored in digital form or in any other intangible form by electronic, magnetic or optical means or by any other computer-related means that have similar capabilities for creation, recording, transmission or storage.

'e-Service' refers to the application of ICTs for delivering government services, broadly categorized as Government-to-Citizen (G2C), Government-to Business (G2B), Government-to-Government (G2G) and Government-to-Employees (G2E).

'Frontend User Interface' refers to having a screen which the public can access via a computer or laptop, smartphone, kiosk etc.

'**Inclusion**' is the conscious effort made to enable end-users with widely varying capabilities to avail, receive or obtain a service with comparable ease. In particular, inclusion is meant to meet the requirements of people with varying levels of literacy, digital literacy, special language requirements, poor infrastructure and above all, the needs of differently-abled persons.

'Information and communication technologies' means all aspects of technology which are used to manage and support the efficient gathering, processing, storing and dissemination of information.

'Information Security' means the provision of organisational, technical, and social measures to safeguard information assets against unauthorised access, damage, and interference –both malicious and accidental.

'Institutional Mechanisms' are internally designed processes used for the deployment of digital services attributes and monitoring of the same in a structured and well-established manner.

'**Integrated Digital Service'** is defined as the delivery of digital information or transactional services relating to multiple departments through a single interface/ device, based on a single request made by the user.

'Minister' means the Minister for the Public Service and Administration

'Measurement' is the process of determining the performance of a digital service to achieve the terms of this determination.

'Open data' means data that is made freely available to everyone for use, re-use and republishing as they wish, subject to ensuring the protection of privacy, confidentiality and security in line with the Constitution.

'Public entity' means a public entity as defined in section 1 of the Public Finance Management Act, 1999 (Act 1of 1999).

'**Reusability'** is the design of a generic service to facilitate the reuse of the same service in the same or different departments to achieve the very same functionality or as a part of a composite service that has a larger functionality.

'Service' is defined as an act of helping or doing work for someone, fulfilling a need of the public by performing specific tasks or work for service beneficiaries.

'**Service catalogue'** means a list of all the services that a department provides to citizens or is accessed by citizens, businesses and/ or other government departments.

'Standard' means a document that provides for common and repeated use, rules, guidelines or characteristics for products, services, or processes and production methods, including terminology, symbols, packaging, marking or labelling requirements as they apply to a product, service, process or production method.

'the Act' means the Public Service Act, 1994 (Act No. 103 of 1994).

'User Interface' is the process of translating the envisioned user experience into a set of interfaces, navigations and user interactions.

'User Experience' is the qualitative attribute of a service that reflects a person's subjective experience (emotions and attitude) during the service journey.

'XaaS or Everything as a service' refers to the services that have been or will be migrated to the Cloud.

1. INTRODUCTION

1.1. The advent of emerging technologies compels digital transformation within the public service as a new approach to standardise digital services' attributes to achieve efficient service delivery. Throughout the world, governments have increasingly been utilising various digital technologies and platforms to deliver public services. Digital technologies are rapidly changing how government interact with their citizens to deliver and access services.

1.2. In terms of section 3(1) (f), (g) and (i) of the Public Service Act read with section 16 of the Public Administration and Management Act, the Minister is responsible for establishing norms and standards relating to information management, e-Government and information and communications technology (ICT) related matters. This also includes matters related to transformation, reform, innovation and any other matter to improve the effectiveness and efficiency of the public service and its service delivery to the public. In addition, the White Paper on Transforming Public Service Delivery of 1997 contains principles that seek to address the inclusive nature of providing service delivery in the public service.

1.3. The emphasis placed on standardization and interoperability as key requirements for the widespread adoption of technologies and services to provide e-Government in different spheres of government necessitates the determination of norms and standards for the implementation of digital services.

1.4. Therefore, this Determination and Directive provides for the implementation of digital services in the public service to improve service delivery, for all beneficiaries to realise the potential benefits of ICT access and services, and the aspirations of the National Development Plan vision 2030, the National Integrated ICT Policy White Paper and National e-Government Strategy and Roadmap.

2. PURPOSE

2.1. The purpose of this Determination and Directive is to provide the norms and standards, as well to direct departments on the implementation of Digital Services within the public service.

3. AUTHORISATION

3.1. This Determination and Directive is issued by the Minister for the Public Service and Administration (MPSA) in terms of section 3(1) (f) (g) & (i) of the Public Service Act, 1994.

4. SCOPE OF APPLICATION

4.1. This Determination and Directive applies to all departments and their employees employed in terms of the Public Service Act, 1994 and the members of the services only in so far as the provisions of the Determination and Directive are not contrary to the laws governing the public service.

5. REGULATORY FRAMEWORK (PROVIDES THE CONTEXT WITHIN WHICH THE DETERMINATION AND DIRECTIVE EXISTS)

5.1. Constitution of the Republic of South Africa (Act No. 108 of 1996).
5.2. Public Service Act (Proclamation No.103 of 1994).
5.3. The Public Administration and Management Act (Act No. 11 of 2014).
5.4. The White Paper on Transforming Public Service Delivery of 1997.
5.5. Electronic Communications and Transactions Act (Act no.25 of 2002).
5.6. Protection of Personal Information Act (Act No. 4 of 2013).
5.7. Promotion of Access to Information Act (Act No. 2 of 2000).
5.8. State Information Technology Agency Act (Act No.88 of 1998).
5.9. Public Service Regulations, 2016.
5.10. Operations Management Framework, 2016.

6. IMPLEMENTATION OF THE DETERMINATION AND DIRECTIVE

6.1. The provisions set out herein must be applied to all digital services implemented within the public service.
6.2. Where a department had implemented digital services, any enhancements, planning and prioritisation of digital services must, where possible and reasonably practicable, be categorised and brought in line with the provisions of this Determination and Directive contemplated in clause 9.17.

6.3. Heads of the Departments must ensure that all requirements of this Determination and Directive are complied with within a period of three years from the date of approval and publication of this determination and directive.

6.4. All Heads of Departments must, as far practicable, co-operate with public entities responsible for the development and implementation of digital service and e-Services to ensure integration and interoperability.

7. NON-COMPLIANCE MANAGEMENT

7.1. Failure to comply with this Determination and Directive will be dealt with in line with the provisions of the Public Service Act, 1994, sections 16A and 16B.

8. DATE OF IMPLEMENTATION

8.1. This Determination and Directive shall come into effect on the date of signature by the MPSA.

9. PROVISIONS ON THE IMPLEMENTATION OF DIGITAL SERVICES DETERMINATION AND DIRECTIVE

Notwithstanding the other provisions of this Determination and Directive, the following provisions offer clarity on the concept of digital services and attributes and additional provisions to be complied with by departments in the implementation of digital services.

9.1. THE CONCEPT OF DIGITAL SERVICES AND ATTRIBUTES

Within the context of digital technological development, the International Telecommunication Union (ITU) report provides six fundamental digital services attributes to realise digital transformation within the public service which are displayed in figure 1 below[1]. Digital services are regarded as whole of government services built on highly secure, reliable, scalable, replicable and open technologies of the new age, seamlessly interfacing with a host of divergent delivery channels, and, most often, leveraging the power of Application Programming Interface(API)

[1] Digital transformation and the role of enterprise architecture, ITU Report 2019. https://www.itu.int/dms_pub/itu-d/opb/str/D-STR-DIG_TRANSF-2019-PDF-E.pdf

CONTINUES ON PAGE 258 OF BOOK 3

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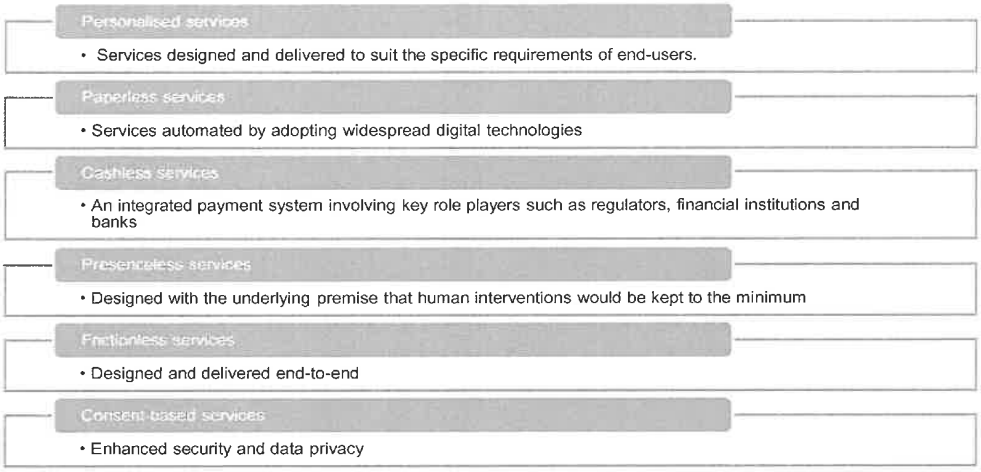
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AIDS HELPLINE: 0800-0123-22 Prevention is the cure

for interoperating with the rest of the ecosystem. In addition, an Attribute may be defined as a piece of information that describes properties or characteristics pertaining to an individual or organization or a certain category applied to all cells of a column.



Fundamental digital services attributes (Source: adapted from ITU, 2019)

These attributes highlight strategic imperatives to recognise digital technologies as an enabler of digital transformation. Therefore, digital transformation and digital services must be thoughtfully strategised and continuously updated to ensure relevance along the path to sustainable development.

In addition, digital services attributes or digital platforms also embrace the cloud service models for ease of adoption and rapid delivery of digital services to modernise and digitalise the business processes of the public service. For this purpose, the standard recognises 'X as a Service' (XaaS) concept that may offer an opportunity to transform the public services and better position the government to improve service delivery. These concepts will be used in accordance with the Determination and Directive on the Usage of Cloud Computing Services.

PART A: DIGITAL SERVICES ATTRIBUTES STANDARDS

9.2. FRONTEND USER INTERFACE DESIGN

9.2.1. The Head of the Department must design digital services or platforms to offer services digitally from start to finish, without personal contact

interaction with officials (except for those with physical or legal restrictions).

9.2.2. The Head of the Department must ensure that digital services are easy to use with user assistance filling (pre-populated business-related data), easily searchable and with common look and feel in accordance with the Policy Guidelines for South African Government websites. The user of digital services should not provide the information repeatedly, 'once-only principle' must be applied.

9.2.3. The Head of the Department must ensure that digital services are designed to be easily discoverable within 4 to 5 clicks from the homepage and viewable by the user without prior login. The list of available digital services should be classified, displayed and any useful information about transactional service should be provided.

9.2.4. The Head of the Department must ensure that digital services are easy to navigate with features that include site search and display steps to allow users to know where they are on the digital platform or website.

9.2.5. The Head of the Department must ensure that the user experience design includes the following:

9.2.5.1. enables a user to keep track of the current status of transactions or the processing of user input,

9.2.5.2. commonly understood terms and language must be used when displaying messages to the user. Departmental terminologies or jargon (words difficult to understand) must be avoided.

9.2.5.3. the system should provide options for the user to 'undo' and 'redo' buttons to correct mistakes and 'exit' options at all stages,

9.2.5.4. where relevant, users must be able to edit, upload files, remove an uploaded file and replace it with another file before submitting,

9.2.5.5. input screens should be designed to prevent errors through automatic validation and guidance,

9.2.5.6. online help and documentation should be provided in handling complex processes, and

9.2.5.7. where relevant, the acknowledgement of receipt must be provided to the applicant.

9.3. **BACK-END RE-ENGINEERING PROCESS**

9.3.1. The Head of the Department must ensure that back-office processes are re-engineered and digitalised to support the objectives of the digital services to achieve a paperless government. Departments should work with SITA for Government-Wide Enterprise Data Analytics to ensure interoperability of different back-end processes of the same or different departments (for data-driven and smart government, improving efficiencies and reducing cost).

9.3.2. The Head of the Department must ensure that all workflows are designed and streamlined to minimize the number of levels of approval and support integrated digital services across the government.

9.3.3. The Head of the Department must ensure that digital services are planned, transparent and designed to meet the precise needs of targeted users. Departments may adopt a design thinking approach for the identification and scoping of digital services.

9.3.4. To reduce duplication and wastage of resources (to avoid fruitless and wasteful expenditure), the Head of the Department must avoid implementing digital services with the same objectives. An alternative mobile application shall be implemented only if the same objectives cannot be met with web-based digital services.

9.3.5. The Head of the Department must ensure that digital services are reviewed on an annual basis to monitor the proper implementation or deployment of digital services attributes.

9.3.6. The Head of the Department must ensure that digital services are prioritised on the analysis of value to government and users aligned to Batho Pele Principles and standards.

9.4. **IDENTITY AND LEGITIMACY OF DIGITAL SERVICES**

9.4.1. To assist the public to identify legitimate government digital services, the Head of the Department must ensure that all digital services platforms follow the Policy Guidelines for South African Government Websites (domain and URLs of the web-based digital services shall be named appropriately).

9.4.2. The Head of the Department must ensure that digital services carry a 'branding' that uniquely identifies them as government digital services in keeping with the ethos of one public service in accordance with the Policy Guidelines for South African Government Websites.

9.4.3. The Head of the Department must ensure that digital services display content or products that are owned by the government department. Where collaboration with other public entities and external stakeholders exists, digital services shall indicate such arrangements or partnerships of the content or products.

9.4.4. The Head of the Department must ensure that digital services do not display commercial advertisements or endorse products and services of private sector organisations.

9.5. **DIGITAL PAYMENT**

9.5.1. The Head of the Department must explore every opportunity to ensure that electronic payment options for transactional services are available and implemented. Information on payment procedures regarding errors, interruptions, refunds and reconciliations in case of a failed transaction shall be communicated. The digital services shall include the payment collection screen, bill information and digital payment type. The digital service payments should be highly secured for all transactional services.

9.5.2. The Head of the Department must ensure that the digital payment options are compatible for a feature and smart devices to allow a simpler digital format for sending transaction instructions.

9.5.3. The Head of Department must ensure digital payments are fully secure and have been assessed by relevant authority.

9.6. **ACCESSIBILITY**

9.6.1. The Head of the Department must ensure that digital services and functionalities are made accessible to all users at any time and shall not have broken links. Digital services must be available 24/7. In an event where digital services will not be available 24/7, users shall be

informed in advance with indicative maintenance period in seconds, minutes and or days (scheduled maintenance).

9.6.2. The digital services shall be designed to be best viewed and adjusted to fit according to the user device's screen resolution, width and orientation without the need for horizontal scrolling. Digital services shall be compatible with the latest versions of commonly used browsers.

9.7. **INCLUSION**

9.7.1. The Head of the Department must ensure that digital services are offered in local official languages dominant to the users (e.g. English and Tsonga, or English and Xhosa).

9.7.2. The Head of the Department must ensure that the design of digital services accommodates people with disabilities and include braille, video and audio formats, users with limited digital skills, population with limited internet connectivity and users without means to consume digital services. Digital services must be designed to have options to capture data offline and upload it later when/where connectivity is available.

9.8. **SCALABLE /APPROPRIATE TECHNOLOGY**

9.8.1. The Head of the Department must explore opportunities to use an appropriate tool or scalable technologies that meet open standards, cloud-based and interoperability capabilities whilst considering operational or business requirements.

9.9. **REUSABILITY**

9.9.1. The Head of the Department must ensure that the design of digital services uses open standards, common government platforms and make new source code open by default while considering security measures as appropriate.

9.9.2. The Head of Department must ensure that systems that have been designed and developed for the public service or developed by public servants are reusable by other departments.

9.10. **MEASUREMENT OF DIGITAL SERVICES**

9.10.1. Considering regulation 36 of the Public Services Regulations (2016) and Chapter two of the Operations Management Framework (2016), the Head of the Department must ensure that public dashboards are developed for the measurement of digital services and should display information on the following aspects, amongst others:

9.10.1.1. Key Performance Indicators (KPIs) should be measured by deriving the data from the applications supporting the digital services;

9.10.1.2. Number of digital transactions delivered in a given period as against the potential number of transactions for that service on a monthly basis or quarterly basis;

9.10.1.3. Distribution of digital transactions across different geographies;

9.10.1.4. Degree of coverage of the users located in urban and remote areas, including age and gender;

9.10.1.5. Performance of the various organizational units of the department, in delivering digital services;

9.10.1.6. Performance of the digital service in terms of the output KPIs versus target;

9.10.1.7. Highlighting the services/ geographies/ organisational units needing special attention;

9.10.1.8. Digital services not performing well;

9.10.1.9. Geographies and/ or organisational units not performing well; and

9.10.1.10. Root cause analysis of the under-performance of digital services.

9.10.1.11. Conduct a user surveys or comments for digital services to measure the level of satisfaction and users experience purposes.

9.10.1.12. Digital services dashboard must embrace and accommodate complaints from the users/clients.

9.11. **INFORMATION SECURITY AND PRIVACY**

9.11.1. The Head of the Department must ensure that digital services attributes comply with the provisions of the Public Service

Information Security Standards, Minimum Information Security Standards (MISS) and Protection of Personal Information Act, 2013. The implementation of digital services must protect sensitive information and keep data secure.

9.12. **INSTITUTIONAL MECHANISM**

9.12.1. The Head of the Department must ensure that the ICT Steering Committee established in terms of Public Service Corporate Governance of ICT Policy Framework coordinates, monitors and reports on the implementation of Digital Services.

9.12.2. The Head of the Department shall provide an annual report on the implementation of Digital Services Attributes to the Department of Public Service and Administration before the end of the first quarter of every financial year. The report should provide progress, a planned schedule, and recommended contingency measures for risk mitigation where necessary aligned to the dashboard report contemplated in clause 9.10.

PART B: EXISTING E-SERVICES

9.13. **LEVERAGING EXISTING INFORMATION TECHNOLOGY (IT) INVESTMENTS ON ADMINISTRATIVE PROCESSES**

9.13.1. The Head of the Department shall ensure that existing departmental IT investments are fully utilised to digitise administrative processes that are not within the ambit of Integrated Financial Management

System (IFMS) within three (3) years. The list of core administrative processes has been attached as ***Annexure A***.

9.13.2. In the interest of assessing progress towards digitisation of internal operations, the Head of the Department must identify administrative processes and document the following:

9.13.2.1. name of digital solution or processes,

9.13.2.2. current digital maturity (see ***Annexure B*** for maturity rating),

9.13.2.3. name of technologies used (If at maturity level 1 or above),

9.13.2.4. satisfaction level with the solution (If at maturity level 1 or above),

9.13.2.5. The estimated annual volumes of services, and

9.13.2.6. name of proposed digital solution and targeted financial year for digitisation if not currently digitalised.

9.13.3. The Head of the Department shall ensure that any administrative processes digitalized must have the ability to integrate or interface with IFMS should the service touch on processes administered as systems of record on IFMS or migrate to IFMS if the service is fully digitalized and available. This provision should be carefully read with Treasury Practice Note 7 of 2006 in relation to new IT systems.

9.13.4. The DPSA shall monitor the progress of digitisation and publish a report annually.

9.14. **ADVANCED ELECTRONIC SIGNATURE**

9.14.1. In line with section 13 of the ECT Act, only in cases where the applicable law to an administrative process requires documents to be signed, but does not specify the form of signature, Advanced Electronic Signature (AES) shall be used to sign such documents.

9.14.2. Where the applicable law does not mandate the signing of documents, any Class of Digital Signature as provided for in the DPSA Digital Signature Guidelines can be used to sign these

documents if a Departmental policy requires the signing of the said documents.

9.14.3. The Head of the Department must provide the category of documents signed through electronic signature.

9.14.4. The Head of the Department must ensure that the electronic signature complies with clause 27 of the Public Service Information Security Standards.

9.15. **E-SERVICE CATALOGUE**

9.15.1. The Head of the Department shall ensure that the department has a list of public-facing services already digitised for public use and a list of candidate public-facing services to be digitised.

9.15.2. The list should indicate if the service is a new e-Service or redesigned e-Services for enhancement.

9.15.3. The Head of the Department shall ensure that the list is submitted for inclusion in the service catalogue that is published on the National e-Services Portal.

9.15.4. The departmental e-Service catalogue shall be updated annually.

9.16. **FORMS REQUIRED TO BE DIGITISED**

9.16.1. The Head of the Department shall ensure that any paper-based form that is related to serving the public is made available and submitted in an electronic format.

9.16.2. If the Head of the Department cannot make forms available in an electronic format, the Head of the Department shall document–

I. the title of the in-person public service, form, or paper-based process;

II. a description of the in-person public service, form, or paper-based process;

III. each unit responsible for the in-person public service, form, or paper-based process and the location of each unit in the organisational hierarchy of the department;

IV. any reasons why the in-person public service, form, or paper-based process cannot be made available in electronic format;

V. any potential solutions that could allow the in-person public service, form, or paper-based process to be made available under this section, including the implementation of existing technologies, procedural changes, regulatory changes, and legislative changes;

VI. the information should be submitted annually to the Department of Public Service and Administration through an automated platform to be provided.

9.17. **CATEGORISATION OF E-SERVICES**

9.17.1. The Head of the Department must ensure that electronic services are classified as per service areas in accordance with the National e-Services Portal with categories of services available at https://www.eservices.gov.za/ (Categories also attached as ***Annexure C***).

9.17.2. The Head of the Department must ensure that e-Services are published on the National e-Services Portal for citizens to access through a seamless view of one South African Government, with a single sign-on for accessing e-Services.

9.18. **REPORTING**

9.18.1. The Head of the Department shall report annually on the progress made towards the implementation of e-Services before the end of every financial year. The scope of the reporting shall include the following:

9.18.1.1. status of administrative processes contemplated in clause 9.13;

9.18.1.2. category of documents signed electronically contemplated in clause 9.14

9.18.1.3. status on e-Service catalogue contemplated in clause 9.15

9.18.1.4. status on forms to be digitized contemplated in clause 9.16;

9.18.1.5. status on categorization of e-Services contemplated in clause 9.17

9.18.1.6. information on processes that are initiated by citizens directly through digital channels such as desktop or mobile browsers, chatbots or mobile apps. Examples of such processes include applications for licenses, grants and services; booking of an appointment; submission of an appeal, query or complaint; updating of information.

9.18.2. The Head of the Department shall further specify:

9.18.2.1. The name and description of an e-Service,

9.18.2.2. The current level of digital maturity of the process based on the maturity model presented in ***Annexure B,***

9.18.2.3. The estimated annual volumes of services,

9.18.2.4. If the service is at maturity level 1 or above, the department shall further report on: the URL to access the e-Service, the solution implemented and the satisfaction level with the solution, and

9.18.2.5. The targeted financial year for digitisation if not currently digitized.

9.18.3. The Head of the Department shall develop and submit a departmental roadmap or plan to achieve level 1 maturity or above level 1 for all citizen-facing e-Services within 5 years.

9.18.4. The department of public service shall develop a system for public service departments to report electronically on an annual basis. Public service departments will have to report on that system.

APPROVED BY THE MINISTER FOR PUBLIC SERVICE AND ADMINISTRATION

MS N KIVIET, MP
MINISTER FOR THE PUBLIC SERVICE AND ADMINISTRATION
DATE:

ANNEXURE A: CORE ADMINISTRATIVE PROCESSES

The list of processes, grouped by function, that are common across all government departments to be digitised:

- General (Not within the scope of IFMS)
  - Memos (Procurement and General)
  - Management of Correspondences and DG Tasks
  - Parliamentary Questions
  - Document signing (e.g. Letters, contracts, Circulars, Policies, Practice Notes, etc...)
  - Committees and Meetings Management including distribution of meeting docs
    - Agenda
    - Minutes
    - Attendance Register
  - Recording and tracking of committee resolutions

- HRM (Within the scope of IFMS)
  - Leave Management
  - Recruitment (Requisition and Approvals)
  - Recruitment (Online Job Advertisement and Applications)
  - Performance Management and Development System (PMDS)
  - Application for bursary
  - Application for short courses/workshops
  - Request for housing allowance
  - Job Evaluation
  - Job description
  - Request for Overtime
  - Application for temporary incapacity leave less than 30 days
  - Application for temporary incapacity leave more than 30 days
  - Occupational Injury on Duty
  - Occupational Disease
  - MMS/SMS Package structuring
  - Notice of new appointments/transfers/terminations
  - Grievance form

- SCM (Within IFMS)
  - Contract Management
  - Quotation Management
  - Bid Management
  - Asset Tracking & Management
  - Asset Acquisition Plan
  - Log 1 request form
  - SC1/12 request for goods and services
  - Request for stationary (Internal)

- Application for Transport/Travel and hotel accommodation (VA26A)
- Application for GG vehicle
- Application for access control card
- Application for Parking

- Financial (Within IFMS)
  - Tracking of Sundry Payments
  - Tracking of Supplier Payment
  - Subsistence and Travel Claims
  - Budget Planning and Plans
  - Fund shift request form
  - BAS Payment Advice
  - Bas Payment advise allocation sheet
  - Petty Cash request

- Strategy, Planning, Monitoring and Evaluation
  - Monitoring and Evaluation - Reporting against APP and Ops Plan
- ICT
  - ICT Request form including software and hardware
  - PAIA request
  - Application for Cellular Phone
  - Request for IT Requisition
  - Application for access to network/internet/email
  - Asset removal form (General)
  - Asset removal form (IT)
  - Declaration form
  - Records Management
  - File request form general/HR/finance
  - Application for courier services

- Security Management
  - Security and Facilities
  - Declaration of Secrecy
  - Vetting forms
- Governance, Risk and Compliance
  - Risk Register
  - Audit Planning
  - Compliance matrix

ANNEXURE B: DIGITAL MATURITY RATING

A digital maturity assessment programme and capability are necessary to ensure that there is a meaningful and consistent measurement of compliance with digitisation imperatives as mandated in the Directive.

There are many frameworks that seek to help assess digital maturity such as BCG's Digital Acceleration Index, Deloitte Digital Maturity Model (see), and many others. These models can be complex and difficult to apply uniformly. Below is the recommended Maturity Assessment to simplify measurement.

Level	Name	Description & Criteria
0	Not digitised	The process is not digitised and still relies on paper forms and documents
1	Partially digitised	The process is partially digitised in that it uses a system to facilitate some or part of the process but has further room for improvement. For example, the process still requires some or all of the following: • Physical supporting documents, and • Signing of physical documents.
2	Digitised 'as-is'	The process is managed digitally end-to-end, but still has significant scope for enhancement through further application of technology. Features of this type of maturity: • Have mostly taken the 'as-is' manual process and simply converted it to run on a digital platform (e.g. eForms), • Requires manual re-keying from, or into, other systems, • Some tasks performed on the system could be further automated away by imbuing the system with additional intelligence.
3	Fully digitised	The process is enhanced to embrace AI, Cloud, Cyber Security and Data analytics capabilities and offerings. • Process provides digital and streamlined online services.

ANNEXURE C: 16 CATEGORIES OF SERVICES

Category	Sub Category	Service areas
1. Birth and parenting	Birth and pregnancy	Prenatal care
		About doing a pregnancy test
		Paternity test
		Register birth
		Postnatal care
		Terminate pregnancy
		Child immunisation
	Relationships	Marriage
		Domestic violence
	Children	Child care
		Adopt a child
		Child maintenance
2. Health	Health care	Health care in South Africa
		Get an assistive device (wheelchairs, etc.)
		Admission to a mental health institution
	Disabled Assistance	Disability grant
		Get an assistive device (wheelchairs, etc.)
	Nursing schools/Colleges	Free State School of Nursing
	Rehabilitation Services	
3. Education	Basic Education	Remark / Recheck
		Re-issue
		Registration
		Funza Lushaka Bursary
		Funza Lushaka Bursary Backend
	Higher Education	DHET Exam Queries
		National Online Learning System (NOLS)
		TVET Colleges Dashboard
		TVET Colleges Mashzone Dashboard
		TVET Colleges Services
	Education and training bodies	
		Learning and Teaching Support Material (LTSM)
		SACE Professional Registration
	Nursing schools/Colleges	Free State School of Nursing
	Agro Processing	Agro-Industry (HOVER)

4. Agriculture and land	Land Services	
	Agriculture, land reform, and rural development	Agricultural Research Council (ARC-LNR)
		Deeds Registration
		Land Bank
		National Agricultural Marketing Council (NAMC)
		Agricultural Produce Agents Council (APAC)
		Onderstepoort Biological Products (OBP)
		Perishable Products Export Control Board (PPECB)
		South African Veterinary Council
5. Arts, Culture & Sport		Application for funding of Mzanzi Golden Economy (MGE) grant. (Backend) (HOVER)
		Application for funding of Mzanzi Golden Economy (MGE) grant. (Frontend) (HOVER)
		South African Heritage Resource Agency Contracts Management System (HOVER)
6. Business & Economic activity	Register business or organisation	Register private higher education institution
		Register as a community-based caregiver for older persons
		Register medical aid scheme
		Register fire protection association
		Register old age home
		Register a non-profit company
		Register financial services cooperative
		Register your company
		Private Employment Agency (PEA)
		Licenses for Business
	Change registration	
		Change information for your business
		Convert a close corporation to a company
	Small Business Development Agencies	Small Enterprise Finance Agency (SEFA)
		Small Enterprise Development Agency (SEDA)
		DSBD Applicant

	Business Incentives	DSBD IMS Official
		Clothing and Textile Competitiveness Programme (CTCP)
		Critical Infrastructure Programme (CIP)
		Technology and Human Resources for Industry Programme (THRIP)
		Capital Projects Feasibility Programme (CPFP)
		Film and television incentives
		Export Marketing and Investment Assistance Scheme (EMIA)
		Isivande Women's Fund
		Production incentives (PI)
		Section 12i Tax Allowance Incentive (12i TAI)
		Sector Specific Assistance Scheme (SSAS)
		Tourism Support Programme (TSP)
		Co-operative Incentive Scheme (CIS)
		Automotive Investment Scheme (AIS)
		Black Business Supplier Development Programme (BBSDP)
		Business Process Services (BPS) Incentive
		Aquaculture Development and Enhancement Programme
		Manufacturing Investment Programme (MIP)
		Support Programme for Industrial Innovation (SPII)
	Deregister business	Deregister or liquidate company or CC
	Tax	Company income tax
		VAT
		Custom duties
	Intellectual property	Register a trade mark
		Register copyright
		Register a design
		Register a patent
	Communication	Apply for a community broadcasting service licence
		Apply for a low-power sound broadcasting service licence

		Apply for a licence for an unreserved postal service
		Apply for a reserved postal service licence
		Apply for a commercial broadcasting licence
	Driving and transport	Register as a driving instructor
		Register a motor vehicle testing station
		Register as a vehicle manufacturer, importer or builder
		Apply for a motor trade number and permit
7. Consumer Protection	Consumer complaints	Free State Department of Economic, Small Business Development, Tourism and Environmental Affairs
		KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs
	Consumer laws	
	Ombudspersons	
8. Citizenship and immigration	Citizenship	Personal identification
		Voting
	Information from government	National Automated Archival Information Retrieval System
		Access to information
	Travel outside SA	Apply for a passport or travel document
		Legalising official documents and end-user certificates
		Apply for a Police Clearance Certificate (PCC)
		Advice to South Africans in the event of death abroad
		Advice for South African nationals travelling abroad
		Register South Africans abroad
		Consular services
		Advice to South Africans in the event of arrest abroad
	Temporary residence	Asylum seeker and refugee permits
		Apply for a visa

		Temporary residency
	Permanent residence	Apply for SA citizenship
		Apply for a permanent residency permit
	Driving	Convert foreign driving licence
		Apply for a traffic register number
9. Employment and labour	World of work	Recruitment Citizen
		Recruitment Official
		Professional registration
		Tax
		Employee rights
		Compensation Fund
		UIF
	Employment and Labour Services	Employment Services of South Africa (ESSA)
		eCOID-Compensation Made Easy
		ROE Online
		UIF Online Services (Ufiling)
		UIF e-Compliance Certificate
		UIF Covid-19 TERS National Disaster Applications System
		National Minimum Wage (Exemption)
	Labour	International/Cross-Border Labour Migration (ICBLM)
		Labour Relations
		Trade unions
		Compensation fund
		UIF
10. Environment	Environmental Permits	Department of Forestry, Fisheries and the Environment
		Eastern Cape Department of Economic Development, Environmental Affairs and Tourism
		Limpopo economic development, environment and Tourism
		Free State Economic, Small Business Development, Tourism and Environmental Affairs
	forestry, fisheries, and the environment	National Environmental Screening Tool
		South African Greenhouse Gas Emissions Reporting System (SAGERS)
		Environmental Assessment Practitioners Association of South Africa (EAPASA)
		South African National Biodiversity Institute (SANBI)
		South African Weather Services

		South African National Parks (SANParks)
		iSimangaliso Wetland Park
		Register of Protected Areas (PAR)
11. Money and Tax	Tax	Banking
		Using cash
		Loans and borrowing
		Individuals
	Property and investments	Business and Employers
		Tax practitioners
12. Legal & defence	Dealing with the law	Custom duties
		Property in South Africa
		Stock exchange
		Report crime
	The Master of the High Court	The Guardian's Fund
		Administration of Trusts
		Deceased Estates
		Insolvency Matters
		Wills and Intestate Succession
	Justice	The South African Judiciary
		National Director of Public Prosecution
		Law Society of South Africa
		South African Board for Sheriffs
	Chapter 9 Institutions	SA Human Rights Commission
		Public Protector South Africa
		Commission on Gender Equality
		Special Investigating Unit
	Stay safe	Legal matters
		Firearms
		Victim empowerment
13. Housing & local services		
14. Transport	Driving	Driving licence
	Road Services - Natis online services	Request a slot
		Book now for a Learners' licence test
		Book now for a driving licence test
		Book now for a PrPD application
		Book now for a new driving licence card
		Renew motor vehicle licence
		Report a motor vehicle crash (damage only)
	Taxi relief fund	Register and new application

		Taxi relief fund status check
	Maritime Services	Ship registry
		Sea-watch and response
		Shipping Safety
		Seafarer service
		Fishing Service
		Small Vessels Safety
		Naval Architecture
	Aviation Services	Personnel licensing
		Operator Licensing
		Aircraft Registration
		Aircraft Airworthiness
		Voluntary Aerodrome Register
15. Social services	Social benefits	International social services
		Old age pension
		Child support grant
		Social relief of distress
		Care dependency grant
		Rehabilitation Services: Grant in aid
		Foster child grant
16. Retirement & death	Retirement and old age	Apply for admission to older persons' residential facilities
		Rehab (hover)
		War veterans grant
		Apply for admission to older persons' residential facilities
		Register as a community-based caregiver for older persons
	Certification	Old age pension
		War veterans grant
		Register as a caregiver for older persons
		Registering a death

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DEPARTMENT OF PUBLIC SERVICE AND ADMINISTRATION

NOTICE 2728 OF 2024

PUBLIC SERVICE ACT, 1994 (PROCLAMATION NO.103 OF 1994)

DRAFT DIGITAL GOVERNMENT POLICY FRAMEWORK

The draft Digital Government Policy Framework is made available for public comment.

The Draft Digital Government Policy Framework proposes to provide guiding principles to identify and develop policies required to transform the public service using digital technologies.

Electronic copies of the draft Policy Framework may be obtained from the DPSA website: www.dpsa.gov.za.

All interested persons and stakeholders are invited to submit written comments on the Draft Digital Government Policy Framework, within 30 working days from the date of publication of this notice by-

a) Emailing comments to: NtsimaneN@dpsa.gov.za or Tshifhiwa.Mudau@dpsa.gov.za

b) Posting comments to:

Director-General
Department of Public Service and Administration
Attention: e-Services Directorate
Private Bag X916
Pretoria
0001

Kindly provide the name, address, telephone, and email address of the person or the organisation submitting the comments.



DRAFT DIGITAL GOVERNMENT POLICY FRAMEWORK

MAY 2024

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Contents

1 INTRODUCTION 4
2 BACKGROUND 5
3 THE CONCEPT OF DIGITAL GOVERNMENT 6
4 PROBLEM STATEMENT 7
5 LEGISLATIVE FRAMEWORK 9
5.1 Policy documents 9
5.2 Legislation 10
5.3 Other legislation related to digital government. 11
6 PURPOSE 11
7 OBJECTIVES 12
8 EXPECTED OUTCOMES 12
9 INTERNATIONAL COMPARITIVE ANALYSIS 13
9.1 Estonia 13
9.2 Spain 13
9.3 Rwanda 14
9.4 Mauritius 14
10 DIGITAL GOVERNMENT GOOD PRACTICE AND STANDARDS 15
10.1 OECD Digital Government Policy Framework 15
The following is the summary of these dimensions: 16
10.1.1 Dimension 1: Digital by design 16
10.1.2 Dimension 2: Data-driven 16
10.1.3 Dimension 3: Digital Government as a platform 16
10.1.4 Dimension 4: Open by default 17
10.1.5 Dimension 5: User Driven 17
10.1.6 Dimension 6: Proactiveness 17
11 POLICY DOMAINS 18
11.1 Background on policy development 18
11.2 Digital Government Policy domains 19
11.2.1 Improvement of service delivery 19
11.2.2 Open government and citizen engagement 20
11.2.3 Leadership and coordination 22
11.2.4 Institutional /department Governance 23
11.2.5 Data governance 23

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

11.2.6 Institutional arrangement 24
11.2.7 Legislation and policy 24
11.2.8 Procurement 24
11.2.9 Funding 25
11.2.10 Digital skills development 25
11.2.11 Identity Management 26
11.2.12 Modernise digital technologies. 27

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1 INTRODUCTION

Digital transformation has widespread and complex effects across the economy and society. It impacts many policy domains and makes trade-offs between public policy objectives more difficult to navigate. For example, digital technologies played an indispensable role in holding civil society together as the COVID-19 pandemic emerged, supporting the provision of basic public services and fundamental services in the health, education, and safety and security sectors as in-person access to such services grew increasingly limited. The pandemic has amplified the importance of e-government and digital technologies as essential tools for communication and collaboration between policy makers, the private sector, and societies across the globe.

In South Africa, the Department of Health created an online COVID-19 information centre which shared data on COVID-19 monitoring board, provincial viewer, survey and data submissions and a platform for provinces to share different documents. The Department created a COVID Alert SA app to complement and strengthen the existing methods as a powerful tool to enable the instant notification of contacts following a positive test. The South African case is an example of how digital technologies were used to curb the spread of COVID-19

The advances in digital technology in recent years have created a wealth of opportunities for policy makers. With more and better data available about the world around us and dramatic improvements in connectivity and communication, policy should be better informed, more rigorously tested, more collaborative, and more responsive to external events and to the views and experiences of those it affects than ever before[1].

The National Development Plan (NDP), 2030, identified the following policy instability concern, namely that "A capable and developmental state requires leadership, sound policies, skilled managers and workers, clear lines of accountability, appropriate systems as well as consistent and fair applications of rules"[2].

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[1] policy-making-digital-world.pdf (instituteforgovernment.org.uk)
[2] https://www.gov.za/sites/default/files/gcis_document/202101/national-policy-development-framework-2020.pdf

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Therefore, this Digital Government Policy Framework (DGPF) is meant for government to develop policies that will help address the challenges and opportunities that the digital technologies bring, but also to address the policy instability raised in the National Development Plan within the context of digital transformation. The existing digital transformation related policies are dated and do not provide for the advancement in digital technology sufficiently. The DGPF will help government to identify key determinants for effective design and implementation of strategic approaches for the transition towards digital maturity in a coherent manner.

2 BACKGROUND

Since the dawn of democracy, the South African government has tenaciously led the country towards achieving socio-economic and political transformation as one broad outcome that reflects the new democratic political dispensation instead of the old racially skewed apartheid regime. This broad transformation agenda found expression through numerous policies and legislation, amongst other mechanisms.

Based on the National Development Plan (NDP) target 2030, Information Communication Technology (ICT) is expected to underpin the development of an inclusive dynamic information society and knowledge economy by developing a comprehensive and integrated e-strategy that reflects the cross-cutting nature of ICT. The current Fourth Industrial Revolution (4IR) era, epitomized by the pervasiveness of technology, has an opportunity to resuscitate the challenges of fear of transformation, poor coordination at various levels of government, poor alignment between technology and government goals, and others that faced the public service at the dawn of democracy.

In 2018, the President established a Fourth Industrial Revolution Commission (PC4IR) to identify possible challenges and opportunities that can advance transformation of the State to leverage digital technologies introduced in this era. The commission published a report in 2020 which recommended that the government should Invest in Human Capital, Establish an Artificial Intelligence Institute, Establish a Platform for Advanced Manufacturing and New Materials, Secure and avail data to ensure innovation, Incentivise future industries, platforms, and applications for 4IR technologies; Build 4IR infrastructure; Review and amend policy and legislation; and Establish 4IR Strategy implementation Coordination Council in the Presidency.

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In addition, after assessing the phenomenon of 4IR, the National Planning Commission Report 2020 recommended that the South African government develop a transversal digital policy far more comprehensive than one focusing on Artificial Intelligence (AI), machine learning, blockchain and drones (although these would be important forward-looking parts)[1]. Digital Government can play a fundamental role in inculcating pathways for structural inclusion, building effective, accountable institutions to support the National Development Plan (NDP)[2] and achieving service delivery that responds to Sustainable Development Goals (SDGs)[3].

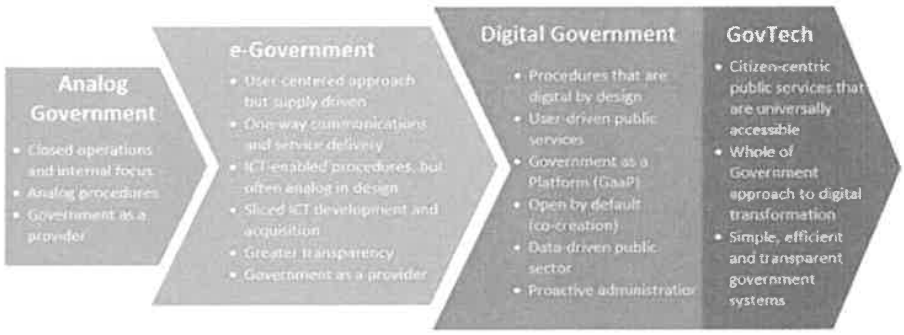
3 THE CONCEPT OF DIGITAL GOVERNMENT

The Digital Government is defined as "the use of digital technologies, as an integrated part of governments' modernisation strategies, to create public value", according to the Organisation for Economic Cooperation and Development (OECD) Recommendation of the Council on Digital Government Strategies[3]. Gartner states, "Digital government is designed and operated to take advantage of digital data and technology to create, optimise and transform digital government services"[4]. Digital Government is a maturity in modern technology from the analogue procedures and systems.

The world bank has extended the OECD definition and come with the next step from digital government called GovTech. GovTech is a whole-of-government approach to public sector modernization and promotes simple, efficient, and transparent government with the citizen at the centre of reforms[5]. The diagram below shows the maturity of government from Analogue to GovTech.

[3] https://www.pwc.com/m1/en/publications/documents/the-journey-to-digital-government-part-one.pdf
[4] www.gartner.com/en/topics/digital-government
[5] https://www.worldbank.org/en/programs/govtech/priority-themes

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Source: World Bank; extending the OECD's presentation of digital transformation in Digital Government Studies (2019)

Figure 1: World Bank Digitech Model

Therefore, a digital government must focus on modernizing and integrating government management systems and public services to improve good governance and deliver public services that meet the needs of the people in a just, equitable, effective, transparent, accountable, and inclusive manner.

The DGPF takes into consideration the current level of maturity of government and thus focuses on the combination of characteristics of Digital Government and GovTech. Therefore, the definition of the path to take to transform government digitally should be based on the understanding of its level of its digital maturity.

4 PROBLEM STATEMENT

The DPSA conducted a Digital Government Maturity Assessment in 2018 whose aims was to find the existing and successful digitalisation practices; find missing aspects; and then set up an informed roadmap for government to be fully digital, found the public service's readiness towards to become digitally matured. The assessment was based on the Gartner Digital Government Maturity Model[6].

[6] https://www.gartner.com/document/4007248

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The following summary is the results of the assessment of the current state of readiness of the public service:

a. Service delivery models stay misaligned with the citizens' dynamic demands for public services. This includes public services designed and provided without citizens' input (non-adherence to Batho Pele principles).

b. Functions and tasks are not arranged sequentially, with associated business processes being manual, paper-based and disintegrated within departments and the public service. Furthermore, processes are not mapped, timed (measured) and are without process owners to ensure accountability for their continuous improvement.

c. Business operating hours combined with the location of service delivery points still largely decide access to public services by the citizens as they must come to these service points even for information physically.

d. Leadership involvement (political, executive, and senior management) is not effectively coordinated. The Corporate Governance of ICT Policy Framework (CGICTPF) is not implemented effectively. This results in failure to follow the ICT norms and standards when implementing projects. In the unlikely event of their involvement, decisions usually are left at the hands of a Government Information Technology Officer (GITO) or Chief Information Officer (CIO) exclusively, thus leading to weak or inadequate leadership sponsors.

e. Most of the core ICT systems are dated and non-interoperable and underlying hardware is obsolete, thus leading to systems unavailability and service outages. The inadequate or poor ICT connectivity capacity (bandwidth), to service delivery points, is another challenge facing the public service ICT environment.

f. There are clear instances of inadequate tools of trade leading to ineffective execution of work by public servants. In cases where they are available, they are seldom not fit for purpose nor available across the public service. Inspection services and or community-based workers across the public service glaringly depict the situation.

g. There is an increase in cyber security incidents accompanied by unauthorised disclosure of citizens' data, which is likely to continue, given the criticality of data in this

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digital era. This situation has the potential to negatively affect the use of online public services owing to trust issues.

h. Data collection, storage and management remain disparate across the public service as departments hardly share "their" big data, thus translating to duplicate citizens' identities and an inability to provide public services in an integrated manner. Furthermore, there is the inadequate use of business intelligence tools to perform data analytics, leading to limited insight by the public service into the specific circumstances surrounding the citizens' needs; and

i. The current financial allocations for ICT expenditure are done per department and this is understandable because each head of department has a legal mandate to implement ICTs in their respective departments. However, the shortage of skills capacity in the departments leads no return of investment.

5 LEGISLATIVE FRAMEWORK

This DGPF is part of the broader programme of digitally transforming the public service, with various departments playing crucial roles owing to their mandates emanating from their respective pieces of legislation. Below is the summary of digital government related mandates for the various departments and agencies.

5.1 Policy documents

a) National Integrated ICT Policy White Paper of 2016: The white paper identified the following three pillars to achieve a Digital Society:

i. Digital transformation of Government aims to fulfil the Government's development objectives and increase efficiency across the public service. Digitisation of public services will drive up demand for Internet access and boost growth in e-commerce and other sectors.

ii. Digital access focuses on ensuring all citizens can actively participate in the digital society and realise the potential of ICTs to improve their quality of life (including e-skilling, development of digital identity verification systems and promoting trust and security) and

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iii. Digital inclusion intends to ensure that no South African citizen is excluded from the benefits of a digital economy and knowledge society.

b) Electronic Government. The Digital Future: A Public Service IT Policy Framework February 2001: The Policy Framework identified four (4) focus areas that underpin the success of e-government initiatives:

i. Interoperability of systems is intended to "talk" to each other to allow automatic sharing and exchange of information and seamless government transactions.

ii. Information Technology Security for Government operates in an environment where information and IT systems are protected from cyber-attacks.

iii. Economies-Of-Scale is where the government must leverage its IT buying muscle to encourage compliance with other key IT focus areas.

iv. Eliminate duplication by the Government to abolish unnecessary duplication of similar IT functions, projects, and resources.

c) White Paper on Transforming Public Service Delivery (Batho Pele) of 1997: The paper provides a policy framework and practical implementation strategy for transforming public service delivery. The white paper defines executive authorities' approach when delivering services. The process is described in the eight (8) Batho Pele principles.

5.2 Legislation

a) Constitution of the Republic of South Africa, 1996 (Act 108 of 1996):

Chapter 10 S195 (1) provides that public administration must be governed by the democratic values and principles enshrined in the Constitution, including the following principles:

(b) Efficient, economical, and effective use of resources must be promoted.

(e) People's needs must be responded to, and the public must be encouraged to participate in policymaking.

b) Public Service Amendment Act, 2007 (Act 30 of 2007): The Act provides for the Minister for the Public Service and Administration to establish norms and standards

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for Information Management in the public service, electronic Government and transformation, reform, innovation, and any other matter to improve the effectiveness and efficiency of the public service and it service delivery to the public.

c) Public Administration Management Act, 2014 (Act 11 of 2014): Regulates the use of information and communication technologies in the public administration to procure ICT cost-effectively, ensure interoperability, eliminate duplication, enhance service delivery, and promote access to public services.

d) Electronic Communications Transaction Act, 2002 (Act 25 of 2002) Provides that as part of developing the national e-strategy, DCDT must determine all matters related to e-government services in consultation with the Minister for Public Service and Administration. The Act further provides that the e-strategy must outline the strategies and programmes for universal access.

e) State Information Technology Agency Act states that SITA may provide or maintain a private telecommunication network or a value-added network service in accordance with the Telecommunications Act, 1996 (Act No. 103 of 1996), provide or maintain transversal information systems, and provide data-processing or associated services for transversal information systems. SITA may also support departments implementing ICT infrastructure and Information Systems.

5.3 Other legislation related to digital government.

a) Public Finance Management Act, 1999 (Act 1 of 1999).

b) Protection of Personal Information, 2013 (Act 4 of 2013).

c) Cyber-Security Act, 2020 (Act 19 of 2020).

6 PURPOSE

The purpose of the DGPF is to provide guiding principles to identify and develop policies required to transform the public service using digital technologies. The DGPF will lead to a comprehensive and coherent approach to leverage digital technologies to deliver public services, improve the

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efficiency and effectiveness of government operations, and foster a citizen-centric approach to governance. The DGPF also establishes a digital-first mindset across all government departments and government agencies, promotes collaboration and coordination among government entities, and ensure digital initiatives align with the government's overall strategic objectives.

7 OBJECTIVES

The objectives of the DGPF can be summarized as follows:

a. To establish and institutionalize the required governance mechanism for the digital transformation of the public service.
b. To entrench the roles and responsibilities to improve coordination towards the realization of an effective digital government programme.
c. To identify the required norms and standards that can help or support departments in their digital transformation journey.
d. To identify key technology interventions necessary to support the digital transformation of the public service; and
e. To give direction to departments on the key focus areas and pertinent matters they must address for them, and by extension the entire public service, to transform digitally. This is to ultimately ensure improved service delivery to the Citizens.

8 EXPECTED OUTCOMES

The successful implementation of the DGPF will result in government delivering services optimally, based on evidence and using innovative ideas. Consequently, government will realise the following:

a. Enhance citizen access to digital services: Develop and implement digital services that are accessible to all citizens, regardless of location or socio-economic status.

b. Improve efficiency and effectiveness of government operations: Streamline government processes by digital tools and technologies, reducing administrative burden and freeing up resources for other priority areas.

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c. Ensure security and privacy of citizen data: Establish comprehensive policies and guidelines for data security and privacy and ensure compliance with relevant legislation and regulations.

d. Foster innovation and digital skills development: Encourage the adoption of emerging technologies and cultivate a culture of innovation within the public sector. Develop the necessary digital skills among government employees to support the implementation of digital services.

e. Enhance transparency and accountability: Utilize digital tools and technologies to improve transparency in government operations and facilitate citizen engagement and participation in decision-making processes.

9 INTERNATIONAL COMPARITIVE ANALYSIS

Internationally, countries are grappling with the transformation of their government using digital technologies but some including the following have made strides in that regard and offer examples that South Africa can learn from. These include the following:

9.1 Estonia

Estonia has a government-wide platform known as the X-Road which supports data sharing across public and private sector organizations and enterprises. The platform ensures the secure delivery of services to citizens and companies through access to databases, the creation and transmission of large datasets, and online searches. Digital identification mechanisms combined with a high-level log processing systems, encrypted data transfers as well as multi-level authorisation ensures security of the government platform. Thus far, the platform has adequately addressed the challenges associated with data ownership as it allows participating institutions to retain ownership of their data owing to the system's decentralized nature but allows them to share data or access data of other institutions when required or necessary.

9.2 Spain

The Spanish parliament passed Law 11/2007 enshrining people's right to communicate with the public service administration online. While the law formed the basis for Spain's e-government programme, it has numerous provisions to promote "the right to communicate digitally with the public sector" including the following:

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a. Guaranteed digital service provision, whereby public administration bodies ensure that all government transactions and services are fully available and updated online.

b. Right to choose among available service channels when communicating with public authorities with public administrators being required to provide both analogue and digital communication and service processes as requested by citizens; and

c. The right to equal access to public online services including by those citizens using non-electronic forms of communication and services.

Spain has ensured that additional laws and royal decrees have been passed to promote ongoing digitalization across all areas of government.

9.3 Rwanda

According to the International Telecommunication Union (ITU), the Rwanda's capital, Kigali, took several leaps forward in digital development, underlining the rapid momentum of the East African country. Rwanda launched the Rwanda Innovation Fund (RIF) to support disruptive and innovative companies that offer solutions to the region's challenges, through a public-private partnership between the government and investment manager Angaza Capital. The Swedish investment fund Norskie Foundation is expected to host 1,000 entrepreneurs in its first year of activity.

Rwanda's Irembo, a globally recognized e-government portal, offers over 100 government services to citizens. It streamlines access to essential services, demonstrating the positive impact of digital government on economic growth.

9.4 Mauritius

Currently ranked as number one in Africa on the global e-Government Development Index, Mauritius has a clear digital transformation strategy with a focus on the following key areas:

a. Digital government.
b. ICT Infrastructure.
c. Innovation.
d. Cyber security; and
e. Talent Management.

It is important to highlight that each of these focus areas had numerous specific and supporting targets, initiatives, activities, and deliverables.

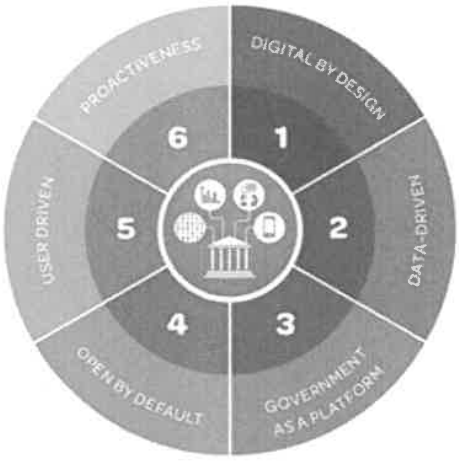
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10 DIGITAL GOVERNMENT GOOD PRACTICE AND STANDARDS

A few internationally recognised frameworks and standards on digital government such as the OECD Digital Government Policy Framework[7] which provides six (6) dimensions that define digital government and the World Bank's GovTech[8] four (4) focus areas in different projects, assessments, and policy dialogue to achieve digital government were references to identify policy domains required. The OECD provides a comprehensive framework which encapsulates the focus areas of the World Bank.

10.1 OECD Digital Government Policy Framework

The OECD framework is a policy instrument designed to help governments identify key determinants for effective design and implementation of strategic approaches for the transition towards digital maturity of their public sectors. The following figure depicts the dimensions of the OECD framework.



Source: Based on the OECD Recommendation of the Council on Digital Government Strategies (OECD, 2014[7]).

Figure 3: Six dimensions of the Digital Government Policy Framework

[7] https://www.oecd.org/governance/the-oecd-digital-government-policy-framework-f64fed2a-en.htm
[8] https://www.worldbank.org/en/programs/govtech

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The following is the summary of these dimensions:

10.1.1 Dimension 1: Digital by design

Government govern and leverage digital technologies to rethink and re-engineer public processes, simplify procedures, and create new channels of communication and engagement with stakeholders. This dimension aims to strengthen co-ordination and skills to foster digital transformation. It establishes clear organisational leadership, effective coordination, and enforcement mechanisms. All policy processes must be embedded with 'digital' as a mandatory transformative element. The Digital by Design dimension is a guideline for departments to design and implement citizen-centred, agile, and innovative digital policies and services.

10.1.2 Dimension 2: Data-driven

Government is Data-driven when it values data as a strategic asset and establishes the governance, access, sharing and re-use mechanisms for improved decision-making and service delivery. Governments must adapt to citizens' expectations and harness the potential of the digital age. The data-driven dimension seeks to leverage data to enhance government services and inform decision-making. This underlines the importance of fostering a data-driven culture within Government by encouraging data utilisation for evidence-based policy formulation, improving service delivery, and promoting transparency and accountability.

10.1.3 Dimension 3: Digital Government as a platform

A digital Government acts as a platform when it deploys platforms, standards and services to help teams focus on user needs in public service design and delivery. It is a concept that brings up the Government and citizens on a digital platform where all the services of the Government are processed and carried out. It is the whole ecosystem of shared APIs and components, open standards and canonical datasets, the services built on top of them and governance processes that keep a more comprehensive system safe and accountable[9]. It creates a shared digital infrastructure that enables government departments, citizens, and the private sector to operate together as a platform rather than in silos.

[9] Pope R, "Playbook: Government as a Platform" Harvard Kennedy School (2019)

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10.1.4 Dimension 4: Open by default

Government is open by default when it makes government data and policy-making processes available to the public, within the limits of existing legislation and in balance with national and public interest. It emphasises that government data and information should be made available to the public as the default position, without requiring individuals or organisations to request access. This principle promotes the notion that government information should be considered a public asset and open, accessible, and usable. It recognises that making government data more available and accessible can foster innovation, improve public services, and increase transparency and accountability.

10.1.5 Dimension 5: User Driven

Government is user-driven when it accords a central role to people's needs and convenience in the shaping of processes, services, and policies; and by adopting inclusive mechanisms that enable this to happen. The dimension emphasises the importance of designing government services tailored to the needs and expectations of citizens, businesses, and other users. It highlights the need for the Government to engage with users to understand their needs and preferences better and to use this information to co-design and deliver effective, efficient, and user-friendly services.

10.1.6 Dimension 6: Proactiveness

Government is proactive when it anticipates people's needs and respond to them rapidly, avoiding the need for cumbersome data and service delivery processes. This dimension utilises the five previous dimensions to create a service delivery experience that anticipates and address problems proactively instead of the fractured and reactive approach. A proactive government pre-empts requests from citizens, instead of providing answers or solutions to their needs through the adoption of push vs pull delivery models. Proactiveness represents the ability of governments and civil servants to anticipate people's needs and respond to them rapidly so that users do not have to engage with the cumbersome process of data and service delivery.

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11 POLICY DOMAINS

The following are the policy domains identified and based on the principles set out in the OECD policy framework. The background provides key considerations when implementing this policy framework.

11.1 Background on policy development

The following policy proposals were identified as priority to set the foundation for implementing the digital transformation and take two critical considerations which are that, in formulating policies are citizen participation, such that the policies are responsive to the citizens' needs and following the "Whole of government" approach to ensure coherence in designing capabilities for a digital government.

The digital government can be achieved by following an integrated approach towards digital transformation. Therefore, a "whole of government" approach should serve that purpose. Whole-of-Government Policies provide direction to departments on how they should approach aspects of digital and ICT investment, design, and delivery, including requirements when the policy must be applied and exemptions for certain circumstances. The DGPF provides a framework for the required policies and government should develop and implement policies with the "Whole-of-Government" approach mindset.

Chapter 10 of the Constitution prescribes that peoples' needs must be responded to, and the public must be encouraged to participate in policymaking. Therefore, the involvement of the public in policymaking is a constitutional obligation that government institutions must respect and institutionalise. Consultation with stakeholders should commence as early as possible before deciding on policy direction, including when identifying and conceptualising a policy issue.

Policymaking is complex and affects stakeholders differently. Thus, policymakers need to conduct stakeholder analysis so that stakeholders can contribute meaningfully to policymaking. The use of SEIAS IIA provides guidance on the types of stakeholders to be consulted, e.g. those affected by identified problems, those who will benefit when the issues are addressed, and those who will bear the cost of implementing the proposed intervention[10]

[10] The South African Government has the National Policy development Framework 2020

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11.2 Digital Government Policy domains

The challenges identified in the problem statement earlier in the DGPF juxtaposed with the lessons from the above-mentioned international comparative analysis, and OECD and World Bank frameworks, provide the required insight on some key elements needed to digitally transform the government. Once in place, these elements would ensure a more focused and coordinated government in its endeavour to being digitally transformed, which would subsequently make the sector more effective and efficient in delivering services to the public.

11.2.1 Improvement of service delivery

11.2.1.1 Citizen Centric Government based on Batho Pele principles.

Batho Pele has eight principles developed to serve as acceptable policy and legislative framework regarding service delivery in the public service. These principles align with the Constitutional ideals of promoting and maintaining high standards of professional ethics, providing service impartially, fairly, equitably and without bias; utilising resources efficiently and effectively; responding to people's needs; encouraging citizens to participate in policymaking and rendering an accountable, transparent, and development-oriented public administration. The policy framework underpins the implementation of the eight principles by ensuring that ICT is an integral part of transformation and improves the policies, processes, systems, structures, and technologies of service delivery.

11.2.1.2 Digital services design in collaboration with the citizens.

Two key elements that support and facilitate digital transformation are the level of maturity of business practices of a department as well as the approach adopted when designing public services provided by it. The departments should design services informed by the insight of how citizen would want to access the services.

Public services are provided through business processes requiring each department to constantly review, improve and time (turn around and other relevant criteria) them (processes) including to automation as highlighted earlier. The services should be paperless, cashless, frictionless, personalised, presence less, and consent-based[11].

[11] ITU Publications: Digital transformation and the role of enterprise architecture

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

11.2.1.3 Modernise business processes.

Government should institutionalise the Business Process Modernisation Programme which is aimed at the transformation of business processes using modern technologies and tools, and the adoption of new values and practices to solve business problems. The departments should have business process modernisation units tasked to implement BPMP with particular focus on the application of the Operation Management Framework. In addition, there should a structure that interfaces with ICT for collaboration in digital transformation of business processes.

The modernisation of business processes is inter-departmental and intra-departmental and therefore, will require effective coordination in departments and across the public service.

11.2.1.4 Use data for proactive delivery of services.

Government should use data collected from transactions to develop information through proper and deep analysis for reporting, establishing trends, predicting future scenarios and other functional purposes. The effective use of data requires the public service to invest in a centralised business intelligence capacity and capability for a quick win.

Departments should collaborate with citizens to formulate innovative ideas on how to resolve service delivery challenges. The current programmes of institutions such as Centre for Public Service Innovation (CPSI) and the Technology Innovation Agency (TIA) should use trends analysis and identify future service demands that citizens will have proactively. The findings from the analysis should inform the innovation to improve service delivery and design services such that they respond to the future needs when they are required.

11.2.2 Open government and citizen engagement

Open access & data, South Africa is an active member of the Open Government Partnership (OGP) and has committed to upholding the principles thereof[12]. The OGP principles are Accountability, Citizen Participation, Technology and Innovation, and Transparency. South Africa developed an action plan with seven commitments from a consultative process with civil society organisations to implement these initiatives.

[12] www.ogp.gov.za

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One of the approaches to implement these principles is to make government data accessible to citizens for them to use for their own interests. This can be achieved by creating what is commonly referred to as Open Government Data (OGD). OGD allows citizens to monitor data streams, improving government accountability and transparency[13]. The government can make this data available through media platforms such as mobile apps, websites and other electronic media that are more flexible.

However, not all government data can be made accessible to citizens taking into consideration the limitation imposed by the legislation such as the POPIA Act and other State Security legislation. Therefore, government should develop an Open Government Data (OGD) policy which will provide a set of principles and guidelines that government entities use to establish, promote transparency, accessibility, and sharing of government-generated data with the public.

Government should promote the development of open-source software. Open source describes software with permission to use, copy and distribute, either as is or with modifications, which may be offered free or with a charge. The open-source way is a set of principles derived from open-source software development models and applied more broadly to additional industries and domains[14]. Therefore, government should develop open-source policies and guidelines to be used in the public service.

Public consultation, Consultation is one of the eight (8) principles of Batho Pele which refers to Government consulting citizens about the level and quality of public services. The OECD in turn refer to consultation as "encouraging engagement and participation of public, private and civil society stakeholders in policymaking and public service design and delivery"[15]. The participation of citizens to government programmes using ICT can be achieved with e-Participation. Electronic participation (e-participation) refers to the use of ICT in facilitating citizen participation in government-related processes, encompassing areas such as administration, service delivery, decision-making, and policy-making.

[13] https://publicadministration.un.org/en/ogd
[14] https://opensource.com/open-source-way
[15] OECD (2022), OECD Guidelines for Citizen Participation Processes, OECD Public Governance Reviews, OECD Publishing, Paris, https://doi.org/10.1787/f765caf6-en

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11.2.3 Leadership and coordination

High-level coordination brings together ministers and highest-ranking administrative officials to extensively collaborate and align on the design and implementation of digital government data strategies and plans. This can take the form of steering committees, working groups and task forces[16]. The primary requirement to achieve this is to orientate both the political principals and the high-ranking officials on the benefits of digital transformation of the departments. Cabinet established the Inter-Ministerial Committee (IMC) for digital transformation to be functional and provide political direction. The IMC should establish a committee comprising Directors-General from national and provincial government and in turn, the latter committee should have task teams that focuses on each of the identified policy domains or as it may see appropriate. The Offices of the Premier should duplicate the same structures as mentioned above that is coordinated in the office of the Premier.

The following are some of the critical responsibilities of these committees:

a) Establish partnerships with identified retail shops, banks, the post office, and other organizations frequently visited by the public. The purpose of these partnerships is to ensure provision of identified public services through other equally capable third-party partners. Furthermore, all services provided through physical, face to face interaction with the public.

b) Ensure that services are provided through alternative online channels or the Internet to ensure ability to interact with the public service 24 hours a day thus convenience to the public.

c) Ensure that each department establish and keep a list of ICT connectivity targets for the relevant service delivery sites like schools, health facilities, police stations, TVET colleges and other types of sites. This is owing to infrastructure being the one of the required enablers to support the digital transformation programme. The department may have to implement their connectivity targets; however, such must always be aligned with the South Africa Connect programme.

[16] The E-Leaders Handbook on the Governance of Digital Government, OECD Digital Government Studies, OECD Publishing, Paris, https://doi.org/10.1787/ac7f2531-en.

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11.2.4 Institutional /department Governance

The Government introduced the Corporate Governance of ICT Policy Framework whose purpose is to institutionalise Governance of ICT as an integral part of corporate governance within departments in a uniform and coordinated manner. Leaders in government should recognise the significance of emerging technologies such as artificial intelligence, machine learning and robotics technologies and incorporate them in policy development. The emerging technologies can generate improved human and organisational capacities for information and knowledge management, especially for service design, and favour more convenient and tailored delivery.

11.2.5 Data governance

The Minister for the Public Service and Administration issued a directive and determination on Knowledge and Data Management aimed at institutionalising the standardisation of implementation of knowledge management and data management[17] in departments individually. The current directive should be complemented by a "Whole Government Data Management Framework". The Whole Government Data Management Framework should provide for a comprehensive and standardised guide to manage data across all government agencies and departments.

Such a framework is essential to ensure data consistency, interoperability, security, and compliance with regulations and standards across the entire government ecosystem. This will require that government departments open and share data with others to enable the "Once only principle". This principle ensures that citizens, institutions, and companies only provide certain standard information to the authorities and administrations once.

Using collected transaction data, the government should convert such information through proper and deep analysis for reporting, establishing trends, predicting future scenarios and other functional purposes. The effective use of data requires the public service to invest in a centralised business intelligence capacity and capability for a quick win. Government should investment in data infrastructure such as data warehouses, data lakes, data analytics platforms, and data visualisation tools but should curb the misuse thereof with the controlling policies. Government should develop policies and procedures to protect personal and sensitive information from

[17] www.gov.za

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unauthorised access or misuse. This can involve establishing data security protocols, access controls, and privacy policies.

11.2.6 Institutional arrangement

The current legislation should provide for the creation of the institutional arrangements that distinguishes the mandates of departments and agencies such that digital transformation is implemented effectively. In addition, government should establish a government component, whether as part of SITA or separate, that will support the implementation of the digital government transformation by building capacity, tools, guidelines, research and innovation and other systems required for digital transformation. This government component should also provide project/programme/portfolio management support to the departments. Examples of these are United Kingdom's Government Digital Service, the Agency of Digital Government of Denmark or the Digital Transformation Agency of Australia perform similar functions.

11.2.7 Legislation and policy

Legislation and policy, The DPSA, Department of Justice and Constitutional Development, Department of Home Affairs and the Department of Communication and Digital Technologies (DCDT) should collaborate to develop guidelines that will assist the departments to develop legislation that is digital ready. Digital-ready legislation means, for example, that in the future, the legislation should consider the impact of digital technologies when the provisions thereof are implemented. The legislation should provide for collaboration, improve the completeness, eliminate duplications, and contradictions. For example, the current e-Government provisions in the Public Service Act of 1994 and the Electronic Communication Transactions Act of 2002 should be revised to eliminate duplication. Government should develop a separate legislation that focus solely on Digital Government.

11.2.8 Procurement

As provided for in section 7.1 (b) of the SITA regulations, procuring ICT goods and services through the agency as a medium for departments and public bodies must ensure that all procurement results value for money, including if economically feasible, paying for usage only. Government should enhance current practices of e-Procurement, Framework Agreements and Open Supplier Database to make procurement more agile. The legal capacity of drafting contracts should be strengthened, and the Intellectual Property of Government should be

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protected. Government should also leverage the capabilities of the private sector and use their service delivery platforms to save the burden of acquiring goods and services.

11.2.9 Funding

Government should increase the funding of digital technologies to meet the vision of digitalised public service. The significant projects committee(s) required to consolidate government requirements for economic efficiencies. The budgeting and expenditure for all standard ICT optimisation and digital transformation requirements must be centralised. This will promote economies of scale and reduce the cost of digital technologies. In addition, the SITA pricing model of the goods and services should be transparent and easy to apply.

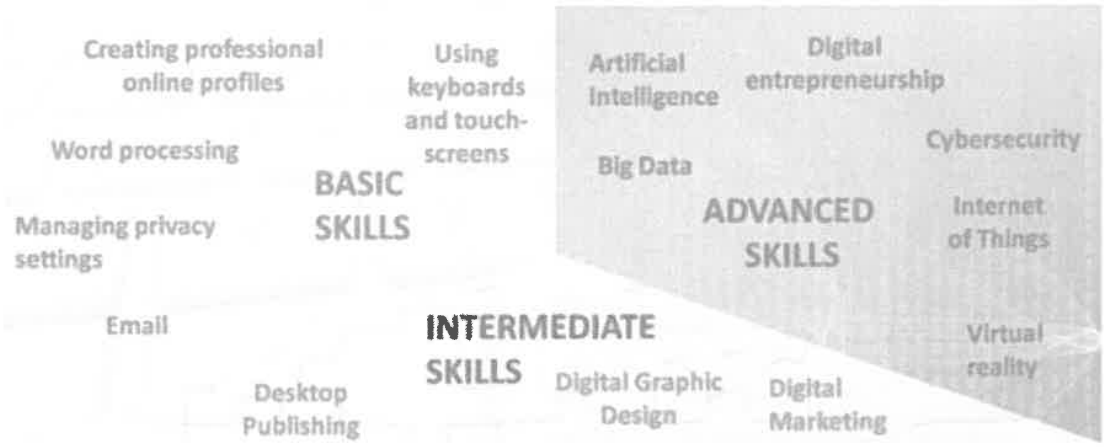
The government should also explore alternative goods and service acquisition forms, such as Public-Private Partnerships, to build the required digital transformation capabilities. Some service delivery platforms should be provided in private sector facilities to save government the burden of acquiring the necessary human resources, goods, and services.

11.2.10 Digital skills development

Cabinet approved "National Digital and Future Skills Strategy" through the DCDT and the various economic sectors must identify and develop the required skills to facilitate digital transformation. The strategy identified critical skills required to advance the country in the 4IR era. The Human Resource Development (HRD) Strategy of the public service should provide guiding principles for the required training for ICT support staff, department-wide staff, and the political and administrative principals. The figure below outlines the digital skills identified by the ITU (2018) continuum:

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Figure 5-1: Continuum of Digital Skills



Source: ITU (2018)

The public service wide skills audit process must precede identification of the required skills. Furthermore, these skills combined with targeted orientation and training interventions particularly to executive and senior management within the public service must form core of the Public Service Human Resource Development Strategy. Lastly, the enrichment of the current job profiles to incorporate data and information handling skills as well as management responsibilities is another important requirement towards the transformation of the public service.

11.2.11 Identity Management

The crucial feature of the digitalisation of government that ensures security when the citizens utilise the Citizen Experience Platform is the Identity and Access Management (IAM). Identity and Access Management (IAM) is a security and business discipline that includes multiple technologies and business processes to help the right people or machines to access the right assets at the right time for the right reasons, while keeping unauthorized access and fraud at bay. Digital identity forms part of the IAM and refers to the collection of data that uniquely represents an individual or entity in the online world. It encompasses both demographic information and behavioural data, including tracked online actions. Department of Home Affairs has a mandate to provide identity for the citizens and should play a central role to develop the digital identity.

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11.2.12 Modernise digital technologies.

Some of the major Information System in government are functional even though they are mainframe based and were implemented using old technologies. The aspiration of implementing modern Information Systems such as the Enterprise Resource Planning system is understood, however, it may not be feasible to implement them soon. This is due to the current budget constraint and their level of complexity. Therefore, government should identify achievable initiatives which when implemented will advance it to the higher level of maturity as identified in the Gartner model. The following are some of the areas for which guidelines and policies should be developed:

a. Collaboration in the sourcing, acquisition, processing, and storage of data. The POPIA, POSIA and ECTA provides for practices to follow to ensure data security.

b. Review of the procurement process of Information Systems to leverage modern technology including Software as a Service and reduce implementation of licence-based applications.

c. Invest in common digital Infrastructure: The Government must invest in shared infrastructure to service standard requirements across the public sector, including, amongst others, high-speed connectivity, Government private cloud services, Common data centres and collaboration technologies to underpin the development of new digital services and applications.

d. Development of a mechanism to keep track of the Information Systems developed across the public service.

e. Ensuring that the ownership of Intellectual Property Rights for systems/ data/ information developed/ collected by or on behalf of government must remain with it.

f. Sectors and/or clusters should have a common programme for digital transformation to achieve seamless integration of business processes and data sharing.

g. Investment in digital technology platforms (DTPs) to leapfrog stages of development and or maturity in respect of ICT systems and or use.

h. Prioritising the citizen-experience, value ecosystems, IT systems, Internet of Things and Data Analytics platforms.

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i. Fostering collaboration and partnerships between government departments and other stakeholders in the private sector and civil society to create digital platforms and applications that citizens can use to access government services.

j. Promoting open standards and interoperability to enable seamless integration and communication between different government systems, reducing duplication of effort and improving service delivery.

k. Implementing agile development methodologies prioritising user-centred design, experimentation, and rapid iteration in developing government services.

l. Developing a standard set of application programming interfaces (APIs) used by different government systems and applications to facilitate data sharing and integration.

m. Explore new business models and different forms of citizen engagement and introduce new value propositions.

SITA started to implement the Digital Government Technology Platforms (DGTP) which will leapfrog digital transformation by reducing the stages of development and or maturity regarding ICT systems. This will allow the public service to transform and or modernise its services quicker when compared with traditional disparate and legacy technology systems. Furthermore, the public service can then be integrated with partners, citizens, and suppliers, leveraging a single technology platform, thus improving operations and service delivery. The following table explains five areas of a DGTP and their purposes:

Platforms Areas	Purpose
Citizen Experience Platform	It provides interfaces and technologies and implements the policies and procedures for Citizen and business engagement. It also measures the experience of these users. These platforms include Digital identity,
Ecosystems Platform	It provides digital interfaces and implements the related policies and procedures for governments and ecosystem partners to exchange data and services.

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IT Systems Platform	This is the heart of what government IT does today. It provides the technologies, policies, and procedures for back-office systems.
Internet of Things (IoT) Platform	It provides the interfaces, data governance and context and implements the policies and procedures for collecting and processing data from IoT sensors.
Data and Analytics Platform	It provides advanced data analytics, geospatial and location analytics, and artificial intelligence capabilities for processing data collected or stored in any platform area. This is the core of DGTP.

Source: Gartner (January 2018)

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DEPARTMENT OF SPORTS, ARTS AND CULTURE

NOTICE 2729 OF 2024

MINISTRY OF SPORT, ARTS AND CULTURE
REPUBLIC OF SOUTH AFRICA

| Private Bag X898, Pretoria, 0001, South Africa | Tel: (012) 441 3000 | Fax: (012) 440 4485 |
| Private Bag X9137, Cape Town, 8000, South Africa | Tel: (021) 465 5620 | Fax: (021) 465 5624 |
| www.dsac.gov.za |

WITHDRAWAL OF GOVERNMENT NOTICE, PUBLISHED IN GOVERNMENT GAZETTE NO. 50708,

I, Gayton McKenzie, Minister of Sport, Arts and Culture, hereby withdraw the Government Notice published in Government Gazette No. 50708, on 24 May 2024, which declared that the following institutions were to be amalgamated with the Flagship institutions established in terms of section 6(1) and 6(2) of the Cultural Institutions Act: 1998

1. The **William Humphreys Arts Gallery** and the **National Museum Bloemfontein** were to be amalgamated with **Iziko Museums of South Africa**
2. The **KwaZulu-Natal Museum** was to be amalgamated with the **Ditsong Museums of South Africa.**

I hereby further withdraw the abolishment of the said entities mentioned (i.e., the William Humphreys Arts Gallery, the National Museum Bloemfontein, and the KwaZulu-Natal Museum). The effective date of withdrawal of the amalgamation and abolishment shall be the date of publication of this notice.

MR G MCKENZIE, MP
MINISTER OF SPORT, ARTS & CULTURE

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

GENERAL NOTICE 2730 OF 2024

INTERNATIONAL TRADE ADMINISTRATION COMMISSION

NOTICE OF INITIATION OF AN INVESTIGATION INTO THE ALLEGED DUMPING OF CERTAIN FLAT-ROLLED PRODUCTS OF IRON, NON-ALLOY OR OTHER ALLOY STEEL OF A WIDTH OF 600MM OR MORE, WHETHER OR NOT IN COILS, NOT FURTHER WORKED THAN HOT-ROLLED, INCLUDING PICKLED AND OILED, HOT-ROLLED, NOT CLAD, PLATED OR COATED (EXCLUDING STAINLESS AND GRAIN-ORIENTED SILICON ELECTRICAL STEEL), (CLASSIFIABLE UNDER TARIFF SUB-HEADINGS 7208.10, 7208.25, 7208.26, 7208.27, 7208.36, 7208.37, 7208.38, 7208.39, 7208.51, 7208.52, 7225.30 AND 7225.40) ORIGINATING IN OR IMPORTED FROM THE PEOPLE'S REPUBLIC OF CHINA, JAPAN AND TAIWAN

The International Trade Administration Commission of South Africa ("the Commission") accepted an application alleging that certain flat-rolled products of iron, non-alloy or other alloy steel of a width of 600mm or more, whether or not in coils, not further worked than hot-rolled, including pickled and oiled, hot-rolled, not clad, plated or coated (excluding stainless and grain-oriented silicon electrical steel) originating in or imported from the People's Republic of China ("PRC"), Japan and Taiwan are being dumped into the Southern African Custom Union ("SACU") market, causing material injury and/or threatening to cause material injury to the SACU industry concerned.

THE APPLICANT

The application was lodged by Arcelor Mittal South Africa ("AMSA" or "the Applicant") and supported by Columbus Stainless (Pty) Ltd. Together, they constitute 100% of the domestic production of the subject product in SACU. AMSA provided injury information in this regard, constituting a major proportion of the total SACU production.

The Applicant submitted sufficient evidence and established a *prima facie* case to enable the Commission to arrive at a reasonable conclusion that an investigation should be initiated based on dumping, material injury, and causality.

THE PRODUCT

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The product allegedly being dumped is certain flat-rolled products of iron, non-alloy, or other alloy steel of a width of 600mm or more, whether or not in coils, not further worked than hot-rolled, including pickled and oiled, hot-rolled, not clad, plated, or coated, (excluding stainless and grain-oriented silicon electrical steel), (classifiable under tariff sub-headings 7208.10, 7208.25, 7208.26, 7208.27, 7208.36, 7208.37, 7208.38, 7208.39, 7208.51, 7208.52, 7225.30 and 7225.40) originating in or imported from the PRC, Japan and Taiwan.

THE ALLEGATION OF DUMPING

The dumping allegation is based on comparing the normal values and the export prices from the PRC, Japan and Taiwan. The normal values were determined based on export prices to various third countries per applicable tariff sub-heading. The normal values provided for the PRC, were third country exports from the PRC to Argentina, Canada, Germany, New Zealand, Russia and Spain. The normal values provided for Japan, were third country exports to the PRC, Indonesia and the United Kingdom ("UK"). The normal values provided for Taiwan, were for third country exports to Belgium and Canada. The export prices were based on official import statistics from the South African Revenue Service ("SARS").

On this basis, the Commission found that there was *prima facie* proof of dumping of the subject product originating in or imported from the PRC, Japan and Taiwan.

THE ALLEGATION OF INJURY

The Applicant submitted *prima facie* evidence to show price suppression and depression. The Applicant's information also indicated declines in sales volumes, output, productivity, capacity utilisation, profits, cash flow, market share, employment and return on investment.

On this basis, the Commission found that there was *prima facie* proof of material injury.

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THE ALLEGATION OF THREAT OF MATERIAL INJURY

The Applicant submitted information alleging that there is freely disposable capacity or an imminent substantial increase in steel capacity of the exporters in the PRC, Japan and Taiwan, a significant increase of allegedly dumped imports into the SACU market, which indicates the likelihood of substantially increased importation and that the subject product is entering the SACU market at prices that will have a significant depressing or suppressing effect on SACU prices and are likely to increase demand for further imports.

The Commission considered that the information the Applicant provided was mainly for steel in general and did not directly relate to the subject product.

On this basis, the Commission found no *prima facie* proof of a threat of material injury.

CAUSAL LINK

On this basis, the Commission found *prima facie* proof of material injury to the SACU industry and that there is a causal link between the alleged dumped imports and the material injury suffered by the SACU industry.

PERIOD OF INVESTIGATION

The period of investigation to determine the dumping margin is from 01 April 2023 to 31 March 2024, and the period of investigation to determine material injury is from 01 April 2021 to 31 March 2024.

LEGAL PROCEDURAL FRAMEWORK

Having decided that there is sufficient evidence and a *prima facie* case to justify the initiation of an anti-dumping investigation, the Commission has begun an investigation in terms of section 16 of the International Trade Administration Act, 2002 (the ITA Act).

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The Commission will conduct its investigation in accordance with the relevant sections of the ITA Act and the Anti-Dumping Regulations of the International Trade Administration Commission (ADR). Both the ITA Act and the ADR are available on the Commission's website (www.itac.org.za) or from the Trade Remedies section, on request.

PROCEDURES AND TIME FRAMES

To obtain the information, it deemed necessary for its investigation, the Commission will send non-confidential versions of the application and questionnaires to all known importers and exporters and known representative associations. The trade representatives of the exporting country have also been notified. Importers and other interested parties are invited to contact the Commission as soon as possible in order to determine whether they have been listed and were furnished with the relevant documentation. If not, they should immediately ensure that they are sent the necessary documents. The questionnaire has to be completed and any other representations must be made within the time limit set out below.

The Senior Manager: Trade Remedies II, should receive all responses, including non - confidential copies of the responses, not later than 30 days from the date hereof, or from the date on which the letter accompanying the abovementioned questionnaire was received.

Late submissions will not be accepted except with the prior written consent of the Commission. The Commission will give due consideration to written requests for an extension of not more than 14 days on good cause shown (properly motivated and substantiated), if received prior to the expiry of the original 30-days period. Merely citing insufficient time is not an acceptable reason for extension. Please note that the Commission will not consider requests for extension by the Embassy on behalf of exporters.

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The information submitted by any party may need to be verified by the Investigating officers for the Commission to take such information into consideration. The Commission may verify the information at the premises of the party submitting the information, within a short period after the submission of the information to the Commission. Parties should therefore ensure that the information submitted would subsequently be available for verification.

It is planned to do the verification of the information submitted by the exporters within three to five weeks subsequent to submission of the information. This period will only be extended if it is not feasible for the Commission to do it within this period or upon good cause shown, and with the prior written consent of the Commission, which should be requested at the time of the submission. It should be noted that unavailability of, or inconvenience to consultants will not be considered to be good cause.

Parties should also ensure when they engage consultants that they will be available at the requisite times, to ensure compliance with the above time frames. Parties should also ensure that all the information requested in the applicable questionnaire is provided in the specified detail and format. The questionnaires are designed to ensure that the Commission is provided with all the information required to make a determination in accordance with the rules of the Anti-Dumping Agreement. The Commission may therefore refuse to verify information that is incomplete or does not comply with the format in the questionnaire, unless the Commission has agreed in writing to a deviation from the required format. Failure to submit an adequate non-confidential version of the response that complies with the rules set out under the heading ***Confidential Information*** and in the questionnaire will be regarded as an incomplete submission.

Parties who experience difficulty in furnishing the information required, or submitting in the format required, are therefore urged to make written applications to the Commission at an early stage for permission to deviate from the questionnaire or provide the information in an alternative format that can satisfy the Commission’s requirements. The

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Commission will give due consideration to such a request on good cause shown.

Any interested party may request an oral hearing at any stage of the investigation in accordance with Section 5 of the ADR, provided that the party indicates reasons for not relying on written submissions only. The Commission may refuse an oral hearing if granting such hearing will unduly delay the finalisation of a determination.

Parties requesting an oral hearing shall provide the Commission with a detailed agenda for, and a detailed version, including a non-confidential version, of the information to be discussed at the oral hearing at the time of the request.

If the required information and arguments are not received in a satisfactory form within the time limit specified above, or if verification of the information cannot take place, the Commission may disregard the information submitted and make a finding on the basis of the facts available to it.

CONFIDENTIAL INFORMATION

Please note that if any information is considered to be confidential then a non-confidential version of the information must be submitted for the public file, simultaneously with the confidential version. In submitting a non-confidential version, the following rules are strictly applicable, and parties must indicate:

- where confidential information has been omitted and the nature of such information;
- reasons for such confidentiality;
- a summary of the confidential information which permits a reasonable understanding of the substance of the confidential information; and
- in exceptional cases, where information is not susceptible to summary, reasons must be submitted to this effect.

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This rule applies to all parties and to all correspondence with and submissions to the Commission, which unless indicated to be confidential and filed together with a non-confidential version, will be placed on the public file, and be made available to other interested parties.

If a party considers that any document of another party, on which that party is submitting representations, does not comply with the above rules and that such deficiency affects that party's ability to make meaningful representations, the details of the deficiency and the reasons why that party's rights are so affected must be submitted to the Commission in writing forthwith (and at the latest 14 days prior to the date on which that party's submission is due). Failure to do so timeously will seriously hamper the proper administration of the investigation, and such party will not be able to subsequently claim an inability to make meaningful representations based on the failure of such other party to meet the requirements.

Subsection 33(1) of the ITA Act provides that any person claiming confidentiality of information should identify whether such information is *confidential by nature* or is *otherwise confidential* and, any such claims must be supported by a written statement, in each case, setting out how the information satisfies the requirements of the claim to confidentiality. In the alternative, a sworn statement should be made setting out reasons why it is impossible to comply with these requirements.

Section 2.3 of the ADR provides as follows:

"The following list indicates "information that is by nature confidential" as per section 33(1)(a) of the Main Act, read with section 36 of the Promotion of Access to Information Act (Act 2 of 2000):

(a) management accounts;
(b) financial accounts of a private company;
(c) actual and individual sales prices;
(d) actual costs, including cost of production and importation cost;
(e) actual sales volumes;

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(f) individual sales prices;

(g) information, the release of which could have serious consequences for the person that provided such information; and

(h) information that would be of significant competitive advantage to a competitor; Provided that a party submitting such information indicates it to be confidential."

ADDRESS

The response to the questionnaire and any information regarding this matter and any arguments concerning the allegation of dumping and the resulting threat of material injury must be submitted in writing to the following address:

Physical address

The Senior Manager: Trade Remedies II
International Trade Administration Commission
Block E – The DTI Campus
77 Meintjies Street
SUNNYSIDE
PRETORIA
SOUTH AFRICA

Postal address

The Senior Manager
Trade Remedies II
Private Bag X753
PRETORIA
0001
SOUTH AFRICA

Enquiries may be directed to the investigating officers, Mr. Siphumele Edwin Mkwanazi at email address: emkwanazi@itac.org.za, Ms. Portia Chuma at email address: pchuma@itac.org.za, Ms. Phindile Mabona at email address: pmabona@itac.org.za or Ms. Azwitamisi Mathada at email address: amathada@itac.org.za.

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DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

GENERAL NOTICE 2731 OF 2024

INTERNATIONAL TRADE ADMINISTRATION COMMISSION

NOTICE OF INITIATION OF AN INVESTIGATION INTO THE ALLEGED CIRCUMVENTION OF THE ANTI-DUMPING MEASURES ON NEW PNEUMATIC TYRES OF RUBBER OF A KIND USED ON MOTOR CARS (CLASSIFIABLE UNDER TARIFF SUBHEADINGS HS 4011.10.01, HS 4011.10.03, HS 4011.10.05, HS 4011.10.07, AND HS 4011.10.09) AND ON BUSES OR LORRIES (CLASSIFIABLE UNDER TARIFF SUBHEADINGS HS 4011.20.16, HS 4011.20.18, AND HS 4011.20.26) THROUGH COUNTRY HOPPING FROM THE PEOPLE'S REPUBLIC OF CHINA VIA THE KINGDOM OF CAMBODIA, THE KINGDOM OF THAILAND, AND THE SOCIALIST REPUBLIC OF VIETNAM

The International Trade Administration Commission of South Africa (the Commission) received and accepted an application alleging that circumvention of anti-dumping measures on new pneumatic tyres of rubber of a kind used on motor cars and on buses or lorries, originating in or imported from the People's Republic of China (PRC) is taking place, through country hopping from the PRC to and/or via the the Kingdom of Cambodia (Cambodia), the Kingdom of Thailand (Thailand), and the Socialist Republic of Vietnam (Vietnam).

The Applicant submitted sufficient evidence and established a *prima facie* case of country hopping and material injury to enable the Commission to decide that an investigation should be initiated.

THE APPLICANT

The application was lodged by South African Tyre Manufacturing Conference (SATMC), an industry body or trade association of the SACU industry. The SATMC members are Bridgestone South Africa (Pty) Ltd, Continental Tyre South Africa (Pty) Ltd, Goodyear South Africa (Pty) Ltd, and Sumitomo Rubber South Africa (Pty) Ltd, together constitute 100 percent of the domestic production of the subject products in SACU.

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THE SUBJECT PRODUCT

The imported products whose anti-dumping measures are allegedly being circumvented are new pneumatic tyres of rubber of a kind used on motor cars (classifiable under tariff subheadings HS 4011.10.01, HS 4011.10.03, HS 4011.10.05, HS 4011.10.07, and HS 4011.10.09) and on buses or lorries (classifiable under tariff subheadings HS 4011.20.16, HS 4011.20.18, and HS 4011.20.26) originating in or imported from Cambodia, Thailand, and Vietnam.

THE ALLEGATION OF CIRCUMVENTION

Country Hopping in terms of ADR62.8

The Applicant alleged that subsequent to the imposition of the provisional measures and the imposition of definitive anti-dumping duties on imports of new pneumatic tyres of rubber of a kind used on motor cars and on buses or lorries, originating in or imported from the PRC, Chinese exporters have shifted exporting of the subject products from the PRC to some of their related companies in Cambodia, Thailand, and Vietnam.

The Applicant provided a list of related companies of the Chinese exporters that were identified in the original investigation and are alleged to have a footprint in Cambodia, Thailand, and Vietnam through operational and/or ownership linkages. The Applicant believes that this relatedness, coupled with the impositions of the provisional measures and definitive anti-dumping duties, directly contributed to the change in pattern of trade through activities, work or processes such as export channelling, and undermines the remedial effects of the anti-dumping measure.

Change in pattern of trade in terms of ADR60.1(a)

The Applicant further provided import volumes from the South African Revenue Service (SARS) to substantiate its claim of country hopping.

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The analysis of import volumes and Bills of Entry from SARS, pre and post the imposition of the provisional payments and pre and post the imposition of definitive anti-dumping duties, shows that there is a change in the pattern of trade for the PRC, Cambodia, Thailand, and Vietnam. The analysis show that the change in pattern of trade through a decreasing trend for the PRC is accompanied by the change in pattern of trade through an increasing trend for Cambodia, Thailand, and Vietnam, and that trends coincides with the timing of provisional measures and definitive anti-dumping duties. The Commission considered that this points to insignificant or no economic justification but to the impositions of provisional measures and definitive anti-dumping duties.

On this basis, the Commission found that there is *prima facie* proof of a change in the pattern of trade, which results from a practice, process or work that constitute country hoping, and for which there is no or insufficient cause or economic justification other than the imposition of the provisional payments and definitive anti-dumping duties.

Undermining the remedial effects in terms of ADR60.1(b)

The analysis shows that there are significant increases in import volumes from Cambodia, Thailand, and Vietnam, which coincided with decreases in import volumes from the PRC. On this basis, the Commission found that there is prima facie proof that the remedial effects of the provisional payments were undermined and continue to be undermined in terms of the volumes after the imposition of the definitive anti-dumping duties.

The existence of dumping in terms of ADR60.1(c)

Dumping is based on the comparison between the normal value previously established in the original investigation in accordance with ADR 62.3 and the export price derived from the import statistics obtained from the SARS. On this basis, the dumping margins were determined to be 21 percent for Cambodia, 68 percent for Thailand, and 84 percent for Vietnam. Therefore, the Commission found that there is *prima facie* proof

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that dumping of the subject product from Cambodia, Thailand, and Vietnam, exists in relation to the normal values previously established for the subject products in the original anti-dumping investigation.

Based on the three conditions as per ADR 60.1, the Commission found that there was *prima facie* evidence to indicate that country hopping, in terms of ADR 60.8, is taking place.

THE ALLEGATION OF MATERIAL INJURY

According to ADR62.2 the SACU industry shall not be required to update its injury information, provided that an anti-circumvention application is lodged with the Commission prior or within one year of the publication of the Commission's final determination.

In this regard, the application was lodged within one of the publication of the Commission's final anti-dumping duties. Therefore, the Commission considered the material injury information previously established in the original investigation for purposes of initiation.

Based on the information submitted and considered by the Commission in the original investigation, the Commission found that there was *prima facie* evidence that the SACU industry is experiencing material injury and a threat of material injury as result of the subject products from Thailand, Vietnam, and Cambodia.

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PERIOD OF INVESTIGATION

Dumping: 01 November 2023 to 31 May 2024.

Circumvention: - 01 March 2022 to 30 September 2022 **vs** 01 October 2022 to 30 April 2023; and
- 01 April 2023 to 31 October 2023 **vs** 01 November 2023 to 31 May 2024

LEGAL PROCEDURAL FRAMEWORK

Having decided that there is sufficient evidence and a *prima facie* case to justify the initiation of an investigation, the Commission has begun an investigation in terms of section 16 of the International Trade Administration Act, 2002 (the ITA Act). The Commission will conduct its investigation in accordance with the relevant sections of the ITA Act, the Commission's Anti-Dumping Regulations (ADR) and giving due regard to the World Trade Organisation Agreement on Implementation of Article VI of the GATT 1994.

Both the ITA Act and the ADR are available on the Commission's website (www.itac.orq.za) or from the Trade Remedies section, on request.

RESPONSE PROCEDURE AND TIME FRAMES

In order to obtain the information it deems necessary for its investigation, the Commission will send non-confidential versions of the application and questionnaires to all known importers and exporters, and known representative associations. The trade representative of Cambodia, Thailand and Vietnam had also been notified. Importers and other interested parties are invited to contact the Commission as soon as possible in order to determine whether they have been listed and were furnished with the relevant documentation. If not, they should immediately contact ITAC to ensure that they are sent copies. The questionnaire has to be completed and any other representations must be made within the time limit set out below.

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The Senior Manager: Trade Remedies II, should receive all responses, including non - confidential copies of the responses, not later than 30 days from the date hereof. The said letter shall be deemed to have been received seven days after the day of its dispatch.

Late submissions will not be accepted except with the prior written consent of the Commission. The Commission will give due consideration to written requests for an extension of not more than 14 days on good cause shown (properly motivated and substantiated), if received prior to the expiry of the original 30-days period. Merely citing insufficient time is not an acceptable reason for an extension. Please note that the Commission will not consider requests for extension by the Embassy of the representative country on behalf of exporters.

The information submitted by any party may need to be verified by the Investigating officers in order for the Commission to take such information into consideration. The Commission may verify the information at the premises of the party submitting the information, within a short period after the submission of the information to the Commission. Parties should therefore ensure that the information submitted would subsequently be available for verification. It is planned to do the verification of the information submitted by the exporters within three to five weeks subsequent to submission of the information.

This period will only be extended if it is not feasible for the Commission to do verification within this time period or upon good cause shown, and with the prior written consent of the Commission, which should be requested at the time of the submission. It should be noted that unavailability of, or inconvenience to consultants will not be considered to be good cause.

Parties should also ensure when they engage consultants that they will be available at the requisite times, to ensure compliance with the above time frames. Parties should also ensure that all the information requested in the applicable questionnaire is provided

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in the specified detail and format. The questionnaires are designed to ensure that the Commission is provided with all the information required to make a determination in accordance with the requirements of the ITA Act and the ADR (and giving due regard to the WTO Anti-Dumping Agreement. The Commission may therefore refuse to verify information that is incomplete or does not comply with the format in the questionnaire, unless the Commission has agreed in writing to a deviation from the required format. A failure to submit an adequate non-confidential version of the response that complies with the rules set out under the heading **CONFIDENTIAL INFORMATION** will be regarded as an incomplete submission.

Parties who experience difficulty in furnishing the information required, or submitting in the format required, are therefore urged to make written applications to the Commission at an early stage for permission to deviate from the questionnaire or provide the information in an alternative format that can satisfy the Commission's requirements. The Commission will give due consideration to such a request on good cause shown.

Any interested party may request an oral hearing in accordance with Section 5 of the ADR, provided that the party indicates reasons for not relying on written submissions only. The Commission may refuse an oral hearing if granting such hearing will unduly delay the finalisation of a determination. Parties requesting an oral hearing shall provide the Commission with a detailed agenda for, and a detailed version, including a non-confidential version, of the information to be discussed at the oral hearing at the time of the request.

If the required information and arguments are not received in a satisfactory form within the time limit specified above, or if verification of the information cannot take place, the Commission may disregard the information submitted and make a finding on the basis of the facts available to it.

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CONFIDENTIAL INFORMATION

Please note that if any information is considered to be confidential then a non-confidential version of the information must be submitted for the public file, simultaneously with the confidential version. In submitting a non-confidential version the following rules are strictly applicable and parties must indicate:

- where confidential information has been omitted and the nature of such information;
- reasons for such confidentiality;
- a summary of the confidential information which permits a reasonable understanding of the substance of the confidential information; and
- in exceptional cases, where information is not susceptible to summary, reasons must be submitted to this effect.

This rule applies to all parties and to all correspondence with and submissions to the Commission, which unless indicated to be confidential and filed together with a non-confidential version, will be placed on the public file and be made available to other interested parties.

If a party considers that any document of another party, on which that party is submitting representations, does not comply with the above rules and that such deficiency affects that party's ability to make meaningful representations, the details of the deficiency and the reasons why that party's rights are so affected must be submitted to the Commission in writing forthwith (and at the latest 14 days prior to the date on which that party's submission is due). Failure to do so timeously will seriously hamper the proper administration of the investigation, and such party will not be able to subsequently claim an inability to make meaningful representations on the basis of the failure of such other party to meet the requirements.

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Subsection 33(1) of the ITA Act provides that any person claiming confidentiality of information should identify whether such information is *confidential by nature* or is *otherwise confidential* and, any such claims must be supported by a written statement, in each case, setting out how the information satisfies the requirements of the claim to confidentiality. In the alternative, a sworn statement should be made setting out reasons why it is impossible to comply with these requirements.

Section 2.3 of the ADR provides as follows:

"The following list indicates "information that is by nature confidential" as per section 33(1)(a) of the Main Act, read with section 36 of the Promotion of Access to Information Act (Act 2 of 2000):

(a) management accounts;
(b) financial accounts of a private company;
(c) actual and individual sales prices;
(d) actual costs, including cost of production and importation cost;
(e) actual sales volumes;
(f) individual sales prices;
(g) information, the release of which could have serious consequences for the person that provided such information; and
(h) information that would be of significant competitive advantage to a competitor; Provided that a party submitting such information indicates it to be confidential."

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ADDRESS

The response to the questionnaire and any information regarding this matter and any arguments concerning the allegation of dumping and the resulting material injury or threat of material injury must be submitted in writing to the following address:

Physical address

The Senior Manager: Trade Remedies II
International Trade Administration Commission
Block E – The DTI Campus
77 Meintjies Street
SUNNYSIDE
PRETORIA
SOUTH AFRICA

Postal address

The Senior Manager
Trade Remedies II
Private Bag X753
PRETORIA
0001
SOUTH AFRICA

Should you have any queries, please do not hesitate to contact the investigating officers Mr. Sandile Mantolo at email address: smantolo@itac.org.za or Ms. Millicent Baloyi at email address: mbaloyi@itac.org.za and Ms. Phindile Mabona at email address: pmabona@itac.org.za

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DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

GENERAL NOTICE 2732 OF 2024

INTERNATIONAL TRADE ADMINISTRATION COMMISSION

NOTICE OF INITIATION OF AN INVESTIGATION INTO THE ALLEGED DUMPING OF U-SECTIONS, I-SECTIONS, AND H-SECTIONS OF IRON OR NON-ALLOY STEEL, NOT FURTHER WORKED THAN HOT-ROLLED, HOT-DRAWN, OR EXTRUDED, OF A HEIGHT OF 80 MM OR MORE (EXCLUDING H-SECTIONS OF A HEIGHT GREATER THAN 200MM) AND EQUAL ANGLES OF IRON OR NON-ALLOY STEEL, NOT FURTHER WORKED THAN HOT-ROLLED, HOT-DRAWN, OR EXTRUDED ORIGINATING IN OR IMPORTED FROM THE PEOPLES' REPUBLIC OF CHINA AND THE KINGDOM OF THAILAND

The International Trade Administration Commission of South Africa (the Commission) received and accepted an application alleging that U-sections, I-sections, and H-sections of iron or non-alloy steel (excluding H-sections of a height greater than 200mm) and equal angles of iron or non-alloy steel, originating in or imported from the People's Republic of China (PRC) and Kingdom of Thailand (Thailand) are being dumped into the Southern African Customs Union (SACU), causing material injury to the SACU industry concerned.

The Applicant submitted sufficient evidence and established a *prima facie* case of dumping, material injury and causality to enable the Commission to decide that an investigation should be initiated.

THE APPLICANT

The application was lodged by ArcelorMittal Rails and Structures Ltd Pty (AMRAS), the only producer of the aforementioned angles, shapes and sections of iron or non-alloy steel (excluding H-sections of a height greater than 200mm). AMRAS' domestic production constitutes 100 percent of the total domestic production of the subject products in SACU.

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THE SUBJECT PRODUCT

The imported products allegedly being dumped are U-sections, I-sections, and H-sections of iron or non-alloy steel, not further worked than hot-rolled, hot-drawn, or extruded, of a height of 80 mm or more (excluding H-Sections of a height greater than 200mm) and equal angles of iron or non-alloy steel, not further worked than hot-rolled, hot-drawn, or extruded. The applicable tariff sub-headings are as follows: 7216.31 – U Sections; 7216.32 – I Sections; 7216.33 – H Sections; and 7216.50 – Other angles, shapes, and sections.

For the purposes of this investigation, the product types explained above are described as a single subject product called certain structural steel products.

THE ALLEGATION OF DUMPING

The dumping allegation is based on comparing the normal values and the export prices.

The normal values were determined based on the third country methodology, using exports to the United States of America for Chinese normal values, and exports to New Zealand for Thai normal values. The Applicant used the International Trade Centre ("ITC Trade Map"), an online database on international trade statistics, as proof of export prices from the PRC to the United States of America and from Thailand to New Zeeland.

The export prices were determined based on official import statistics obtained from the South African Revenue Service.

Both normal values and export prices for the PRC and Thailand were adjusted accordingly to get to an ex-factory level where the comparison is made.

The comparison between normal values and the export prices resulted in a 55.04% dumping margin for the PRC and a 9.66% dumping margin for Thailand.

On this basis, the Commission found that there was *prima facie* proof of dumping.

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THE ALLEGATION OF MATERIAL INJURY

Cumulative assessment:

Two countries are involved in this investigation. The information shows that the imported products from the PRC and Thailand satisfy the criteria to be cumulatively assessed as the margins of dumping for each country are more than two percent, the volume of imports from each country are above negligibility levels, and the imported products compete with each other and also compete with the SACU like product.

On this basis the Commission decided to cumulatively assess the effect and/or impact of the alleged dumped imports on the issue of material injury to the SACU industry.

Material injury:

The Applicant submitted *prima facie* evidence to show that there is price suppression and price undercutting. Over the investigation period of three years, the information also indicates a significant increase in import volumes of the subject product from the PRC and Thailand, a decline in the Applicant's profits, employment, returns on investment, net cash flows, ability to raise capital investments; increases in the Applicant's inventory levels and total wages; and low levels of capacity utilisation.

On this basis, the Commission found that there was *prima facie* proof of material injury.

CAUSAL LINK

The Commission considered all relevant factors, including all other known factors other than dumping. Based on the information considered in the application, the Commission found that there was *prima facie* proof of a causal link between the alleged dumped imports of the subject products and the material injury experienced by the SACU industry.

PERIOD OF INVESTIGATION

The period of investigation for purpose of determining dumping is from 01 April 2022 to 30 March 2024. The period of investigation for purposes of determining material injury is from 01 April 2021 to 30 March 2024.

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LEGAL PROCEDURAL FRAMEWORK

Having decided that there is sufficient evidence and a *prima facie* case to justify the initiation of an investigation, the Commission has begun an investigation in terms of section 16 of the International Trade Administration Act, 2002 (the ITA Act). The Commission will conduct its investigation in accordance with the relevant sections of the ITA Act, the Commission's Anti-Dumping Regulations (ADR) and giving due regard to the World Trade Organisation Anti-dumping Agreement.

Both the ITA Act and the ADR are available on the Commission's website (www.itac.orq.za) or from the Trade Remedies section, on request.

RESPONSE PROCEDURES AND TIME FRAMES

In order to obtain the information it deems necessary for its investigation, the Commission will send non-confidential versions of the application and questionnaires to all known importers and exporters and known representative associations. The trade representative of the PRC and Thailand have also been notified. Importers and other interested parties are invited to contact the Commission as soon as possible in order to determine whether they have been listed and were furnished with the relevant documentation. If not, they should immediately contact ITAC to ensure that they are sent copies. The questionnaire has to be completed and any other representations must be made within the time limit set out below.

The Senior Manager: Trade Remedies II, should receive all responses, including non - confidential copies of the responses, not later than 30 days from the date hereof. The said letter shall be deemed to have been received seven days after the day of its dispatch.

Late submissions will not be accepted except with the prior written consent of the Commission. The Commission will give due consideration to written requests for an extension of not more than 14 days on good cause shown (properly motivated and substantiated), if received prior to the expiry of the original 30-days period. Merely citing insufficient time is not an acceptable reason for an extension. Please note that the

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Commission will not consider requests for extension by the Embassy of the respective country on behalf of exporters.

The information submitted by any party may need to be verified by the Investigating officers in order for the Commission to take such information into consideration. The Commission may verify the information at the premises of the party submitting the information, within a short period after the submission of the information to the Commission. Parties should therefore ensure that the information submitted would subsequently be available for verification. It is planned to do the verification of the information submitted by the exporters within three to five weeks subsequent to submission of the information.

This period will only be extended if it is not feasible for the Commission to do a verification within this time period or upon good cause shown, and with the prior written consent of the Commission, which should be requested at the time of the submission. It should be noted that unavailability of, or inconvenience to consultants will not be considered to be good cause.

Parties should also ensure when they engage consultants that they will be available at the requisite times, to ensure compliance with the above time frames. Parties should also ensure that all the information requested in the applicable questionnaire is provided in the specified detail and format. The questionnaires are designed to ensure that the Commission is provided with all the information required to make a determination in accordance with the requirements of the ITA Act and the ADR (and giving due regard to the WTO Anti-Dumping Agreement). The Commission may therefore refuse to verify information that is incomplete or does not comply with the format in the questionnaire, unless the Commission has agreed in writing to a deviation from the required format. A failure to submit an adequate non-confidential version of the response that complies with the rules set out under the heading **CONFIDENTIAL INFORMATION** will be regarded as an incomplete submission.

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Parties who experience difficulty in furnishing the information required, or submitting in the format required, are therefore urged to make written applications to the Commission at an early stage for permission to deviate from the questionnaire or provide the information in an alternative format that can satisfy the Commission's requirements. The Commission will give due consideration to such a request on good cause shown.

Any interested party may request an oral hearing in accordance with Section 5 of the ADR, provided that the party indicates reasons for not relying on written submissions only.

The Commission may refuse an oral hearing if granting such hearing will unduly delay the finalisation of a determination. Parties requesting an oral hearing shall provide the Commission with a detailed agenda for, and a detailed version, including a non-confidential version, of the information to be discussed at the oral hearing at the time of the request.

If the required information and arguments are not received in a satisfactory form within the time limit specified above, or if verification of the information cannot take place, the Commission may disregard the information submitted and make a finding on the basis of the facts available to it.

CONFIDENTIAL INFORMATION

Please note that if any information is considered to be confidential then a non-confidential version of the information must be submitted for the public file, simultaneously with the confidential version. In submitting a non-confidential version, the following rules are strictly applicable and parties must indicate:

- where confidential information has been omitted and the nature of such information;
- reasons for such confidentiality.
- a summary of the confidential information which permits a reasonable understanding of the substance of the confidential information; and

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- in exceptional cases, where information is not susceptible to summary, reasons must be submitted to this effect.

This rule applies to all parties and to all correspondence with and submissions to the Commission, which unless indicated to be confidential and filed together with a non-confidential version, will be placed on the public file and be made available to other interested parties.

If a party considers that any document of another party, on which that party is submitting representations, does not comply with the above rules and that such deficiency affects that party's ability to make meaningful representations, the details of the deficiency and the reasons why that party's rights are so affected must be submitted to the Commission in writing forthwith (and at the latest 14 days prior to the date on which that party's submission is due). Failure to do so timeously will seriously hamper the proper administration of the investigation, and such party will not be able to subsequently claim an inability to make meaningful representations on the basis of the failure of such other party to meet the requirements.

Subsection 33(1) of the ITA Act provides that any person claiming confidentiality of information should identify whether such information is *confidential by nature* or is *otherwise confidential*, and any such claims must be supported by a written statement, in each case setting out how the information satisfies the requirements of the claim to confidentiality. In the alternative, a sworn statement should be made setting out reasons why it is impossible to comply with these requirements.

Section 2.3 of the ADR provides as follows:

"The following list indicates "information that is by nature confidential" as per section 33(1)(a) of the Main Act, read with section 36 of the Promotion of Access to Information Act (Act 2 of 2000):

(a) management accounts;

(b) financial accounts of a private company;

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(c) actual and individual sales prices;

(d) actual costs, including cost of production and importation cost;

(e) actual sales volumes;

(f) individual sales prices;

(g) information, the release of which could have serious consequences for the person that provided such information; and

(h) information that would be of significant competitive advantage to a competitor; Provided that a party submitting such information indicates it to be confidential."

ADDRESS

The response to the questionnaire and any information regarding this matter and any arguments concerning the allegation of dumping and the resulting material injury must be submitted in writing to the following address:

Physical address

The Senior Manager: Trade Remedies II
International Trade Administration Commission
Block E – The DTI Campus
77 Meintjies Street
SUNNYSIDE
PRETORIA
SOUTH AFRICA

Postal address

The Senior Manager
Trade Remedies II
Private Bag X753
PRETORIA
0001
SOUTH AFRICA

Enquiries may be directed to the investigating officers, Mr Sandile Mantolo at email address: smantolo@itac.org.za, Ms Millicent Baloyi at email address: mbaloyi@itac.org.za and Ms Phindile Mabona at email address: pmabona@itac.org.za.

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BOARD NOTICE 667 OF 2024

INTEGRITY I PUBLIC INTEREST I AUDIT QUALITY

AUDITING PROFESSION ACT, 2005 (ACT NO 26 OF 2005), AS AMENDED – REGISTRATION OF REGISTERED AUDITORS AND REGISTERED CANDIDATE AUDITORS

The Independent Regulatory Board for Auditors publishes the following information relating to the registration of Registered Auditors and Registered Candidate Auditors with effect from date of publication.

For further information, enquiries should be directed to:

Ms C M Garbutt

Manager: Registrations

Independent Regulatory Board for Auditors

Email: cgarbutt@irba.co.za

Imre Nagy

Chief Executive Officer

INTEGRITY I PUBLIC INTEREST I AUDIT QUALITY

PROCESSES AND DOCUMENTS PRESCRIBED
IN TERMS OFTHE AUDITING PROFESSION ACT, 26 OF 2005, AS AMENDED (APA)

A SUMMARY OF THE RELEVANT SECTIONS OF THE ACT

Section 6(1)(a), (c), (g)

6(1) The Regulatory Board must, subject to this Act

(a) prescribe minimum qualifications, competency standards and requirements for registration of auditors and candidate auditors in addition to those provided for in this Act;
(c) prescribe the period of validity of the registration of a registered auditor and a candidate auditor;
(g) prescribe minimum requirements for the renewal of registration and re-registration of registered auditors and registered candidate auditors.

Section 37(1), (1A) (2)(b)

37(1) An individual must apply on the prescribed application form to the Regulatory Board for registration as an auditor or registered candidate auditor.
37(2) If, after considering an application, the Regulatory Board is satisfied that the applicant
(b) has complied with the prescribed education, training and competency requirements for a registered auditor or registered candidate auditor;

Section 38(2), (3)

38(2) On application by a firm which is a partnership fulfilling the conditions in subsection 1(a) or a sole proprietor, on the prescribed application form, the Regulatory Board must register the firm as a registered auditor on payment of the prescribed fee.
38(3) The Regulatory Board must register a company as a registered auditor on payment of the prescribed fee if the company meets the requirements set out in subsection (3)(a)-(d).

Section 40(1), (2)

40(1) A registered auditor or registered candidate auditor must apply in the prescribed manner to the Regulatory Board for the renewal of his or her registration.
40(2) A registered auditor or registered candidate auditor whose registration was terminated in terms of section 39 or cancelled in terms of section 51(3)(a)(iv) may apply for re-registration in the prescribed manner to the Regulatory Board.

DETAIL OF DOCUMENTS AND PROCESSES PRESCRIBED IN TERMS OF THE AUDITING PROFESSION ACT, 26 OF 2005, AS AMENDED (APA)

SECTION 6:

6(1)	The Regulatory Board must, subject to this Act
(a)	prescribe minimum qualifications, competency standards and requirements for registration of auditors and candidate auditors in addition to those provided for in this Act;

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1. Registration as a Registered auditor

It is ***prescribed*** that the minimum qualifications, competency standards and requirements for registration of auditors in addition to those provided for in this Act are:

1.1. For candidates who wrote the Public Practice Examination (PPE):

1.1.1. The applicant must have successfully completed the PPE;
1.1.2. The applicant must have successfully completed a recognised training contract in public practice;
1.1.3. A determination by the Regulatory Board that the applicant is a fit and proper person to practise the profession;
1.1.4. Proof that the applicant is a member in good standing of a professional body accredited by the Regulatory Board; and
1.1.5. Submission of a valid police clearance report, or an equivalent criminal record check, in respect of the applicant.

1.2. For candidates who wrote SAICA's Assessment of Professional Competence (APC):

1.2.1 The applicant must have successfully completed the APC;
1.2.2 The applicant must have successfully completed an IRBA recognised training contract;
1.2.3 The applicant must have successfully completed the Regulatory Board's Audit Development Programme (ADP);
1.2.4 A determination by the Regulatory Board that the applicant is a fit and proper person to practise the profession,
1.2.5 Proof that the applicant is a member in good standing of a professional body accredited by the Regulatory Board; and
1.2.6 Submission of a valid police clearance report, or an equivalent criminal record check in respect of the applicant[1].

1.3 For candidates who completed the ACCA South Africa Audit Qualification (SA AQ)

1.3.1 The applicant must have successfully completed the SA AQ.
1.3.2 The applicant must have successfully completed an IRBA recognised training contract;
1.3.3 The applicant must have successfully completed the Regulatory Board's Audit Development Programme (ADP);
1.3.4 A determination by the Regulatory Board that the applicant is a fit and proper person to practise the profession;
1.3.5 Proof that the applicant is a member in good standing of a professional body accredited by the Regulatory Board; and
1.3.6 Submission of a valid police clearance report, or equivalent criminal record check in respect of the applicant.[1]

1.4 **For all candidates:**

If it has been more than three years since the applicant was last registered with the Regulatory Board, successfully completed the PPE, successfully completed their training contract (in the case of applicants who wrote the PPE), or successfully completed the ADP, whichever is the later date, the

[1] An equivalent record check, in this context, means a legitimate criminal record check issued by a reputable service provider and ordinarily used by employers to establish the criminal record status of prospective or current employees.

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applicant is required to submit with their application their CV, evidence of CPD undertaken for the past three years, and a short explanation of why registration is required.
If the applicant is joining a firm already registered with the Regulatory Board, the applicant must also provide a letter signed by the Senior Partner or equivalent of the firm confirming their position within the firm and their audit proficiency.
The applicant will be required to attend a proficiency assessment, and if the proficiency panel is satisfied as to the applicant's competency to practice as a registered auditor, the application will be processed in line with registry processes.

2 Registration as a registered candidate auditor

It is ***prescribed*** that the minimum qualifications, competency standards and requirements for registration of registered candidate auditors in addition to those provided for in this Act are:

2.1 The applicant must have successfully completed a recognised academic programme at an accredited university;

2.1 The applicant must have successfully completed a recognised core assessment programme;

2.2 The applicant must have completed a recognised professional development and assessment programme;

2.3 The application must be determined by the Regulatory Board to be a fit and proper person to enter into the Audit Development Programme (ADP);

2.4 Proof that the applicant is a member in good standing of a professional body accredited by the Regulatory Board; and

2.5 Submission of a valid police clearance report, or an equivalent criminal record check[2] in respect of the applicant.

3 Registration of firms

It is ***prescribed*** that the minimum qualifications, competency standards and requirements for registration of firms in addition to those provided for in this Act are:

3.1 Submission of the completed ***prescribed*** Form 2 **(ANNEXURE B);**

3.2 A statement that ISQM1 has been implemented, supported by:

3.2.1 Satisfactory evidence in respect of all relevant components in accordance with paragraphs 57 to 60 of ISQM1; and

3.2.2 Satisfactory evidence of compliance with the specified responses in paragraph 34 of ISQM1. In assessing the fulfilment of the requirements of paragraph 3.2 above, recognition and application of the scalability considerations described in paragraph 10 of ISQM1 will apply.

3.3 Submission of confirmation of firm ownership:

3.3.1 If the firm is an incorporated company, a copy of the shareholders register / securities register / share certificates and the latest COR39 from CIPC confirming directors of the firm;

3.3.2 If firm is a partnership, a copy of the partnership agreement or equivalent.

3.4 Submission of a business plan in line with the parameters set out in Annexure A to **Form 2.**

3.5 The Regulatory Board will not register a firm until the documents required under subsection 3.2 above have been deemed satisfactory by the Regulatory Board's reviewer thereof.

3.6 Should the firm submit an incomplete or defective application and fail to rectify the application within a period of three months from the Regulatory Board's request for further documentation, information and/or revised documentation, the firm's application will lapse on seven days' notice from the Regulatory Board.

[2] A SAPS police clearance report or other equivalent criminal record check is valid if it is not older than six months. An equivalent record check, in this context, means a legitimate criminal record check issued by a reputable service provider and ordinarily used by employers to establish the criminal record status of prospective or current employees.

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3.7 In the event of the firm's application lapsing as contemplated in paragraph 3.6 above, the firm will be required to submit a new registration application should it wish to apply for registration in future.

3.8 If a firm wishes to register additional branches once the firm is registered with the Regulatory Board, the firm must complete and submit a Form 2A **(ANNEXURE C).**

3.9 The requirements set out in paragraphs 3.2 to 3.4 are applicable to a non-assurance RA who is a sole proprietor and taking over an existing firm in respect of which the relevant documents have not previously been submitted to the IRBA for evaluation.

(c) prescribe the period of validity of the registration of a registered auditor and a registered candidate auditor;

4. **Period of validity of the registration of an individual Registered auditor**

It is ***prescribed*** that the period of validity of the registration of a registered auditor, being both defined on a continuous registration basis and on an annual basis, is:

4.1 On a continuous basis, from the date of first registration until termination for whatever reason;

4.2 On an annual basis, from 1 April to 31 March of each year, provided the registered auditor pays the required annual fees, submits the required annual documents and complies with the annual renewal requirements and remains in good standing with the Regulatory Board,

5. **Period of validity of the registration of a registered candidate auditor**

It is ***prescribed*** that the period of validity of the registration of a registered candidate auditor is until:

5.1 the candidate has satisfied all the ADP requirements, which include:

5.1.1 the candidate has submitted a portfolio of evidence; and

5.1.2 the Regulatory Board has evaluated the portfolio of evidence and has reached a decision that the candidate has successfully completed the ADP; and

5.1.3 An ADP monitoring visit has been conducted at the firm where the candidate has completed the ADP, and the environment has been assessed as conducive to the development of professional competence; or

5.1.4 the candidate withdraws from the ADP.

In the premise where the candidate has complied with paragraphs 5.1.1, 5.1.2 and 5.1.3, the candidate will then be eligible to apply for registration as a registered auditor.

6. **Period of validity of the registration of a Registered Auditor that is a firm**

It is ***prescribed*** that the period of validity of the registration of a firm, being both defined on a continuous registration basis and on an annual basis, is:

6.1 On a continuous basis, from the date of first registration until deregistration for whatever reason;

6.2 On an annual basis, from 1 April to 31 March of each year, provided the firm pays the required assurance fees and submits the required annual return, including the assurance fee declaration and any other required documents and remains in good standing with the Regulatory Board.[2]

(g) prescribe minimum requirements for the renewal of registration and re-registration of registered auditors and registered candidate auditors.

7. **Requirements for renewal of registration and re-registration of registered auditors**

7.1 **Renewal of registration of individual registered auditors**

It is ***prescribed*** that the minimum requirements for the renewal of registration are:

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7.1.1 For the registered auditor to be in good standing with the Regulatory Board[3];
7.1.2 Payment of the annual fees by a specified date, which fee is prescribed by the Regulatory Board from time to time;
7.1.3 Completion and submission by a specified date of an individual Annual Return;
7.1.4 Compliance with the Regulatory Board's CPD Policy, as amended from time to time;
7.1.5 Continued residence within the Republic of South Africa;
7.1.6 Continued membership in good standing with a professional body accredited by the Regulatory Board; and
7.1.7 A determination by the Regulatory Board to be a fit and proper person to continue to practice the profession.

7.2 **Re-registration of individual registered auditors**

It is ***prescribed*** that the minimum requirements for re-registration are:
7.2.1 Payment of a registration fee, which fee is prescribed by the Regulatory Board from time to time;
7.2.2 Payment of any outstanding fees or other amounts owed to the IRBA by the individual applying for re-registration;
7.2.3 Completion and submission of Form 1 (Application by an Individual for Admission to the Register of Auditors) **[see ANNEXURE A];**
7.2.4 A determination by the Regulatory Board that the applicant is a fit and proper person to practice the profession;
7.2.5 Proof that the applicant is a member in good standing with a professional body accredited by the Regulatory Board;
7.2.6 Submission of a valid police clearance report, or an equivalent criminal record check in respect of the applicant.[1]
7.2.7 Compliance with all the requirements that would apply if the applicant were applying for registration for the first time as specified in section 37 of Act 26 of 2005;
7.2.8 If it has been more than three years since the applicant was last registered with the Regulatory Board, successfully completed the PPE, successfully completed their training contract (in the case of applicants who wrote the PPE), or successfully completed the ADP, whichever is the later date, the applicant is required to submit with their application their CV, evidence of CPD undertaken for the past three years, and a short explanation of why registration is required. If the applicant is joining a firm already registered with the Regulatory Board, the applicant must also provide a letter signed by the Senior Partner or equivalent of the firm confirming their position within the firm and their audit proficiency. The applicant will be required to undergo a proficiency assessment.

8. **Requirements for renewal of registration and re-registration for registered candidate auditors**

There are no specific requirements for the renewal of registration or re-registration of registered candidate auditors.

9. **Requirements for renewal of registration and re-registration for registered auditors that are firms**

Renewal of registration of firms

[2] A registered auditor is in good standing with the Regulatory Board when he/she has complied with all their explicit obligations and the Regulatory Board Rules; paid all fees and debts owing to the Regulatory Board (or made arrangements to pay such debts), while not being subject to any form of sanction with which he/she has not complied or a suspension which has not been uplifted or a disciplinary order which has precluded his/her continued registration.

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9.1 In order to renew a firm's registration with the Regulatory Board on an annual basis, it is ***prescribed*** that a firm must:

9.1.1 Pay assurance fees by the specified dates, which fees are prescribed by the Regulatory Board from time to time;

9.1.2 Complete and submit an annual return by a specified date, which return comprises the following[4]:

9.1.2.1 a Firm Assurance Work Declaration;

9.1.2.2 a public practice information questionnaire, including questions about a Firm's structure; and

9.1.2.3 any other documents as required by the IRBA.

9.1.3 Maintain good standing with the Regulatory Board[5]

9.1.4 It is further ***prescribed*** that, with effect from 1 April 2024, registered auditors who are firms and who are not in good standing with the Regulatory Board, will not be eligible to renew their registration with the Regulatory Board.

Re-registration of firms

9.2 It is ***prescribed*** that the minimum requirements for re-registration are:

9.2.1 Payment of a registration fee, which fee is prescribed by the Regulatory Board from time to time;

9.2.2 Payment of any outstanding fees or other amounts owed to the IRBA by the firm;

9.2.3 Submission of all required documentation specific to the Assurance Work Declaration and related documentation; and

9.2.4 Compliance with all the requirements that would apply if the applicant was applying for registration for the first time as specified in section 38 of Act 26 of 2005, including:

9.2.4.1 Completion and submission of Form 2 (Application by a Firm for Admission to the Register of Auditors**) [see ANNEXURE B];**

9.2.4.2 A statement that ISQM1 has been implemented, supported by:

9.2.4.2 (a) Satisfactory evidence in respect of all relevant components in accordance with paragraphs 57 to 60 of ISQM1; and

9.2.4.2(b) Satisfactory evidence of compliance with the specified responses in paragraph 34 of ISQM1.

In assessing the fulfilment of the requirements of paragraph 9.2.4.2 above, recognition and application of the scalability considerations described in paragraph 10 of ISQM1 will apply.

9.2.4.3 A business plan in line with guidelines provided in the application form.

9.2.4.4 Compliance with the requirements of paragraph 3.2 above;

9.2.4.5 The Regulatory Board will not register a firm until the documents required under subsection 3.2 above have been deemed satisfactory by the Regulatory Board's reviewer.

9.2.4.6 Should the firm submit an incomplete or defective application and fail to rectify the application within a period of three months from the Regulatory Board's request for further documentation, information and/or revised documentation, the firm's application will lapse on seven days' notice from the Regulatory Board.

[4] The content of the questionnaires comprising the Assurance Work Declaration may change from time to time as determined by the Regulatory Board.

[5] A registered auditor that is a firm is in good standing with the Regulatory Board when it has complied with all its explicit obligations and the Regulatory Board Rules; submitted all documents required by the Regulatory Board and paid all fees and debts owing to the Regulatory Board (or made arrangements to pay such debts), while not being subject to any form of sanction with which it has not complied or a suspension which has not been uplifted or a disciplinary order which has precluded its continued registration.

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9.2.4.7 In the event of the firm's application lapsing as contemplated in paragraph 9.2.4.5 above, the firm will be required to submit a new registration application should it wish to apply for registration in future.

9.2.4.8 If a firm wishes to register additional branches once the firm is registered with the Regulatory Board, the firm must complete and submit a Form 2A **(ANNEXURE C).**

9.2.5 The requirements set out in paragraphs 3.2 to 3.4 above will also be applicable to a non-assurance RA who is a sole proprietor and taking over an existing firm in respect of which the relevant documents have not previously been submitted to the IRBA for evaluation.

9.2.6 Submission of confirmation of firm ownership:

9.2.6.1 If firm is an incorporated company, a copy of the shareholders agreement / share certificates and the latest COR39 from CIPC confirming directors of the firm;

9.2.6.2 If firm is a partnership, a copy of the partnership agreement or equivalent.

9.2.7 The requirements set out in paragraph 9.2.3 to 9.2.4 also apply to firms merging or unmerging who have not previously submitted these documents.

9.2.8 The requirements set out in paragraph 9.2.2 to 9.2.4 also apply to firms who are applying for re-registration and who had not previously complied with these requirements.

SECTION 37:

37(1)	An individual must apply on the prescribed application form to the Regulatory Board for registration as an auditor or candidate auditor.

10. Application forms for individual registered auditors and registered candidate auditors

10.1 The ***prescribed*** application form for registration as a registered auditor is attached as **ANNEXURE A.**

10.2 The ***prescribed*** application form for registration as a registered candidate auditor is attached as **ANNEXURE D.**

37(2)	If, after considering an application, the Regulatory Board is satisfied that the applicant:-
(a)	has complied with the prescribed education, training and competency requirements for a registered auditor or registered candidate auditor.

11. Education, training and competency requirements for individual registered auditors or registered candidate auditors

The ***prescribed*** education, training and competency requirements are detailed in this document under paragraphs 1, 2 and 3 of this document.

SECTION 38

38(2)	On application by a firm which is a partnership fulfilling the conditions in subsection 1(a) or a sole proprietor, on the prescribed application form, the Regulatory Board must register the firm as a registered auditor on payment of the prescribed fee.
38(3)	The Regulatory Board must register a company as a registered auditor on payment of the prescribed fee if…

12. Application form for registration of registered auditors that are firms

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12.1 The ***prescribed*** application form for all applications to register a firm is attached as **ANNEXURE B**, and the fee is determined and prescribed by the Regulatory Board from time to time.

12.2 If an applicant for individual registration wishes to join an existing firm that is already registered with the regulatory board, they must complete the form attached as **ANNEXURE F** together with the form attached as **ANNEXURE A**.

SECTION 40

40(1)	A registered auditor or registered candidate auditor must apply in the prescribed manner to the Regulatory Board for the renewal of his or her registration.

13. Renewal of registration for Registered Auditors

13.1 In order to renew his or her registration with the Regulatory Board on an annual basis, it is ***prescribed*** that a registered auditor must:

- 13.1.1 Pay an annual fee by a specified date, which fee is prescribed by the Regulatory Board from time to time;
- 13.1.2 Ordinarily reside within the Republic of South Africa;
- 13.1.3 Comply with the IRBA CPD policy as amended from time to time; and
- 13.1.4 Complete and submit an individual Annual Return by a specified date, which Annual Return comprises[6]:
  - 13.1.4.1 a compliance questionnaire relating to the Financial Intelligence Centre Act, 38 of 2001;
  - 13.1.4.2 a public practice questionnaire, including questions about a registered auditor's assurance status;
  - 13.1.4.3 a Continuing Professional Development questionnaire;
  - 13.1.4.4 a Fit and Proper questionnaire;
  - 13.1.4.5 a tax compliance declaration; and
  - 13.1.4.6 a declaration that the registered auditor is in good standing with the Regulatory Board. [2]
  - 13.1.45.7 a declaration that the registered auditor is in good standing with his or her accredited professional body.

13.2 It is further ***prescribed*** that if the registered auditor fails to pay his annual fees by the specified date, the registered auditor's registration automatically lapses in terms of section 39(5) of the APA.

13.3 It is further ***prescribed*** that if the registered auditor fails to submit his complete Individual Annual Return by the specified date, the registered auditor's registration will be cancelled in terms of section 40(2) read with 39(3) of the APA for failing to meet the annual renewal requirements.

13.4 It is further ***prescribed*** that, with effect from the year starting 1 April 2022, failure to comply with the Regulatory Board's CPD Policy, as amended, and its requirements will result in the RA's registration not being renewed.

13.5 It is further ***prescribed*** that, with effect from 1 April 2022, registered auditors who are not in good standing with the Regulatory Board, as at the date on which the Individual Annual Return is submitted, will not be eligible to renew their registration with the Regulatory Board.

13.6 It is further ***prescribed*** that a Registered Auditor who is no longer residing within the Republic of South Africa will not be eligible for the renewal of his/her registration.

[6] The content of the questionnaires comprising the Individual Annual Return may change from time to time as determined by the Regulatory Board

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13.7 Reinstatement of a registered auditor whose registration has lapsed or been cancelled in terms of paragraph 13.2 and 13.3 above

13.7.1 It is ***prescribed*** that if the registered auditor's registration is lapsed or cancelled in terms of paragraph 13.2 or 13.3 above, the registered auditor may request reinstatement on payment of a prescribed administration fee, together with payment of the outstanding annual fees and/or submission of the outstanding Annual Return and any other fees or documents that are outstanding to the Regulatory Board.

13.7.2 It is further ***prescribed*** that the registered auditor may apply for reinstatement in terms of paragraph 13.7.1 above up until 31 March of the calendar year following the calendar year of lapsing or cancellation of registration. Late reinstatements may be considered based on the registered auditor's individual circumstances.

13.7.3 It is further ***prescribed*** that if the registered auditor does not apply for reinstatement before 31 March of the calendar year following the calendar year of the annual renewal process in which he/she was lapsed or cancelled, the registered auditor may apply for re-registration of registration from 1 April of the calendar year following the calendar year of lapsing or cancellation of registration.

13.7.4 It is further ***prescribed*** that, if a registered auditor whose registration has lapsed or been cancelled does not apply for re-instatement, the registered auditor may not apply for re-registration until 1 April of the calendar year following the calendar year of lapsing or cancellation.

13.8 Reinstatement of a registered auditor whose registration has not been renewed as a result of non-residence within South Africa

13.8.1 It is ***prescribed*** that a registered auditor whose registration has not been renewed as a result of non-residence within South Africa, may only be reinstated if he/she provides evidence of residence within South Africa by 31 March of the calendar year following the calendar year of the annual renewal process in which his/her registration was not renewed.

13.8.2 It is further ***prescribed*** that a registered auditor described in 13.8.1 above, may only apply for re-registration:

13.8.2.1 after 1 April of the calendar year following the calendar year of the annual renewal process in which his/her registration was not renewed; and

13.8.2.2 if he/she provides evidence of his/her ordinary residence within South Africa, pays the prescribed fee and submits all outstanding documents to the Regulatory Board.

13.9 Reinstatement of a registered auditor whose registration has not been renewed as a result of non-compliance with the IRBA's CPD policy, as amended

13.9.1 It is ***prescribed*** that a registered auditor whose registration has not been renewed as a result of non-compliance with the IRBA's CPD policy, as amended, may only be reinstated if he/she has submitted evidence of compliance with the CPD policy by 31 March of the calendar year following the annual renewal process in which his/her registration was not renewed.

13.9.2. Evidence referred to in 13.9.1 above will be evaluated and must be confirmed as satisfactory to the Regulatory Board before 31 March of the calendar year following the annual renewal year in which his/her registration was not renewed, before such a reinstatement can be processed.

13.9.2 It is prescribed that a registered auditor, whose registration has not been renewed as a result of non-compliance with the IRBA's CPD policy, as amended, may only apply for re-registration:

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13.9.2.1 after 1 April of the calendar year following the year of the annual renewal process in which his/her registration was not renewed; and

13.9.2.2 if he/she has submitted, to the satisfaction of the Regulatory Board, evidence of compliance with the CPD policy, and has paid the prescribed fee and submitted all outstanding documents to the Regulatory Board.

13.10 Reinstatement of a registered auditor whose registration has not been renewed as a result of the failure to maintain good standing with the Regulatory Board

13.10.1 It is ***prescribed*** that, if a registered auditor whose registration has not been renewed as a result of the failure to maintain good standing with the Regulatory Board as at the time of submission the Individual Annual Return, may only be reinstated once:

13.10.1.1 the registered auditor has, to the satisfaction of the Regulatory Board, remedied any conduct which affected his standing with the Regulatory Board[7].

13.10.1.2 It is further ***prescribed*** that the registered auditor who may apply for reinstatement of his registration in terms of paragraph 13.10.1 above up until 31 March of the calendar year following the year of the non-renewal of his registration. Late reinstatements may be considered based on the registered auditor's individual circumstances.

13.10.1.3 It is further prescribed that if the registered auditor does not apply for reinstatement of his registration before 31 March of the calendar year following the year of the annual renewal process in which his/her registration was not renewed, the registered auditor may re-apply for the Regulatory Board to be re-registered from 1 April of the calendar year following the year of the annual renewal process in which his/her registration was not renewed.

13.11 **Reinstatement of a registered auditor that is a firm whose registration has not been renewed as a result of the failure to maintain good standing with the Regulatory Board**

13.11.1 It is ***prescribed*** that, if a registered auditor who is a firm whose registration has not been renewed as a result of the failure to maintain good standing with the Regulatory Board may only be reinstated once:

13.11.1.1 the firm has, to the satisfaction of the Regulatory Board, remedied any conduct which affected its standing with the Regulatory Board[8].

13.11.1.3 It is further ***prescribed*** that the firm may apply for reinstatement of its registration in terms of paragraph 13.11.1 above up until 31 January of the calendar year following the year of the non-renewal of its registration. Late reinstatements may be considered based on the firm's individual circumstances.

13.11.1.4 It is further prescribed that if the firm does not apply for reinstatement of its registration before 31 January of the calendar year following the year of the annual renewal process in which its registration was not renewed, the firm may re-apply for the Regulatory Board to be re-registered from 1 February of the calendar year following the year of the non-renewal of its registration.

[7] This includes compliance with any outstanding obligations, payment of any outstanding fees or debts (or making an appropriate arrangement), upliftment of any suspension or compliance with any disciplinary order or sanction.
[8] This includes compliance with any outstanding obligations, payment of any outstanding fees or debts (or making an appropriate arrangement), upliftment of any suspension or compliance with any disciplinary order or sanction.

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14. Renewal of registration for registered candidate auditors

There are no specific requirements for the renewal of registration of registered candidate auditors.

40(2)	A registered auditor or registered candidate auditor whose registration was terminated in terms of section 39 or cancelled in terms of section 51(3)(a)(iv) may apply for re-registration in the prescribed manner to the Regulatory Board.

15. Re-registration for Individual Registered auditors

The ***prescribed*** manner of re-registration for registered auditors is as follows:

15.1 Payment of a registration fee, which fee is prescribed by the Regulatory Board from time to time;

15.2 Completion and submission of Form 1 (Application by an Individual for Admission to the Register of Auditors) **[see ANNEXURE A]**

15.3 A determination by the Regulatory Board that the applicant is a fit and proper person to practise the profession;

15.4 Proof that the applicant is a member in good standing of a professional body accredited by the Regulatory Board;

15.5 Submission of a valid police clearance report or equivalent criminal record check in respect of the applicant;

15.6 Compliance with all the requirements that would apply if the applicant were applying for registration for the first time as specified in section 37 of the APA and in terms of paragraphs 1.1, 1.2 and 1.3 of this document; and

15.7 If it has been more than three years since the applicant was last registered with the Regulatory Board, successfully completed the PPE, successfully completed their training contract (in the case of applicants who wrote the PPE), or successfully completed the ADP whichever is the later date, the applicant is required to submit with their application their CV, evidence of CPD undertaken for the past three years, and a short explanation of why registration is required. If the applicant is joining a firm already registered with the Regulatory Board, the applicant must also provide a letter signed by the Senior Partner or equivalent of the firm confirming their position within the firm and their audit proficiency. The applicant will be required to undergo a proficiency assessment.

16. Re-registration for registered candidate auditors

The ***prescribed*** manner of re-registration of registered candidate auditors is as follows:

16.1 Payment of a registration fee, which fee is prescribed by the Regulatory Board from time to time;

16.2 Completion and submission of Form 5 (Application by an Individual for Admission to the Register of Registered candidate auditors) **[see ANNEXURE D]**

16.3 A determination by the Regulatory Board that the applicant is a fit and proper person enter the Audit Development Programme (ADP);

16.4 Proof that the applicant is a member in good standing of a professional body accredited by the Regulatory Board;

16.5 Submission of a valid police clearance report or equivalent criminal record check in respect of the applicant; and

16.6 Compliance with all the requirements that would apply if the applicant were applying for registration for the first time as specified in section 37 of the APA and in terms of paragraph 2 of this document.

17. Re-registration of registered auditors that are firms

The ***prescribed*** manner of re-registration of firms is as follows:

17.1 Payment of a registration fee, which fee is prescribed by the Regulatory Board from time to time;

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17.2 Compliance with all the requirements that would apply with the firm were applying for registration for the first time as specified in section 38 of the APA;

17.3 Completion and submission of Form 2 (Application by a Firm for Admission to the Register of Auditors) **[see ANNEXURE B];**

17.4 A statement that ISQM1 has been implemented, supported by:

17.4.1 Satisfactory evidence in respect of all relevant components in accordance with paragraphs 57 to 60 of ISQM1; and

17.4.2 Satisfactory evidence of compliance with the specified responses in paragraph 34 of ISQM1.

In assessing the fulfilment of the requirements of paragraph 17.4 above, recognition and application of the scalability considerations described in paragraph 10 of ISQM1 will apply.

17.5 Submission of a business plan in accordance with the information provided in Form 2.

17.6 Compliance with the requirements of paragraph 3.2 above;

17.7 The Regulatory Board will not register a firm until the documents required under paragraph 3.2 above have been deemed satisfactory by the Regulatory Board's reviewer

17.8 In the event that the firm submits an incomplete or defective application and fails to rectify the application within a period of three months from the Regulatory Board's request for further documentation, information and/or revised documentation, the firm's application will lapse on seven days' notice from the Regulatory Board.

7.9 In the event of the firm's application lapsing as contemplated in paragraph 17.7 above, the firm will be required to submit a new registration application should it wish to apply for registration in future.

17.10 If a firm wishes to register additional branches once the firm is registered with the Regulatory Board, the firm must complete and submit a Form 2A **(ANNEXURE C).**

17.11 The requirements set out in paragraphs 3.2 to 3.4 will also be applicable to a non-assurance RA who is a sole proprietor and taking over an existing firm in respect of which the relevant documents have not previously been submitted to the IRBA for evaluation.

17.12 Submission of confirmation of firm ownership:

17.12.1 If firm is an incorporated company, a copy of the shareholders agreement, memorandum of incorporation, shareholders register / securities register / share certificates and the latest COR39 from CIPC confirming directors of the firm;

17.12.2 If firm is a partnership, a copy of the partnership agreement or equivalent.

17.13 The requirements set out in paragraph 17.4 to 17.8 apply likewise to firms merging or unmerging who have not previously submitted these documents.

17.14 The requirements set out in paragraph 17.4 to 17.8 apply to firms who are applying for re-registration and who had not previously complied with these requirements.

18. ASSURANCE AND NON-ASSURANCE STATUS

The following is ***prescribed*** in terms of Section 6(1)(a) and (g) and Section 37(1) and (2)(b) and Section 40(1) and (2):

19.1 First and re-registration of applicant(s) as registered auditor (Sections 37 and 40):

19.1.1 An applicant for registration as a registered auditor may apply for registration with an assurance or non-assurance status.

19.1.2 Assurance is determined by the definition of "assurance engagement" as it appears in the Regulatory Board's Code of Professional Conduct and includes "audit" as it is defined in the Auditing Profession Act, 26 of 2005.

19.1.3 An applicant who is registered with the Regulatory Board as a registered auditor with an assurance status means that he or she has informed the Regulatory Board that he or she

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intends to perform assurance work as defined in the Code of Professional Conduct and the Auditing Profession Act, 26 of 2005.

19.1.4 An applicant who is registered with the Regulatory Board as a registered auditor with a non-assurance status means that he or she has informed the Regulatory Board that he or she does not intend to perform assurance work as defined in the Code of Professional Conduct and the Auditing Profession Act 26 of 2005.

19.1.5 Any applicant may be required to attend an interview with the Regulatory Board's Proficiency Assessment Panel.

19.1.6 The Regulatory Board, or the Proficiency Assessment Panel, may, at the time of considering the application for registration or re-registration as a registered auditor, require that an applicant who has requested to be registered with an assurance status instead be registered with a non-assurance status until certain criteria have been met.

19.1.7 An applicant who applies to be registered with the Regulatory Board as a registered auditor with an assurance status must be linked to a firm that is registered with the Regulatory Board.

19.2 Annual renewal of registration of registered auditor (Section 40):

19.2.1 A registered auditor must disclose in his or her Individual Annual Return whether he or she is currently performing assurance work.

19.2.2 If such disclosure reflects a change in the registered auditor's current assurance status, the Regulatory Board will follow the procedure referred to in paragraphs 19.3.1 to 19.3.5 below.

19.3 Change of assurance or non-assurance status:

19.3.1 A registered auditor who wishes to change their assurance or non-assurance status must request such change from the Regulatory Board.

19.3.2 If a registered auditor wishes to change their status from non-assurance to assurance, such change must be requested on Form 6 **(ANNEXURE E)** and approved by the Regulatory Board prior to any assurance engagements being accepted or performed.

19.3.3 The Regulatory Board may request any information it requires from the registered auditor in order for it to come to a determination as to whether the registered auditor is proficient to change their status from non-assurance to assurance.

19.3.4 The Regulatory Board will assess the registered auditor's request and may decline the request if the Registered auditor:

19.3.4.1 is not linked to a firm registered with the Regulatory Board; and/or

19.3.4.2 is not determined by the Regulatory Board to be sufficiently proficient to perform assurance engagements; and/or

19.3.4.3 has not provided a letter from the firm to which the registered auditor is linked, if that registered auditor is an employee, consenting to changing their status to assurance; and/or

19.3.4.4 has not provided any other information which the Regulatory Board has requested in terms of paragraph 19.3.3 above.

19.3.5 If it has been more than three years since the applicant was last assurance, or if the applicant was registered as non-assurance with the Regulatory Board, the applicant will be required to attend an interview with the Regulatory Board's Proficiency Assessment Panel.

19.3.6 A registered auditor may request his or her status be changed from assurance to non-assurance at any time during the year by sending an email to the regulatory board requesting such a change.

19.3.7 A registered auditor may also change his or her status from assurance to non-assurance by changing his/her status to non-assurance in the Individual Annual Return.

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19.3.8 A registered auditor may not change his or her status from non-assurance to assurance by changing his/her status in the Individual Annual Return. A form 6 must be completed as referred to in paragraph 19.3.2 above.

19.3.9 If a registered auditor changes his or her status from assurance to non-assurance in his/her Individual Annual Return, the regulatory board will change his/her status to non-assurance in their register as being the current status of the registered auditor.

IRBA
INTEGRITY I PUBLIC INTEREST I AUDIT QUALITY

ANNEXURE A

FORM 1

INDEPENDENT REGULATORY BOARD FOR AUDITORS
(Established under Section 3 of Act 26 of 2005)

APPLICATION BY AN INDIVIDUAL TO THE ENTERED INTO THE REGISTER OF REGISTERED AUDITORS
(For application in terms of Section 37(1) and Section 40(2)

I hereby apply to be registered as a Registered Auditor and I submit the following information in support of my application:

1. **NAME IN FULL:**

(a)	Title:	
(b)	Surname as per ID (and Maiden name if applicable):	
(c)	Forename(s) as per ID:	

2. **ADDRESSES:**

(a)	Your physical address:	
(b)	Your postal address:	
c)	Physical area of practice (if in practice) (Required in order to accurately reflect on the IRBA website the area in which you practice)	

3. **CONTACT DETAILS:**

(a)	Telephone number:	
(b)	Cell number:	
(c)	Primary email address:	
(d)	Secondary email address (this will be used only if we cannot contact you on your primary email address)	

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4. **PERSONAL INFORMATION:**

(a)	Identity Number: **(Please attach a copy of the front page of your Identity Document or Card)**	
(b)	Passport Number, only if no South African ID Number: **(Please attach a copy of the relevant page of your passport)**	
(c)	Race: (This information is requested in order to gauge the profession's success in becoming more representative of the people in South Africa.)	
(d)	Are you disabled? (This information is requested in order to gauge the profession's success in becoming more representative of the people in South Africa.)	

5. **TRAINING DETAILS:**

(a)	Dates registered as a trainee accountant with the Board:	From:	To:
(b)	Registration number:		

Please attach a copy of the accredited professional body's confirmation of the discharge of your training contract.

6. **QUALIFICATION DETAILS:**

Tertiary Qualifications	University	Date completed

Passed the Public Practice Examination (PPE)	Month:	Year:

OR

Completed IRBA's Audit Development Programme (ADP)	Month:	Year:

If you are applying for registration and you are registered with an accredited professionally body through a reciprocity agreement with a foreign professional body, please contact Registry for further assistance.

7. If it has been more than three years since you were last registered with the IRBA as an assurance RA, successfully completed the ADP, passed the Public Practice Examination (date of writing), or completed your training contract in public practice (for applicants who wrote the PPE), whichever is the later date, then your application, for purposes of section 37(2)(d), must be accompanied by:

7.1 a comprehensive up to date CV detailing your professional history with specific focus on your assurance roles and responsibilities;
7.2 completed CPD for the past three years, including the current year and your most current assurance CPD, according to your accredited professional body's CPD method;
7.3 a short explanation of why registration is required.

If you are joining an existing firm or the Auditor-General, please also submit a letter from the Senior Partner or CEO or equivalent of the firm or Auditor-General confirming your role within the firm and your audit proficiency. Please include details as to how audit proficiency was assessed.

Your application will be assessed to determine whether a proficiency assessment is required.

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If you are requested to attend a proficiency interview, an additional fee, as prescribed by the IRBA for the relevant period, will be applicable.

8. **RESIDENCE:**

Are you resident in the Republic of South Africa?	

Please note that residence in South Africa is a requirement for registration and continued registration with the IRBA.

9. **PROFESSIONAL BODY MEMBERSHIP:**

(a)	Are you a member of a professional body accredited by the IRBA?	
(b)	If yes, please provide name of body and membership number **(Please attach proof of good standing with the professional body accredited by IRBA)**	

Please note that membership of a professional body accredited by the IRBA is required for registration and continued registration with the IRBA. The only professional bodies currently accredited by the IRBA are the South African Institute of Chartered Accountants (SAICA) and the Association of Chartered Certified Accountants (ACCA).

10. **PREVIOUS REGISTRATION:**

Have you ever previously been registered as an auditor with the IRBA or its predecessor body?	

If termination was as a result of disciplinary action by the IRBA's Disciplinary Committee, provide on a separate page comprehensive reasons as to why you should be re-registered, with specific reference to any changes in circumstance since date of termination.

11. **FIT AND PROPER:**

Answer Yes or No to the following questions.

If the answer to any of the questions is yes, provide details on a separate page.

Financial Integrity		
11.1	Are you an unrehabilitated insolvent, have you entered into a compromise with creditors, are you under debt review, or have you been provisionally sequestrated?	
11.2	Have you ever failed, or are you failing to, manage any financial obligations (including debts) satisfactorily, including civil judgements or pending proceedings which may lead to such a judgement in respect of any unpaid debt?	
Civil Liability		
11.3	Have you ever accepted civil liability for, or been the subject of a civil judgement in respect of theft, fraud, forgery, uttering a forged document, perjury, misrepresentation, or dishonesty under any law?	
Good Character		
11.4	Have you at any time been removed from an office of trust because of misconduct related to a discharge of that office?	
11.5	Have you, at any time been convicted, whether in the South Africa or elsewhere, of theft, fraud, forgery, uttering a forged document, perjury, an	

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	offence under the Combating of Corrupt Activities Act, 2004, or any other offence involving dishonesty?	
11.6	Have you at any time been convicted, whether in South Africa or elsewhere, of any other criminal offence?	
11.7	Are you for the time being declared by a competent court to be of unsound mind or unable to manage your own affairs?	
11.8	Have you ever been found guilty of unprofessional conduct by any statutory entity or professional or regulatory body?	
11.9	Are you currently under investigation by any local or foreign statutory entity or regulatory body, including IRBA?	
11.10	Have you ever been refused registration or membership of any professional or statutory body, or had that registration or membership revoked, withdrawn or terminated by that professional or statutory body?	
11.11	Have you ever been dismissed from any office (other than as auditor) or employment, or requested to resign from any office, employment or firm?	
11.12	Have you ever been involved, as a director or member of senior management of a business that has been placed under statutory management or curatorship, in business rescue or in liquidation while you were connected with that organisation, or within one year of that connection?	
11.13	Have you ever been disqualified from being a director of a company or from acting in the management or conduct of the affairs of any company?	
11.14	Have you, or a business with which you have been involved in the capacity of director of member of senior management, ever been the subject of frequent or material preventative, remedial or enforcement actions by any regulatory authority?	

PLEASE NOTE THAT A VALID POLICE CLEARANCE REPORT OR EQUIVALENT CRIMINAL RECORD CHECK MUST BE SUBMITTED WITH YOUR APPLICATION.

12. **PUBLIC PRACTICE INFORMATION:**

(a)	Are you in public practice?	
(b)	Do you intend performing assurance work within the next 12 months? [1]	
(c)	If the answer to (b) above is yes, is any of the assurance work you intend performing classified as high risk? Please refer to **Annexure A.**	

Please note the following with regard to public practice:

- If you are an employee who earns a salary you are not in public practice, even if you intend performing assurance work.
- If you are intending to be a partner, or shareholder and director, of a registered audit firm, you will be in public practice, even if you do not perform assurance work.
- All assurance work must be performed through a firm, even if you intend practising as a sole proprietor.
- If you are registering as an employee of an existing firm and you intend performing assurance work[9], please provide a letter from the firm confirming that they are aware you are registering as an assurance Registered Auditor.

I certify that the above information is true and correct in every detail, and I undertake to comply with the Auditing Profession Act, 26 of 2005, as amended, the Code of Professional Conduct, as published from time to time, as well as the CPD policy of the IRBA as published, with amendments, if any.**

I attach proof of payment of the registration fee in the prescribed amount of **R**_____ for the year ending _____.

[9] Please refer to the Code of Conduct for the definition of Assurance Work

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I understand that the registration fee is not pro-rated and I will be invoiced for annual renewal fees on an annual basis with effect from 1 April in the financial year subsequent to my registration. Please note that the IRBA's financial year runs from 1 April to 31 March.

The IRBA's banking details are:

Bank:	Standard Bank
Branch:	Eastgate
Branch Code:	018505
Account Number:	221290532

Please note we cannot start processing your application without confirmation of payment.
Please note further that if you are re-registering, we cannot start processing your application until any outstanding fees or other amounts owed to the IRBA, if any, have been paid.
If you withdraw or cancel your application for registration, you will be refunded the registration fee less a 15% administration fee on submission of proof of your banking details to registry@irba.co.za.

_____ _____

Date Signature of applicant

** The Auditing Profession Act, IRBA's Code of Professional Conduct and the CPD policy are available on our website at www.irba.co.za.

Please email your application form and supporting documentation to registry@irba.co.za.

Please note that in order for the IRBA to engage with you, it will have to Process certain Personal Information which belongs to you, which Processing is described and explained under the specific and informative IRBA Processing Notices, housed for ease of reference on IRBA's website at https://www.irba.co.za/library/popi-act, which we ask you to download and read. By providing us with the required Personal Information, such act will be taken as an indication that you have read and agree with the provisions described under the Processing Notice and, where applicable, you consent to the processing by us of your Personal Information.

ANNEXURE A

WHAT IS HIGH AND LOW RISK ASSURANCE WORK?

High risk audits and related assurance work:

This refers to assurance engagements that are performed by RAs and firms that are required in terms of legislation or regulation. These engagements include but are not limited to:

- Audits required in terms of the Companies Act of 2008 (as amended), of:
  - public companies;
  - state-owned enterprises;
  - private companies with a public interest score of 350 or more;
  - private companies with a public interest score of less than 350 but at least 100, if its annual financial statements were internally compiled; and
  - private companies with a public interest score below 350 and where the Memorandum of Incorporation was altered to include an audit requirement. Such an engagement is not considered to be a voluntary audit.
- Audits of banks and regulatory returns to the South African Reserve Bank in terms of the Banks Act regulations.
- Audits required per the South African Reserve Bank Act.
- Audits required by legislation under the Financial Services Conduct Authority, of:
  - insurance companies;
  - collective investment schemes;
  - pension and retirement funds;

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  - provident funds; and
  - any other audits required by the Financial Advisory and Intermediary Services Act (FAIS).
- Audits of Medical Schemes.
- Audits on behalf of the Auditor-General:
  - Secondment of staff to assist the Auditor-General – no opinion is expressed and consequently these engagements should be excluded;
  - Performance of an engagement under the supervision of the Auditor-General (so called "contracted out" engagements). Although this audit opinion is signed by the Auditor-General, a substantial portion of the work is performed by the contracted firm. These engagements should be included; and
  - Audits performed and signed by a firm in terms of Section 4(3) of the Public Audit Act, 2004 (as amended). These engagements should be included.
- Trust accounts for legal practitioners (including attorney trust accounts).
- Estate Agents (business and trust accounts).
- Audits of Cooperatives.
- Audits of non-profit organisations where the turnover is **more than R50 million**.
- Audits of all tertiary educational institutions.
- Audits required by the Sectional Titles Schemes Management Act, 2011 (as amended).
- Assurance work related to other regulatory returns in respect of **any of the above audit clients**.

Low risk assurance work, being all assurance work not already stated above and including:

- Voluntary audits by decision.
- Independent reviews required in terms of the Companies Act of 2008, as amended.
- Other assurance work.

IRBA
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ANNEXURE B

FORM 2

INDEPENDENT REGULATORY BOARD FOR AUDITORS

(Established under Section 3 of Act 26 of 2005)

APPLICATION BY A FIRM FOR ADMISSION TO THE REGISTER OF AUDITORS

(For application in terms of Section 38(2)) and Section 40 (2)

This firm hereby applies to be registered as a Registered Auditor and submits the following information in support of its application:

1. **FIRM DETAILS:**

(a)	Full name of firm (head office):	
(b)	Type of firm (Sole Proprietorship, Partnership or Incorporated Company):*	
(c)	Company Registration Number (if applicable):	

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(d)	Postal address of firm (including province and postal code):	
(e)	Street address of firm (including province and postal code):	
(f)	Physical area in which firm practices (this will be the area displayed on the IRBA website).	
(g)	Firm's telephone number:	
(i)	Firm's primary email address: (This is the email to which IRBA will send all communications, except accounts, and which will reflect on the IRBA website.)	
(j)	Firm's Secondary email address for firm: (This email address will only be used if we are unable to contact the firm on the primary email address provided.)	
(k)	Firm's website address (if applicable):	

* These are the only entities that may be registered with the IRBA as audit firms in terms of section 38 of the Auditing Profession Act, 26 of 2005.

2. ACCOUNTS CONTACT PERSON

(a)	Name of accounts contact person:	
(b)	Email address:	
(c)	Direct telephone number:	

3. REGISTERED AUDITORS IN THE FIRM

Full names of RAs in firm	IRBA registration no (if individual application in process, write "pending")	Status in firm **(please specify whether partner, director, senior partner, sole practitioner, employee, consultant, CEO, Quality Leader, or Risk Leader)**	Is this RA assurance or non-assurance?	Is this RA attached to a branch? If branch, please indicate which branch.

4. BRANCHES:

For each branch, please provide the following information. If your firm has more than one branch, please provide the additional information on an attached page in this format.

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(a)	Name of branch:	
(b)	Telephone number of branch:	
(c)	Email address of branch:	
(d)	Postal address of branch (including province and postal code):	
(e)	Street address of branch (including province and postal code):	
(f)	Area in which branch practices (this will be the area displayed on the IRBA website).	

5. BROAD BASED BLACK ECONOMIC EMPOWERMENT STATUS

Please select one of the following to indicate the category of your firm's B-BBEE status. Is your firm:

1.	An Exempted Micro Enterprise (EMEs) (businesses with an annual turnover of less than R5 million)	Yes	No
2.	A Qualifying Small Enterprise (QSEs) (businesses with an annual turnover of less than R35 million)	Yes	No
3.	Medium to Large Enterprises (M&Ls) (with an annual turnover of more than R35 million)	Yes	No

Have you obtained a Rating of your B-BBEE status from an accredited Verification Agency? Yes / No

If yes, please attach a copy of your Verification Certificate.

Please indicate the level of your B-BBEE status as reflected on your Verification Certificate by selecting the equivalent level:

B-BEE status	Please select
Level 1	
Level 2	
Level 3	
Level 4	
Level 5	
Level 6	
Level 7	

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Level 8	
Non-compliant	

The following documents must be attached to this application (see **Annexure A** for further information):

- Business plan;
- A statement that ISQM has been implemented, with substantiation as set out in Annexure A;
- Details of firm ownership and directorship, if applicable, including memorandum of incorporation, shareholders agreement, copy of shareholders register / securities register, share certificates and CIPC COR39 Form.

I certify that the above information is true and correct in every detail.

I attach proof of payment of the registration fee in the amount of _____ in respect of the year ending _____.

I understand that the registration fee is not pro-rated.

The IRBA's banking details are:

Bank: Standard Bank

Branch: Eastgate

Branch Code: 018505

Account Number: 221290532

_____ _____

Date Signature

_____

Capacity

Please note we cannot start processing your application without confirmation of payment.

Please note further that if you are re-registering a firm, we cannot start processing the firm's application until any outstanding fees or documentation, or other amounts due to the IRBA by the previously registered firm, if any, have been paid or submitted.

If you withdraw or cancel your application for firm registration, you will be refunded the registration fee less a 15% administration fee on submission of proof of your banking details to registry@irba.co.za.

PLEASE NOTE YOUR FIRM APPLICATION WILL TAKE 4 TO 6 WEEKS TO REVIEW DUE TO THE DOCUMENTS TO BE EVALUATED, DEPENDING ON THE VOLUME OF APPLICATIONS RECEIVED. IN THE ORDINARY COURSE OF EVENTS, YOU CAN THEREFORE EXPECT FEEDBACK WITHIN THIS TIME FRAME.

THIS DOES NOT NECESSARILY MEAN THAT YOUR FIRM WILL BE REGISTERED WITHIN 4 TO 6 WEEKS.

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SHOULD YOU DECIDE, ONCE COMMENT HAS BEEN PROVIDED BY US ON YOUR ORIGINAL SUBMISSION, TO SUBMIT AN ENTIRELY NEW SUBMISSION, PLEASE UNDERSTAND THAT THIS WILL REQUIRE A NEW EVALUATION AND WILL THEREFORE BE EVALUATED IN THE ORDER THE NEW SUBMISSION IS RECEIVED.

THE FIRM DOCUMENTS ARE REQUIRED FOR BOTH NEW AND RE-REGISTRATIONS OF FIRMS.

Please email your application form and supporting documentation to registry@irba.co.za.

Please note that in order for the IRBA to engage with you, it will have to Process certain Personal Information which belongs to you, which Processing is described and explained under the specific and informative IRBA Processing Notices, housed for ease of reference on IRBA's website at https://www.irba.co.za/library/popi-act, which we ask you to download and read. By providing us with the required Personal Information, such act will be taken as an indication that you have read and agree with the provisions described under the Processing Notice and, where applicable, you consent to the processing by us of your Personal Information.

ANNEXURE A

DOCUMENTATION TO BE SUBMITTED WITH THIS APPLICATION

We require all candidates who are registering a new firm, re-registering a previously registered firm where the below documents were not submitted on the previous registration of the firm, or converting existing firms from non-assurance to assurance, to first set up their audit quality structures before we register their firms.

We require this because we believe it is in the public interest for the IRBA as a regulator to ensure that all firms have their Quality Management structures in place. This also ensures that your firm is running in accordance with ISQM.

We generally find that the process of setting up these structures is one that is very beneficial to you and those you will be working with as it focusses on the overall structures in terms of quality.

The following documents must be submitted with this application relating to the practice you intend to register:

1. Business plan (practice plan);
2. A statement that ISQM has been implemented, supported as per the below details, and
3. Firm ownership and directorship confirmation (if applicable).

1. BUSINESS PLAN

The business plan must contain more than an introduction. It must contain items such as:

- the structure of the firm;
- services offered by the firm;
- resources (HR, IT etc. including what software the firm will be using);
- financial projections including revenue streams (such as will your clients be private or public sector clients, how will clients be sourced);
- organogram of firm;
- risk identification and mitigation strategy; and
- firm's transformation strategy and objectives.

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2. QUALITY MANAGEMENT:

2.1 A statement that ISQM1 has been implemented, supported by:

2.1 (a) Evidence in respect of all relevant components in accordance with paragraphs 57 to 60 of ISQM1; and

2.1 (b) Evidence of compliance with the specified responses in paragraph 34 of ISQM1.

In assessing the fulfilment of the above requirements, recognition and application of the scalability considerations descried in paragraph 10 of ISQM1 will apply.

3. CONFIRMATION OF FIRM OWNERSHIP AND DIRECTORSHIP

- If the firm you wish to register is an incorporated company, we will require the following documents:
  - ➢ Copy of shareholders register / securities register / share certificates and
  - ➢ Copy of the latest COR39 from CIPC indicating all the directors of the company.
- If the firm you wish to register is a partnership, we will require the following document:
  - ➢ Copy of partnership agreement or equivalent.
- If the firm is a sole proprietorship, we do not require any confirmation documents.

INTEGRITY I PUBLIC INTEREST I AUDIT QUALITY

ANNEXURE C

FORM 2A

INDEPENDENT REGULATORY BOARD FOR AUDITORS

(Established under Section 3 of Act 26 of 2005)

DETAILS OF BRANCH OF A FIRM

This form is only to be used to provide details of branches of firms. **Please complete one Form 2A per branch of a firm**

1. **FIRM DETAILS**

(a)	Name of firm applying for registration on Form 2 or currently registered with the IRBA:	
(b)	If the firm is currently registered with the IRBA, what is the firm's IRBA practice number?	
(c)	Name by which branch is known:	

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2. **BRANCH CONTACT DETAILS**

(a)	Postal address of branch (including province and postal code):	
(b)	Street address of branch (including province and postal code):	
(d)	Telephone number of branch:	
(e)	Email address of branch:	
(f)	Physical area in which firm practices (this will the area that will be reflected on the IRBA website)	

3. RESIDENT RAs AT BRANCH

Please attach additional page in this format if there is insufficient space below to list all the RAs.

Name and surname of RA	IRBA Registration Number	Role in firm (ie. director / partner / senior partner / employee / consultant / CEO / Risk Leader / Quality Leader)

I confirm that the above information is true and correct in every detail to the best of my knowledge and belief.

_____ _____

Date Signature

_____

Capacity

Please email the completed form to registry@irba.co.za.

Please note that in order for the IRBA to engage with you, it will have to Process certain Personal Information which belongs to you, which Processing is described and explained under the specific and informative IRBA Processing Notices, housed for ease of reference on IRBA's website at https://www.irba.co.za/library/popi-act, which we ask you to download and read. By providing us with the required Personal Information, such act will be taken as an indication that you have read and agree with the provisions described under the Processing Notice and, where applicable, you consent to the processing by us of your Personal Information.

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INTEGRITY I PUBLIC INTEREST I AUDIT QUALITY

ANNEXURE D

FORM 5

INDEPENDENT REGULATORY BOARD FOR AUDITORS
(Established under Section 3 of Act 26 of 2005)

APPLICATION BY AN INDIVIDUAL TO REGISTER AS A REGISTERED CANDIDATE AUDITOR
(For application in terms of Section 37(1))

I hereby apply to be registered as a Registered Candidate Auditor (RCA) and I submit the following information in support of my application:

1. Is this your first application to be registered as an RCA? _____

2. If the answer to question 1 is no, please provide your previous registration number and reasons for your previous registration.
_____

3. Name in full: (please use block letters)
   (a) Title: _____
   (b) Surname as per ID (and maiden name, if applicable):_____
   (c) Forename(s) as per ID: _____
   (d) Preferred name: _____

4. Addresses: **(Please circle the → next to the address where you would like to receive any individual correspondence that is not sent by email. Please complete all the address details.)**

→ (a) Your physical address: _____
   (b) Your postal address: _____
→ (c) Your firm's postal address: _____

5. Telephone number: (_____) _____
   Cell number: (_____) _____
   Email address: _____

6. Identity number: _____ Race* _____
   Gender*_____

   (Please attach a copy of your identity document or card)

7. If you do not have a South African identity document, please provide the following details
   Passport number: _____ Country of issue: _____
   Date of issue: _____ Date of expiry: _____

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(please provide a copy of your passport)

8. I was registered as a trainee accountant with _____ from _____ to _____and my registration number was _____

(Please note that you will be required to provide a letter confirming the discharge of your training contract when applying to be a Registered Auditor once you have successfully completed the ADP)

9. Do you intend applying for the Recognition of Prior Learning (RPL) for a part of the period since completion of your training contract; if so indicate the period you intend to apply for RPL and from which firm? Also indicate whether this period was attained in your current firm. Please note, if you are applying for RPL with experience from more than one firm, the competencies achieved at the other firms must be signed off by engagement partners from the applicable firms. Where applicable, monitoring visit may be required from all the firms included in the POE as part of RPL.

10. I passed the Assessment of Professional Competence (APC) on _____ (date)

11. **FIT AND PROPER:**

Answer Yes or No to the following questions.

If the answer to any of the questions is yes, provide details on a separate page.

Financial Integrity		
11.1	Are you an unrehabilitated insolvent, have you entered into a compromise with creditors, are you under debt review, or have you been provisionally sequestrated?	
11.2	Have you ever failed, or are you failing to, manage any financial obligations (including debts) satisfactorily, including civil judgements or pending proceedings which may lead to such a judgement in respect of any unpaid debt?	
Civil Liability		
11.3	Have you ever accepted civil liability for, or been the subject of a civil judgement in respect of theft, fraud, forgery, uttering a forged document, perjury, misrepresentation, or dishonesty under any law?	
Good Character		
11.4	Have you at any time been removed from an office of trust because of misconduct related to a discharge of that office?	
11.5	Have you, at any time been convicted, whether in the South Africa or elsewhere, of theft, fraud, forgery, uttering a forged document, perjury, an offence under the Combating of Corrupt Activities Act, 2004, or any other offence involving dishonesty?	
11.6	Have you at any time been convicted, whether in South Africa or elsewhere, of any other criminal offence?	
11.7	Are you for the time being declared by a competent court to be of unsound mind or unable to manage your own affairs?	
11.8	Have you ever been found guilty of unprofessional conduct by any statutory entity or professional or regulatory body?	
11.9	Are you currently under investigation by any local or foreign statutory entity or regulatory body?	

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11.10	Have you ever been refused registration or membership of any professional or statutory body, or had that registration or membership revoked, withdrawn or terminated by that professional or statutory body?	
11.11	Have you ever been dismissed from any office or employment, or requested to resign from any office, employment or firm?	
11.12	Have you ever been involved, as a director or member of senior management of a business that has been placed under statutory management or curatorship, in business rescue or in liquidation while you were connected with that organisation, or within one year of that connection?	
11.13	Have you ever been disqualified from being a director of a company or from acting in the management or conduct of the affairs of any company?	
11.14	Have you, or a business with which you have been involved in the capacity of director of member of senior management, ever been the subject of frequent or material preventative, remedial or enforcement actions by any regulatory authority?	

PLEASE NOTE THAT A VALID POLICE CLEARANCE REPORT OR EQUIVALENT CRIMINAL RECORD CHECK MUST BE SUBMITTED WITH YOUR APPLICATION. (A FURTHER POLICE CLEARANCE REPORT OR EQUIVALENT CRIMINAL RECORD CHECK WILL BE REQUIRED ON APPLICATION FOR REGISTRATION AS A REGISTERED AUDITOR IF THE ORIGINAL POLICE CLEARANCE REPORT OR EQUIVALENT CRIMINA RECORD CHECK HAS EXPIRED.)

12. Are you a member of a professional body accredited as such by the Board? _____

12.1 If you answered yes to question 12, please state the name of the body and your membership number: _____

Please note that membership of a professional body accredited by the IRBA is required for registration and continued registration with the IRBA. The only professional bodies currently accredited by the IRBA are the South African Institute of Chartered Accountants (SAICA) and the Association of Chartered Certified Accountants (ACCA).

12.2 If you answered yes to question 12, are you in good standing with that accredited professional body? Yes / No

(Please note that you will be required to provide a letter of good standing from your accredited professional body when applying to be registered as a Registered Auditor once you have successfully completed the ADP.)

13. Are you resident within South Africa? _____

Please note that residence in South Africa is a requirement for registration and continued registration with the IRBA.

FIRM INFORMATION

14. Name of a registered audit firm that will offer the Audit Development Programme (ADP)

_____

15. Full name and surname of the Oversight Registered Auditor (ORA)

_____

16. ORA's IRBA registration number _____

17. ORA's identity number _____

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18. ORA's email address _____

PLEASE PROVIDE BRIEF RESPONSES TO THE FOLLOWING QUESTIONS:

Firms with candidates registered on the ADP will be required to go through a monitoring process. The monitoring process is useful for creating an environment that is conducive to the development of professional competence of aspirant Registered Auditors. (Please refer to the IRBA website for the Standards and Indicators that form the basis of the ADP Monitoring process).

19. Has the abovementioned firm been subject to and undergone an IRBA firm inspection in the past three years? _____

20. Please provide details of your firm's audit methodology? .

_____
_____
_____

21. Does the firm have an established quality management system as required by international standards on quality management ? Please provide details

_____
_____
_____

22. Does the firm have policies and procedures in place for acceptance of new clients and continuance with existing clients? Briefly explain.

_____
_____
_____

23. Does the firm have policies and procedures regarding documentation retention? Briefly explain.

_____
_____
_____

FIRM'S JOB PLANNING TOOL

I certify that the above information is true and correct in every detail, and I undertake to comply with the Code of Professional Conduct, as updated from time to time by the IRBA. **

Application fees for ADP registration have been exempted for the period 1 April 2024 to 31 March 2025.

Please sign:

Date: _____ Signature of applicant _____

Date _____ Signature of ORA _____

* This information is requested in order to gauge the profession's success in becoming more representative of the people in South Africa.

** The IRBA's Code of Professional Conduct is available on our website at www.irba.co.za.

Please e-mail us your application form and supporting documentation to adpadmin@irba.co.za.

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Please note that in order for the IRBA to engage with you, it will have to Process certain Personal Information which belongs to you, which Processing is described and explained under the specific and informative IRBA Processing Notices, housed for ease of reference on IRBA's website at https://www.irba.co.za/library/popi-act, which we ask you to download and read. By providing us with the required Personal Information, such act will be taken as an indication that you have read and agree with the provisions described under the Processing Notice and, where applicable, you consent to the processing by us of your Personal Information.

INTEGRITY I PUBLIC INTEREST I AUDIT QUALITY

ANNEXURE E

FORM 6

INDEPENDENT REGULATORY BOARD FOR AUDITORS
(Established under Section 3 of Act 26 of 2005)

APPLICATION BY AN INDIVIDUAL REGISTERED AUDITOR TO CHANGE FROM A NON-ASSURANCE TO AN ASSURANCE REGISTRATION STATUS

I, a Registered Auditor, hereby request to change my registration status from non-assurance to assurance:

1. PERSONAL DETAILS

Surname:	
Forename(s):	
IRBA individual registration number:	

2. ASSURANCE CATEGORY

Is any of the assurance work you intend to perform classified as high risk as per **Annexure A**?	

3. FIRM DETAILS

You must be linked to a firm registered with the IRBA in order to perform assurance work.

3.1 If you are currently linked to a firm registered with the IRBA, please provide the following details:

Name of firm:	
IRBA practice number:	
Role in firm: (Please select either partner, director, sole proprietor, senior partner, CEO, Risk Leader, Quality Leader or employee.)	

If the firm to which you are currently linked is a non-assurance firm (eg. you are the sole proprietor and are non-assurance, or there is more than one partner in the firm and all partners are non-assurance), you will also need to provide a business plan for the firm, an ISQM manual

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and the name and RA number of the RA identified as the practice's Quality Reviewer as well as copies of the agreements entered into with the Quality Reviewer. (See **Annexure B**)

3.2 If you are intending to join a firm registered with the IRBA, please submit a completed **Form 1A** with this application.

3.3 If you are intending to register a new firm with the IRBA, please submit a completed **Form 2** with this application.

3.4 If you are an employee in a firm, please also submit a letter from the Senior Partner, CEO or equivalent of the firm confirming your position in the firm, your assurance proficiency, how your assurance proficiency was determined and that they are aware you are applying to change your status to assurance.

4. SUPPORTING DOCUMENTS

If it has been more than three years since you were last assurance or if you were registered with the IRBA as non-assurance, you will need to submit the following documents with your application:

- A brief CV detailing your professional history with specific reference to your assurance roles and experience;
- completed CPD reflective plans including your final reflections for the past three years, including the current year and your most current assurance CPD;
- A letter motivating why you now seek assurance registration;
- If you are a partner or shareholder and director in a firm, a letter from the Senior Partner, CEO or equivalent of the firm confirming your position in the firm and your assurance proficiency, how your assurance proficiency was determined; and that they are aware you are applying to change your status to assurance.

In these scenarios, you will be required to attend an interview with the IRBA's Proficiency Assessment Panel and a proficiency interview fee in the amount prescribed by the Board for the relevant year of the application will be payable prior to the date of your proficiency interview.

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT IN EVERY DETAIL.

_____ _____

Date Signature of applicant

Please submit your completed form to registry@irba.co.za.

Please note that in order for the IRBA to engage with you, it will have to Process certain Personal Information which belongs to you, which Processing is described and explained under the specific and informative IRBA Processing Notices, housed for ease of reference on IRBA's website at https://www.irba.co.za/library/popi-act, which we ask you to download and read. By providing us with the required Personal Information, such act will be taken as an indication that you have read and agree with the provisions described under the Processing Notice and, where applicable, you consent to the processing by us of your Personal Information.

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ANNEXURE A

WHAT IS HIGH AND LOW RISK ASSURANCE WORK?

High risk audits and related assurance work:

This refers to assurance engagements that are performed by RAs and firms that are required in terms of legislation or regulation. These engagements include but are not limited to:

- Audits required in terms of the Companies Act of 2008 (as amended), of:
  - public companies;
  - state-owned enterprises; and
  - private companies with a public interest score of 350 or more;
  - private companies with a public interest score of less than 350 but at least 100, if its annual financial statements were internally compiled;
  - private companies with a public interest score below 350 and where the MOI was altered to include an audit requirement. Such an engagement is not considered to be a voluntary audit.
- Audits of banks and regulatory returns to the SARB in terms of the regulations to the Banks Act.
- Audits required per the South African Reserve Bank Act.
- Audits required by legislation under the Financial Services Conduct Authority, of:
  - insurance companies;
  - collective investment schemes;
  - pension and retirement funds;
  - provident funds; and
  - any other audits required by the Financial Advisory and Intermediary Services Act (FAIS).
- Audits of Medical Schemes.
- Audits on behalf of the Auditor-General:
  - Secondment of staff to assist the Auditor-General – no opinion is expressed and consequently these engagements should be excluded;
  - Performance of an engagement under the supervision of the Auditor-General (so called "contracted out" engagements). Although this audit opinion is signed by the Auditor-General, a substantial portion of the work is performed by the contracted firm. These engagements should be included; and
  - Audits performed and signed by a firm in terms of Section 4(3) of the Public Audit Act, 2004 (as amended). These engagements should be included.
- Trust accounts for legal practitioners (including attorney trust accounts).
- Estate Agents (business and trust accounts).
- Audits of Cooperatives.
- Audits of non-profit organisations where the turnover is **more than R50 million**.
- Audits of all tertiary educational institutions.
- Audits required by the Sectional Titles Schemes Management Act, 2011 (as amended).
- Assurance work related to other regulatory returns in respect of **any of the above audit clients**.

Low risk assurance work, being all assurance work not already stated above and including:

- Voluntary audits by decision.
- Independent reviews required in terms of the Companies Act of 2008, as amended.
- Other assurance work.

ANNEXURE B

We require all candidates who are registering a new firm, re-registering a previously registered firm where the below documents were not submitted on the previous registration of the firm, or converting existing firms from non-assurance to assurance, to first set up their audit quality structures before we register their firms or process the change of status from non-assurance to assurance.

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We require this because we believe it is in the public interest for the IRBA as a regulator to ensure that all firms have their Quality Management structures in place. This also ensures that your firm is running in accordance with ISQM. (ISQM is effective from 15 December 2022).

We generally find that the process of setting up these structures is one that is very beneficial to you and those you will be working with as it focusses on the overall structures in terms of quality.

The following documents must be submitted with this application relating to the practice you intend to register:

1. Business plan (practice plan);
2. Quality (ISQM) manual – the quality manual must be drafted in accordance with ISQC1; and
3. Name and IRBA number of the RA identified as your firm's Quality Reviewer together with agreements entered into with the Quality Reviewer; and

---

1. BUSINESS PLAN

The business plan must contain more than an introduction. It must contain items such as:

- the structure of the firm;
- services offered by the firm;
- resources (HR, IT etc. including what software the firm will be using);
- financial projections including revenue streams (such as will your clients be private or public sector clients,
  how will clients be sourced);
- organogram of firm;
- risk identification and mitigation strategy; and
- firm's transformation strategy and objectives.

2. QUALITY MANUAL:

Your manual must contain all the established procedures and policies covering all aspects of ISQM. Please ensure that you also submit to us all your templates and checklists as identified in your manual.
Please note that we do not provide templates or examples of the quality manual as we see this as a developmental process you will go through as you familiarise yourself with the requirements of ISQM.
Leaving the process open is very important as different practitioners will have different manuals applicable to their own circumstances.

3. AGREEMENT WITH REVIEWER:

We are generally led by you regarding the structure of the agreement with your reviewer. However, the agreement must cover, amongst others, the following aspects:

- Scope of the review
  - Indicating your expectation from the reviewer on entering into such an agreement
    - Including aspects to be considered or focused on; how you will determine engagements to be reviewed (please ensure that the agreement specifically states that the first three engagements will require a review); and indicating the stages of an audit that would require a review
- Reporting requirement
  - Indicating the report and format thereof to be issued by the reviewer at the end of their review.
- Duration of the review
  - Estimate of the length of the review to be carried out by the reviewer.
- Commencement date
  - Commencement date of the agreement.

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- Fees
  - The fees that would be payable to the reviewer for each of the reviews.
- Terms and conditions
  - These would be general terms and conditions of the formal arrangement you are entering into. Such terms would include the responsibilities of the firm.

ANNEXURE F

FORM 1A

INDEPENDENT REGULATORY BOARD FOR AUDITORS

(Established under Section 3 of Act 26 of 2005)

FIRM DETAILS

Please only complete this form if you are joining an existing firm.

If you wish to register a new firm, either a new sole proprietorship, a new partnership, or a new incorporated company, please complete Form 2.

If you wish to register a new branch of an existing firm, please complete Form 2A

1.	IRBA registration number of applicant or individual RA (if already registered with IRBA):	
2.	Surname of applicant / RA:	
3.	Forename(s) of applicant / RA:	
4.	Name of firm:	
5.	IRBA practice number of firm:	
6.	Type of firm (sole proprietor, partnership or incorporated company)*:	
7.	Role in firm (director, partner, sole proprietor, CEO, Senior Partner, Risk Leader, Quality Leader, employee or consultant):	
8.	If the firm has branches, are you attached to any branch?	
9.	If you are attached to a branch, please state which branch/es:	

* These are the only entities that may be registered with the IRBA as audit firms in terms of section 38 of the Auditing Profession Act, 26 of 2005.

Address and Contact Details:

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10.	Postal address of head office or branch at which you are situated:	
11.	Street address of head office or branch at which you are situated:	
13.	Telephone number:	
14.	Firm's email address:	

15.	Are you currently registered with the IRBA as assurance?	YES / NO

16.	Will the firm you are joining be responsible for your IRBA fees?	YES / NO

If you are non-assurance and wish to change your status to assurance, please complete and submit a Form 6.

PLEASE NOTE:

If you are joining an existing firm that is an incorporated company as a director and shareholder, please attach the following documents:

- a copy of the COR39 from CIPC confirming that you have been added to the firm as a director; and
- the relevant extract from the amended share register / share certificate / securities register confirming that you are a shareholder.

If you are joining an existing firm that is a partnership as a partner, please attach the following document:

- the relevant extract from the amended partnership agreement confirming that you are a partner.

If you do not attach these documents, you will be linked to the firm as an employee until these documents are submitted to the IRBA.

Signature _____ Date _____

Please email your completed form to registry@irba.co.za.

Please note that in order for the IRBA to engage with you, it will have to Process certain Personal Information which belongs to you, which Processing is described and explained under the specific and informative IRBA Processing Notices, housed for ease of reference on IRBA's website at https://www.irba.co.za/library/popi-act, which we ask you to download and read. By providing us with the required Personal Information, such act will be taken as an indication that you have read and agree with the provisions described under the Processing Notice and, where applicable, you consent to the processing by us of your Personal Information.

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BOARD NOTICE 668 OF 2024

FINANCIAL SECTOR CONDUCT AUTHORITY

FINANCIAL MARKETS ACT, 2012

PROPOSED AMENDMENTS TO THE JSE LISTING REQUIREMENTS: DELEGATION

The Financial Sector Conduct Authority ("FSCA") hereby gives notice under section 11(6)(c) of the Financial Markets Act, 2012 (Act No. 19 of 2012) that the proposed amendments to the JSE Listing Requirements have been published on the official website of the FSCA (www.fsca.co.za) for public comment. All interested persons who have any objections to the proposed amendments are hereby called upon to lodge their objections with the FSCA on email: Queries.Marketinfrastructures@fsca.co.za within a **period of fourteen (14) days** from the date of publication of this notice.

Snaicker

Mr Shreelin Naicker
Head of Department
Markets, Issuers and Intermediaries Department
Financial Sector Conduct Authority

BOARD NOTICE 669 OF 2024

SOUTH AFRICAN PHARMACY COUNCIL

RULES RELATING TO GOOD PHARMACY PRACTICE

The South African Pharmacy Council herewith publishes amendments for implementation to the minimum standards as contained in Annexure A of the *Rules relating to good pharmacy practice,* which was published on 17 December 2004, Government Gazette No: 27112, in Board Notice 129 of 2004 (as amended), in terms of Section 35A(b)(ii) of the Pharmacy Act, 53 of 1974.

SCHEDULE

Rules relating to what constitutes good pharmacy practice.

1. In these rules "the Act" shall mean the Pharmacy Act, 53 of 1974, as amended, and any expression to which a meaning has been assigned in the Act shall bear such meaning.
2. The following rule to Annexure A of the *Rules relating to good pharmacy practice* is hereby amended –

   (a) Rule 2.29: PRODUCTS WHICH MAY NOT BE SOLD IN A PHARMACY



VM TLALA
REGISTRAR/CEO

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Private Bag X40040, Arcadia, 0007. Telephone: 0861 7272 00

MINIMUM STANDARDS FOR SERVICES PROVIDED IN A PHARMACY

Rule 2.29 PRODUCTS WHICH MAY NOT BE SOLD IN A PHARMACY, is hereby deleted and replaced with Rule 2.29 as follows:

2.29.1 PURPOSE

This standard aims to control what can and cannot be offered in pharmacies, irrespective of the category of pharmacy listed in the Council Register.

2.29.2 DEFINITIONS/ACRONYMS

"ENDS" Electronic Nicotine Delivery Systems

"**ENNDS**" Electronic Non-Nicotine Delivery Systems

2.29.3 PRODUCTS WHICH MAY NOT BE SOLD IN A PHARMACY

The following may not be sold in the pharmacy:

(a) arms and ammunition;

(b) fireworks;

(c) tobacco, and tobacco-related products;

(d) Electronic Nicotine Delivery Systems (ENDS) and Electronic Non-Nicotine Delivery Systems (ENNDS);

(e) alcohol, except when meant for medicinal purposes; and

(f) gambling services and/or products.

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