DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1296 **21 OCTOBER 2016**

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

Notice is hereby given in terms of section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No.22 of 1994 as amended) that a claim for restitution of land rights on:

REFERENCE : 6/2/2/D/92/0/0/101

CLAIMANT : Nontozakhe Beauty Fani
(On behalf of Gambushe Community)

PROPERTY DESCRIPTION : Gambushe Location, KwaLithuli situated near Pirie Mission,

EXTENT OF LAND : 132.7 hectares

DISTRICT : King Williams, Buffalo City Metropolitan Municipality

DATE SUBMITTED : 21st December 1998

CURRENT OWNER : Buffalo City Metropolitan Municipality

Has been submitted to the Regional Land Claims Commissioner and that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of the Act in due course. Any person who has an interest in the above-mentioned land is hereby invited to submit, within sixty (60) days from the publication of this notice, any comments/information to

Office of the Regional Land Claims Commissioner : Eastern Cape
Department of Rural Development and Land Reform
PO Box 1375
East London
5200
Tel : 043 700 6000
Fax : 043 743 3687

Mr. L.H. Maphutha
Regional Land Claims Commissioner

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1297 **21 OCTOBER 2016**

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

Notice is hereby given in terms of section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No.22 of 1994 as amended) that a claim for restitution of land rights on:

REFERENCE : 6/2/2/D/92/0/0/80

CLAIMANT : Lindelwa Vena (Vena Family Claim)

PROPERTY DESCRIPTION : Garden Lot No.1 Block G Peelton, King Williams Town

EXTENT OF LAND : One Morgen Five Hundred and Fifty Two Square Roods and Thirty Square Feet (1 morgen 55 square roods) equivalent to 09.350 hectares

DISTRICT : King Williams Town / Amathole

DATE SUBMITTED : 31st December 1998

CURRENT OWNER : Department of Rural Development and Land Reform

Has been submitted to the Regional Land Claims Commissioner and that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of the Act in due course. Any person who has an interest in the above-mentioned land is hereby invited to submit, within sixty (60) days from the publication of this notice, any comments/information to

Office of the Regional Land Claims Commissioner : Eastern Cape
Department of Rural Development and Land Reform
PO Box 1375
East London
5200
Tel : 043 700 6000
Fax : 043 743 3687

Mr. L.H. Maphutha
Regional Land Claims Commissioner

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1298 **21 OCTOBER 2016**

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

Notice is hereby given in terms of section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No.22 of 1994 as amended) that a claim for restitution of land rights on:

REFERENCE	: 6/2/2/D/963/0/0/05
CLAIMANT	: Donald Mthandeni Qusheka (On behalf of Qusheka Family)
PROPERTY DESCRIPTION	: Portion of Farm 75, Mthatha
EXTENT OF LAND	: 5 Hectares
DISTRICT	: Mthatha / OR Tambo
TITLE DEED	: Unregistered
DATE SUBMITTED	: 07th January1998
CURRENT OWNER	: Department of Rural Development & Land Reform

Has been submitted to the Regional Land Claims Commissioner and that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of the Act in due course. Any person who has an interest in the above-mentioned land is hereby invited to submit, within sixty (60) days from the publication of this notice, any comments/information to:

Office of the Regional Land Claims Commissioner : Eastern Cape
Department of Rural Development and Land Reform
PO Box 1375
East London
5200
Tel : 043 700 6000
Fax : 043 743 3687

Mr. L.H. Maphutha
Regional Land Claims Commissioner

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1299 **21 OCTOBER 2016**

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

Notice is hereby given in terms of Section 11A (4) of the Restitution of Land Rights Act, (Act No. 22 of 1994), as amended, to amend the Gazette 29004, notice no. 954 of 2006 in favour of Roka Mashishi Community to include the land claim for Restitution of Land Rights lodged by Kgoshigadi Makopi Kgwete on behalf of Banareng Ba Kgwete Tribe on the 24th November 1998. The land claim is on the farm Forest Hill 117 KT and Croydon 120 KT which are situated within the Greater Tubatse Local Municipality, Sekhukhune District of Limpopo.

PROPERTY	CURENT OWNER	TITLE DEED	EXTENT (Ha)	ENDORSMENTS	HOLDER
The farm Forest Hill 117 KT	Republic of South Africa	T8670/1948	3202.1963ha	K143/2000S K1918/2005S K43/2002RM K4830/2001RM	- - TROJAN PLATINUM LTD IMPALA PLATINUM LTD
The farm Croydon 120 KT	Republic of South Africa	T8670/1948	4924.8492ha	K4827/2001RM	ANGLO OPERATIONS LTD

Any party that has an interest in the above property is hereby invited to submit in writing, within 30 days of publication of this notice, any comment or information under reference number KRP 1446 to:

The Regional Land Claims Commissioner:

Private Bag X9552
Polokwane
0700
Tel: (015) 284 6300
Fax: (015) 295 7404/7403
Email: clientrelations@ruraldevelopment.gov.za

Submissions may also be Limpopo delivered to:
61 Biccard Street
Polokwane
0700

HARRY MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER: LIMPOPO
DATE 2016/10/06

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1300 **21 OCTOBER 2016**

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

Notice is hereby given in terms of section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No.22 of 1994 as amended) that a claim for restitution of land rights on:

REFERENCE : 6/2/2/D/1081/0/0/1

CLAIMANT : Mabhalane Kwepile (On behalf of Kwepile family claim)

PROPERTY DESCRIPTION:Garden and Building Lot 74 situated in Qiba Location No. 4 in Cala

EXTENT OF LAND :10 Morgen 305 square Roods

DISTRICT : Cala / Chris Hani

DATE SUBMITTED : 23rd November 1998

CURRENT OWNER : Department of Rural Development and Land Reform

Has been submitted to the Regional Land Claims Commissioner and that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of the Act in due course. Any person who has an interest in the above-mentioned land is hereby invited to submit, within sixty (60) days from the publication of this notice, any comments/information to

Office of the Regional Land Claims Commissioner : Eastern Cape
Department of Rural Development and Land Reform
PO Box 1375
East London
5200
Tel : 043 700 6000
Fax : 043 743 3687

Mr. L.H. Maphutha
Regional Land Claims Commissioner

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1301 **21 OCTOBER 2016**

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

Notice is hereby given in terms of section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No.22 of 1994 as amended) that a claim for restitution of land rights on:

REFERENCE	: 6/2/2/D/963/0/0/07
CLAIMANT	: Mzayifani Makhitshini Njemla (On behalf of Fairfield Community Claim)
PROPERTY DESCRIPTION	:Fairfield Trust Farms: Fairfield Lot No.4, portion of farm 75 known as Mthatha Airport, Experiment Farm Lot No. 5, & Klipdrift Farm situated at Mthatha
EXTENT OF LAND	:222.8924 hectares
DISTRICT	: Mthatha / OR Tambo
TITLE DEED	: Unregistered
DATE SUBMITTED	: 08/12/1998
CURRENT OWNER	: Department of Rural Development & Land Reform

Has been submitted to the Regional Land Claims Commissioner and that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of the Act in due course. Any person who has an interest in the above-mentioned land is hereby invited to submit, within sixty (60) days from the publication of this notice, any comments/information to:

Office of the Regional Land Claims Commissioner : Eastern Cape
Department of Rural Development and Land Reform
PO Box 1375
East London
5200
Tel : 043 700 6000
Fax : 043 743 3687

Mr. L.H. Maphutha
Regional Land Claims Commissioner

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1302 **21 OCTOBER 2016**

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

WHEREAS The Mthambalala Community lodged a claim which was published in terms of Section 11 (1) of the Restitution of Land Rights Act, No. 22 of 1994 ("the Act")
And

WHEREAS during the investigation of the land claims, the office of the Regional Land Claims Commissioner: Eastern Cape Province has reason to believe that, the claim was lodged before the cut-off date as per instant claim form.

NOTICE: is hereby given in terms of Section 11A (1) of the Act that at the expiry of 21 days the notice of claim previously published under section 11 (1) of the Act in Government Gazette Notices mentioned below will be withdrawn unless cause the contrary is shown to his satisfactory.

The details of the Government Gazette Notice No. 939 of 2015 in the Government Gazette No. 39275 of 09 October 2015 relates to the following:

REFERENCE	: 6/2/2/D/987/0/0/8
CLAIMANT	: James Ball (On behalf Mthambalala Community)
PROPERTY	: Sea view farm known as Jeteni and Mbekeni, Port St Johns Local Municipality
DISTRICT	: Port St Johns / OR Tambo
MEASURING	: 4.2225 hectares
DEEDS OF TRANSFER	: N/A
DATE SUBMITTED	: 30-12-1998
BONDHOLDER	:
CURRENT OWNER	: Michael Santy & Tokozile Santy

The reason why the office of the office of the Regional Land Claims Commissioner believes that the notice must be amended:

a) When the claim was gazetted it transpired that extent was not included.

NOTICE is further given that at the expiry of the aforesaid 21 days period, the office of the Regional Land Claims Commissioner shall, unless cause to the contrary has been shown to his satisfaction, withdrawn the notice of claim in accordance with the provisions of the section 11 (3) of the Act.

The Regional Land Claims Commissioner
Department of Rural Development and Land Reform
Land Restitution Support Office: Eastern Cape
P.O. Box 1375
East London
5200

Mr. L.H. Maphutha
Regional Land Claim Commissioner

DEPARTMENT OF TRADE AND INDUSTRY

NO. 1303 **21 OCTOBER 2016**

MERCHANDISE MARKS ACT, 1941 (ACT 17 OF 1941)

FINAL PROHIBITION ON THE USE OF CERTAIN WORDS

I, Dr Rob Davies, Minister of Trade and Industry, in pursuance of the requirements of Section 13 of the Merchandise Marks Act, (Act 17 of 1941), hereby publish the Final Notice in terms of Section 15(1) of the said Act, on the use of the words indicated hereunder in connection with any trade, business, profession, or occupation or in connection with a trade mark, mark or trade description applied to goods, other than the use thereof by the European Union or any other party **in accordance with** the "*Rules of Use*", published as annexure to this final notice.

Proprietors of prior identical or similar marks already in use will not be affected by this prohibition.

Arancia Rossa di Sicilia
Ananás dos Açores / São Miguel
Cappero di Pantelleria
Cítricos Valencianos / Cítrics Valencians
Ελιά Καλαμάτας / Elia Kalamatas
Φασόλια Γίγαντες Ελέφαντες Καστοριάς / Fassolia Gigantes Elefantes Kastorias
Hopfen aus der Hallertau
Κονσερβολιά Αμφίσσης / Konservolia Amfissis
Κορινθιακή Σταφίδα Βοστίτσα / Korinthiaki Stafida Vostitsa
Mela Alto Adige / Südtiroler Apfel
Pêra Rocha do Oeste
Pomodoro di Pachino
Pruneaux d'Agen / Pruneaux d'Agen mi-cuits
Tettnanger Hopfen
Žatecký chmel

Asiago
Arzùa-Ulloa
Brie de Meaux
Camembert de Normandie
Comté
Danablu
Edam Holland
Emmental de Savoie
Φέτα / Feta
Fontina
Gorgonzola
Gouda Holland
Grana Padano
Γραβιέρα Κρήτης / Graviera Kritis
Idiazábal
Κασέρι / Kasseri
Κεφαλογραβιέρα / Kefalograviera
Mahón-Menorca
Mont d'Or / Vacherin du Haut-Doubs
Mozzarella di Bufala Campana
Parmigiano Reggiano
Pecorino Romano
Pecorino Sardo
Pecorino Toscano
Provolone Valpadana
Queijo S. Jorge
Queijo Serra da Estrela
Queso Manchego
Reblochon / Reblochon de Savoie
Roquefort
Taleggio
Tiroler Bergkäse
White Stilton cheese / Blue Stilton cheese

Bresaola della Valtellina
Canard à foie gras du Sud-Ouest (Chalosse, Gascogne, Gers, Landes, Périgord, Quercy)
Chouriça de Carne de Vinhais / Linguiça de Vinhais
Cotechino Modena
Dehesa de Extremadura
Guijuelo
Jambon de Bayonne
Jamón de Huelva
Jamón de Teruel
Mortadella Bologna
Nürnberger Bratwürste / Nürnberger Rostbratwürste
Presunto de Barrancos
Prosciutto di Modena
Prosciutto di Parma
Prosciutto di San Daniele
Prosciutto Toscano
Salchichón de Vic / Llonganissa de Vic
Salpicão de Vinhais
Sobrasada de Mallorca
Speck Alto Adige / Südtiroler Markenspeck / Südtiroler Speck
Szegedi szalámi / Szegedi téliszalámi
Tiroler Speck
Zampone Modena

Aceite de Terra Alta / Oli de Terra Alta
Aceite del Baix Ebre-Montsià / Oli del Baix Ebre-Montsià
Aceite del Bajo Aragón
Azeite de Moura
Azeite do Alentejo Interior
Azeites da Beira Interior (Azeite da Beira Alta, Azeite da Beira Baixa)
Azeite de Trás-os-Montes
Azeites do Norte Alentejano
Azeites do Ribatejo
Baena
Huile d'olive de Haute-Provence
Καλαμάτα / Kalamata
Κολυμβάρι Χανίων Κρήτης / Kolymvari Chanion Kritis
Λακωνία / Lakonia

Les Garrigues
Priego de Córdoba
Sierra de Cádiz
Sierra de Cazorla
Sierra de Segura
Sierra Mágina
Σητεία Λασιθίου Κρήτης / Sitia Lasithiou Kritis
Siurana
Toscano
Veneto Valpolicella, Veneto Euganei e Berici, Veneto del Grappa

Huîtres Marennes Oléron

Bayerisches Bier
Bremer Bier
České pivo
Českobudějovické pivo
Münchener Bier

Aceto Balsamico di Modena
Aceto balsamico tradizionale di Modena
Azafrán de la Mancha
Huile essentielle de lavande de Haute-Provence
Jijona
Κρόκος Κοζάνης / Krokos Kozanis
Λουκούμι Γεροσκήπου / Loukoumi Geroskipou
Μαστίχα Χίου / Masticha Chiou
Turrón de Alicante

Dr Rob Davies, MP
Minister of Trade and Industry

FINAL PROHIBITION ON THE USE OF CERTAIN

WORDS ANNEXURE

RULES OF USE

The names listed below may only be used to refer to products in the indicated category of goods and which is produced in accordance with the conditions for each category of goods as set out at:-

http://www.thedti.gov.za/business_regulation/SA_EU.jsp

1. Fruit, vegetables and cereals fresh or processed

Country	Product	Name proposed for protection
Italy	Orange	Arancia Rossa di Sicilia
Portugal	Pineapple	Ananás dos Açores / São Miguel
Italy	Caper	Cappero di Pantelleria
Spain	Citrus fruit	Cítricos Valencianos / Cítrics Valencians
Greece	Olive	Ελιά Καλαμάτας / Elia Kalamatas
Greece	Bean	Φασόλια Γίγαντες Ελέφαντες Καστοριάς / Fassolia Gigantes Elefantes Kastorias
Germany	Hop	Hopfen aus der Hallertau
Greece	Olive	Κονσερβολιά Αμφίσσης / Konservolia Amfissis
Greece	Current	Κορινθιακή Σταφίδα Βοστίτσα / Korinthiaki Stafida Vostitsa
Italy	Apple	Mela Alto Adige / Südtiroler Apfel
Portugal	Pear	Pêra Rocha do Oeste
Italy	Tomato	Pomodoro di Pachino
France	Prune	Pruneaux d'Agen / Pruneaux d'Agen mi-cuits
Germany	Hop	Tettnanger Hopfen
Czech Republic	Hop	Žatecký chmel

2. Cheeses

Country	Product	Name proposed for protection
Italy	Cheeses	Asiago
Spain	Cheeses	Arzùa-Ulloa
France	Cheeses	Brie de Meaux
France	Cheeses	Camembert de Normandie
France	Cheeses	Comté
Denmark	Cheeses	Danablu
Netherlands	Cheeses	Edam Holland
France	Cheeses	Emmental de Savoie
Greece	Cheeses	Φέτα / Feta
Italy	Cheeses	Fontina

Italy	Cheeses	Gorgonzola
Netherlands	Cheeses	Gouda Holland
Italy	Cheeses	Grana Padano
Greece	Cheeses	Γραβιέρα Κρήτης / Graviera Kritis
Spain	Cheeses	Idiazábal
Greece	Cheeses	Κασέρι / Kasseri
Greece	Cheeses	Κεφαλογραβιέρα / Kefalograviera
Spain	Cheeses	Mahón-Menorca
France	Cheeses	Mont d'Or / Vacherin du Haut-Doubs
Italy	Cheeses	Mozzarella di Bufala Campana
Italy	Cheeses	Parmigiano Reggiano
Italy	Cheeses	Pecorino Romano
Italy	Cheeses	Pecorino Sardo
Italy	Cheeses	Pecorino Toscano
Italy	Cheeses	Provolone Valpadana
Portugal	Cheeses	Queijo S. Jorge
Portugal	Cheeses	Queijo Serra da Estrela
Spain	Cheeses	Queso Manchego
France	Cheeses	Reblochon / Reblochon de Savoie
France	Cheeses	Roquefort
Italy	Cheeses	Taleggio
Austria	Cheeses	Tiroler Bergkäse
United Kingdom	Cheeses	White Stilton cheese / Blue Stilton cheese

3. Meat products

Country	**Product**	**Name proposed for protection**
Italy	Meat products	Bresaola della Valtellina
France	Meat products	Canard à foie gras du Sud-Ouest (Chalosse, Gascogne, Gers, Landes, Périgord, Quercy)
Portugal	Meat products	Chouriça de Carne de Vinhais / Linguiça de Vinhais
Italy	Meat products	Cotechino Modena
Spain	Meat products	Dehesa de Extremadura
Spain	Meat products	Guijuelo
France	Meat products	Jambon de Bayonne
Spain	Meat products	Jamón de Huelva
Spain	Meat products	Jamón de Teruel
Italy	Meat products	Mortadella Bologna
Germany	Meat products	Nürnberger Bratwürste / Nürnberger Rostbratwürste
Portugal	Meat products	Presunto de Barrancos
Italy	Meat products	Prosciutto di Modena
Italy	Meat products	Prosciutto di Parma
Italy	Meat products	Prosciutto di San Daniele
Italy	Meat products	Prosciutto Toscano
Spain	Meat products	Salchichón de Vic / Llonganissa de Vic
Portugal	Meat products	Salpicão de Vinhais
Spain	Meat products	Sobrasada de Mallorca
Italy	Meat products	Speck Alto Adige / Südtiroler Markenspeck / Südtiroler Speck
Hungary	Meat products	Szegedi szalámi / Szegedi téliszalámi
Austria	Meat products	Tiroler Speck
Italy	Meat products	Zampone Modena

4. Olive oil

Country	Product	Name proposed for protection
Spain	Olive oil	Aceite de Terra Alta / Oli de Terra Alta
Spain	Olive oil	Aceite del Baix Ebre-Montsià / Oli del Baix Ebre-Montsià
Spain	Olive oil	Aceite del Bajo Aragón
Portugal	Olive oil	Azeite de Moura
Portugal	Olive oil	Azeite do Alentejo Interior
Portugal	Olive oil	Azeites da Beira Interior (Azeite da Beira Alta, Azeite da Beira Baixa)
Portugal	Olive oil	Azeite de Trás-os-Montes
Portugal	Olive oil	Azeites do Norte Alentejano
Portugal	Olive oil	Azeites do Ribatejo
Spain	Olive oil	Baena
France	Olive oil	Huile d'olive de Haute-Provence
Greece	Olive oil	Καλαμάτα / Kalamata
Greece	Olive oil	Κολυμβάρι Χανίων Κρήτης / Kolymvari Chanion Kritis
Greece	Olive Oil	Λακωνία / Lakonia
Spain	Olive oil	Les Garrigues
Spain	Olive oil	Priego de Córdoba
Spain	Olive oil	Sierra de Cádiz
Spain	Olive oil	Sierra de Cazorla
Spain	Olive oil	Sierra de Segura
Spain	Olive oil	Sierra Mágina
Greece	Olive Oil	Σητεία Λασιθίου Κρήτης / Sitia Lasithiou Kritis
Spain	Olive oil	Siurana
Italy	Olive oil	Toscano
Italy	Olive oil	Veneto Valpolicella, Veneto Euganei e Berici, Veneto del Grappa

5. Fisheries product

Country	Product	Name proposed for protection
France	Oyster	Huîtres Marennes Oléron

6. Beer

Country	Product	Name proposed for protection
Germany	Beer	Bayerisches Bier
Germany	Beer	Bremer Bier
Czech Republic	Beer	České pivo
Czech Republic	Beer	Českobudějovické pivo
Germany	Beer	Münchener Bier

7. Other products

Country	Product	Name proposed for protection
Italy	Sauces	Aceto Balsamico di Modena
Italy	Sauces	Aceto balsamico tradizionale di Modena
Spain	Safron	Azafrán de la Mancha
France	Essential oil	Huile essentielle de lavande de Haute-Provence
Spain	Confectionary	Jijona
Greece	Other products (spices etc.)	Κρόκος Κοζάνης / Krokos Kozanis
Cyprus	Baker's wares	Λουκούμι Γεροσκήπου / Loukoumi Geroskipou
Greece	Natural gums and resins	Μαστίχα Χίου / Masticha Chiou
Spain	Baker's wares	Turrón de Alicante

DEPARTMENT OF ARTS AND CULTURE

NOTICE 678 OF 2016

Proposed Language Policy
Use of Official language Act, 2012 (Act No. 12 of 2012)

The South African State Theatre (SAST), which is an entity of the Department of Arts and Culture, intends to adopt a Language Policy for the entity in terms of section 4 (1) of the Use of Official Language Act, 2012.

In terms of Regulation 3 (2) (b) of the Act, the SAST Council hereby invites interested persons to submit their comments on the proposed SAST Language Policy within 30 days of date of publication of this notice at any of the following addresses:

The Chairperson of Council
Ms. Barbara Masekela
SOUTH AFRICAN STATE THEATRE
Attention: Mr. Sibongiseni Mkhize

1) Postal Address:
P O Box 566
Pretoria
0001

2) Physical Address:
320 Pretorius Street
Pretoria
0002

3) Email Address:
eva@statetheatre.co.za
cc: shiraz@statetheatre.co.za

THE SOUTH AFRICAN STATE THEATRE

an agency of the
Department of Arts and Culture

OFFICIAL LANGUAGE POLICY

Version	Draft 2.0
Effective Date	On approval by Council

Document Control Sheet

Document Type	Policy
Document Name	Official Language Policy
Document ID	…

Prepared by	M Mopayi
Designation	HR Manager
Signature	

Document Status	Draft
Version	2.0
Document Date	7 April 2015
Effective Date	On approval by Council
Review Date	Annually, April.

Policy Approval			
Authority	**Name**	**Signature**	**Date**
Council			
Committee (REMCO)			
MANCO			
Union			
External Review	n/a		

Version Control

Version No.	Date	Amendment Details	Approved by

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1. Abbreviations, Acronyms and Definitions

Act	Use of Official Languages Act, Act 12 of 2012
CEO	Chief Executive Officer of the South African State Theatre
Clause	Refers to sections of this Policy document
Constitution	Constitution of the Republic of South Africa, Act 108 of 1996, amended
Council	The South African State Theatre Council (Board)
Language rights infringement	Any action that contravenes Section 6 of the Constitution of the Republic of South Africa, Act 108 of 1996, amended
Linguistic Approach	The approach relied upon, language preference, language use, identifying relevant demographics in language planning and adoption of this policy
Minister	Minister of Arts and Culture
Official Languages	The languages referred to in section 6 (1) of the Constitution of the Republic of South Africa, 1996
PFMA	Public Finance Management Act, Act 1 of 1999
Policy	The Official Language Policy of the South African State Theatre
Regulations	Regulations in terms of Section 13 of the Use of Official Languages Act, Act 12 of 2012
Republic	The Republic of South Africa
SAST	The South African State Theatre

Chapter 1 Introduction

2. Contextual Background

South Africans speak approximately 25 different languages. 11 of these languages have been granted the status of official language in terms of the Constitution due to these being spoken by 98% of the South African population. The 11 official languages are isiNdebele, isiXhosa, isiZulu and siSwati (referred to as the Nguni language group); Sesotho, Sepedi and Setswana (referred to as the Sotho language group); Tshivenda, Xitsonga, English and Afrikaans. Thus it is that South Africa may be regarded as a multilingual country.

While the Constitution sets out the need for all official languages to enjoy parity of esteem and be treated equitably, linguistic diversity in post-apartheid South Africa has been problematic due to the lack of a clearly defined language policy. The Use of Official Languages Act has thus been introduced. The Act aims to ensure through its objectives that:

- National government may regulate and monitor the use of official languages for government purposes,
- Promote parity of esteem and equitable treatment of official languages of the Republic,
- Facilitate equitable access to services and information of national government, and
- Promote good language management by national government for efficient public service administration and to meet the needs of the public.

The South African State Theatre (SAST), a PFMA schedule 3A public entity of the National Department of Arts and Culture, is tasked with promotion, development and mainstreaming the role in socio-economic development of the performing arts, culture and heritage programmes. Situated in the Capital city of South Africa, Tshwane, SAST serves predominantly the Tshwane public as well as greater Gauteng as its main audience. However, SAST functions as a national platform for the South African performing arts sector attracting public participation from communities and main-stream performers situated across the Republic. SAST is thus tasked to deliver public

services to both audiences and performers. The performing arts sector is a multilingual concentration of people which SAST serves.

In order to comply with the Act, promote the provisions of the Constitution and serve its diverse multilingual public, SAST has introduced this Official Language Policy. This Policy aims to provide SAST with a framework for the use of official languages when communicating with both internal and external stakeholders.

3. Purpose

Section 4(1) of the Act provides that every national department, national public entity and national public enterprise must adopt a language policy on its use of official languages. This policy aims to comply with this requirement of the Act. In doing so, SAST adheres to a linguistic approach that accommodates linguistic diversity relevant to its mandate.

The purpose of this policy is to provide for the use of official languages in all aspects of SAST communication by:

- Establishing the criteria for selection of the appropriate official language that SAST will use for communication under different contexts; and
- Establishing the official language of SAST.

4. Scope

This policy, together with any related policies, is applicable to the South African State Theatre, its employees, members of Council, Stakeholders and service providers.

5. Legislative and Regulatory Compliance

This policy document is prepared in accordance with the provisions of the:

- Constitution of the Republic of South Africa, Act 108 of 1996, amended;
    - *In particular, section 6 and 9.*
- Use of Official Languages Act, Act 12 of 2012; and
    - *More especially the provisions outlined under section 4.*
- Regulations in terms of Section 13 of the Use of Official Languages Act, Act 12 of 2012.

Chapter 2 Policy Statement

6. Principles

As a basis for this policy, SAST recognises:

- that there are 11 official languages in South Africa and that, together with the South African Sign Language, all official languages must be promoted and have equality of treatment;
- it is committed to the promotion of all languages in the Republic in order to ensure constitutional language equity and language rights, as required by a democratic dispensation;
- that multilingualism must be recognised as a resource to maximize collaborative partnerships in nation building, economic development and social cohesion;
- it is required to ensure good language management within the SAST administration and services that meets the needs of the public and ensures equitable access to services and information;
- that it must prevent the use of any language for the purpose of exploitation, domination and discrimination within the SAST;
- SAST facilitates the arts and entertainment and encourages diverse cultural provision, SAST plays a unique and vital role in the promotion and development of all official languages; and
- that as it seeks to present the very best performing arts work from the local communities, Gauteng, the country and from around the world, that language is not only about communication, but also about identity, creativity and respect.

7. Official Language of SAST

SAST has adopted all 11 official languages of the Republic as its official languages for the purposes of this Policy.

8. Use of Official Languages by SAST

The following criteria has been taken into account in arriving at the choice of official languages to be used by SAST:

- Mandate,

- Usage,
- Practicality,
- Expense,
- Regional circumstances, and
- Needs and preferences of the public served.

The following table provides the context within which official languages will be used by SAST:

COMMUNICATION CONTEXT	**OFFICIAL LANGUAGE**
Inter and Intra-government communication.	English.
Communicating with members of the public (official written correspondence).	Official Languages of the Republic, with due regard to the criteria outlined in clause 8.
Communicating with members of the public (oral communication).	Official Languages of the Republic, with due regard to the criteria outlined in clause 8.
Official publications intended for public distribution (includes inter alia notices on SAST website, advertisements, newsletters, social media, forms, signage on buildings).	Official Languages of the Republic, with due regard to the criteria outlined in clause 8.
Public forums and official proceedings.	Official Languages of the Republic, with due regard to the criteria outlined in clause 8.
Communication with hearing or sight impaired persons.	Where requested to do so, SAST will provide South African Sign Language interpreting and conversion of text into Braille or Audio.
International communication.	English.

Chapter 3 Application and Procedures

9. Communication with members of the Public whose language of choice is not one of the official languages of the Republic

A member of the public wishing to communicate with SAST in a language which is not one of the official languages of the Republic must notify SAST in writing. Due consideration, based on the criteria outlined in clause 8 above, will be applied to every written request. Accordingly, after due consideration, SAST will arrange for the appropriate translation or interpretation within 20 working days of the request having been received.

10. Communication with members the Public whose language of choice is South African Sign Language

A member of the public wishing to communicate with SAST in South African Sign Language must notify SAST in writing. SAST will arrange for the appropriate interpretation within 20 working days of the request having been received.

11. Publication and Access to this Policy

This SAST Policy will be published in the official languages of the Republic, as indicated in Section 8 of this policy. It will be made available on the SAST website www.statetheatre.co.za. It will be made available on request in Braille or alternatively in audio. It will be displayed at the SAST offices in such a manner so that it may accessible to be read by the public.

12. Language Unit of SAST

In terms of Section 12 of the Act, SAST has applied for exemption to Section 7 of the Act. SAST thus does not have a language unit. An appropriate Senior Manager will be responsible to perform the functions of the language unit at SAST.

13. Complaints

Any person who is dissatisfied with the decision of SAST regarding the use of official languages may lodge a complaint in writing to the CEO. Complaints must be delivered

to the SAST offices, or to the SAST postal address by registered post or by fax or email to the SAST fax or email address provided herein. Complaints must be lodged within 3 months of arising and be made in writing. Any complaint lodged must reflect the full name of the complainant, address and email and telephone contact information. Complaints must be described in full and supported by factual evidence. The CEO may request further information from the complainant. The complainant must be available to attend a meeting in order to make an oral enquiry into the complaint. The CEO will consider the complaint and respond in writing, not later than 3 months after the complaint was lodged, informing the complainant of the outcome.

If the complainant is unsatisfied with the outcome, he or she may lodge an appeal with the Minister. Such an appeal must be in writing and must be made within 1 month of the outcome. Full details describing the complaint must be provided in the appeal. The Minister will consider the complaint and respond in writing, not later than 3 months after the complaint was lodged, informing the complainant of the outcome.

Chapter 4 Monitoring and Evaluation

14. Policy Monitoring and Evaluation

Implementation and adherence to this Policy will be monitored through the SAST mechanisms of ensuring compliance with approved SAST policies. Non-compliance may be subject to disciplinary action.

Chapter 5 Policy Maintenance

15. Updates and Review

The policy must be reviewed annually, by the anniversary date of its approval.

DEPARTMENT OF ENERGY

NOTICE 679 OF 2016

NATIONAL ENERGY REGULATOR OF SOUTH AFRICA

Title: Regulatory Reporting Manual Volume 1:

General Regulatory Reporting Procedures and Administrative Matters

Version 2

Purpose: To prescribe and provide guidance to the regulated entities in the Energy Sector on the format, content, preparation and submission to the Energy Regulator of required information to perform its functions.

Effective Date: 01 September 2008
Revision Date: 29 September 2016

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LIST OF ACRONYMS

ABC	Activity Based Costing
CAM	Cost Allocation Manual
ERP	Enterprise Resource Planning
FAQ	Frequently Asked Questions
FVA	Fair value accounting
GRAP	Generally Recognised Accounting Practice
IFRS	International Financial Reporting Standards
IPP	Independent Power Producer
IRBA	Independent Regulatory Board for Auditors
NBV	Net Book Value
NFI	Non-Financial Information
PFMA	Public Finance Management Act
RRM	Regulatory Reporting Manual
RFR	Regulatory Financial Report
RA	Registered Auditor
RAB	Regulatory Asset Base
RV	Regulatory Value
SA GAAP	South African Generally Accepted Accounting Practice
SLA	Service Level Agreement

TERMINOLOGY

1. Affiliate or Associate or Related Party – include corporations or business enterprises that are: [1] members of the same group of companies as the Corporate Entity, including subsidiaries, joint venture partners, joint venture companies and other similar arrangements, and the group's associated companies over which the Corporate Entity's ultimate shareholder (where ultimate shareholder excludes the Government) can exert significant influence; and [2] companies outside the group of companies of which the Corporate Entity is a member, over which the Corporate Entity's ultimate shareholder (where the ultimate shareholder excludes the Government) can exert significant influence.
2. Cost Allocation – the process of correctly assigning a single cost to more than one business unit, activity, process, product or service, based on the cost allocator, in a manner that prevents cross-subsidisation.
3. Cost Allocator – a formula or ratio for sharing the cost of an activity among those that cause the cost to be incurred.
4. Cost Driver – a measurable event or quantity that influences the level of costs incurred, which can be directly traced to the origin of the costs themselves.
5. Cross-subsidisation – when a firm, producing more than one product, uses the revenues from the sale of one product to cover the costs of producing another product, or the process of assigning costs between divisions/services/products in a manner that does not objectively reflect the manner in which the costs are incurred.
6. Direct Costs – costs that are specifically incurred on behalf of a specific entity with an identifiable causal relationship with a business unit, activity, process, product or service. Direct assignment is applied in case of direct costs.
7. DoE or Department – Department of Energy of the Republic of South Africa.
8. Electricity Regulation Act - Electricity Regulation Act, 2006 (Act No. 4 of 2006).
9. Energy Regulator – The National Energy Regulator of South Africa (NERSA) established in terms of Section 3 of the National Energy Regulator Act, 2004 (Act No. 40 of 2004).
10. Fair Value Accounting – the practice of periodically revaluing the Regulatory Asset Base, ideally by reference to current prices of similar assets.
11. Fully Allocated Cost – the total of all direct and indirect costs including cost of capital incurred in providing both regulated and non-regulated goods and/or services.
12. Gas Act – The Gas Act, 2001 (Act No. 48 of 2001).
13. Government – Government of the Republic of South Africa.
14. Historical Cost – 'actual cost' or 'original cost' or 'purchase price' of the asset. Where no historical cost information exists, the RAB is the deemed historical cost at the commencement of economic regulation.

15. Incremental Costing or Marginal Costing – a pricing approach based on the additional cost of producing a product/service
16. Independent Power Producer (IPP) – any person in which the Government or any organ of state does not hold a controlling ownership interest (whether direct or indirect) that undertakes or intends to undertake the development of new generation capacity pursuant to a determination made by the Minister in terms of the Electricity Regulation Act, 2006 (Act No. 4 of 2006).
17. Indirect Costs – costs that are not directly assignable to a product or service, but incurred by an entity or business unit in producing the regulated product or service. This includes, but is not limited to, overhead costs, administrative and general costs, and taxes. Indirect costs are allocated based upon a methodology as set forth in this Manual.
18. Joint Costs – costs that do not have a specific, identifiable causal relationship with a particular entity or affiliate, but which benefit all affiliates/business units, or more than one. Joint costs are also referred to as common costs, and include corporate costs.
19. Licensee – a holder of a licence granted or deemed to have been granted by the Energy Regulator under the National Energy Regulator Act, 2004 (Act No. 40 of 2004), Electricity Regulation Act, 2006 (Act No. 4 of 2006), Gas Act, 2001 (Act No. 48 of 2001), Petroleum Pipelines Act, 2003 (Act No. 60 of 2003). 'Licensee' and 'Regulated Entity' shall be used interchangeably.
20. Long-lived asset – asset with an economic (service) life that spans over several years.
21. Manual – Regulatory Reporting Manual.
22. Minister – Minister of Energy.
23. Modified Historical Cost/Trended Original Cost – historical cost indexed by inflation.
24. National Energy Regulator Act – National Energy Regulator Act, 2004 (Act No. 40 of 2004).
25. National Treasury – Department of National Treasury of the Republic of South Africa.
26. NERSA – National Energy Regulator.
27. Petroleum Pipelines Act – Petroleum Pipelines Act, 2003 (Act No. 60 of 2003).
28. Registered Auditor – means an individual or firm registered as an auditor with the Independent Regulator Board of Auditors (IRBA).
29. Regulated Business – any licensee, service or activity that is subject to regulation by NERSA in terms of the National Energy Regulator Act, 2004 (Act No. 40 of 2004), the Electricity Regulation Act, 2006 (Act No. 4 of 2006), the Gas Act, 2001 (Act No. 48 of 2001), or the Petroleum Pipelines Act, 2003 (Act No. 60 of 2003).
30. Regulated Entity – Regulated Business.
31. Regulatory Reporting Manuals (RRM) – detailed regulatory reporting procedures, requirements and guidelines to be implemented by the regulated entities.

32. Regulatory Financial Reports or Regulatory Financial Statements – financial records and reports or statements to be prepared and submitted to the Energy Regulator by a regulated entity as prescribed by this Regulatory Reporting Manual.
33. Useful Life of Asset – is the estimated lifespan of a depreciable fixed asset, during which it can be expected to contribute to company operations.
34. Shared Services – services that are corporate or general purpose in nature and are used by various or all business units, but are not operations related.
35. Transfer Pricing – the pricing of products/services that one affiliate/business unit supplies to another affiliate/business unit of the same organisation.
36. Unregulated Business – an entity, service or activity that is not subject to regulation by the Energy Regulator.

Other accounting terminologies used herein, unless defined otherwise in the RRM, will take the same meaning as that given in the IFRS and/or South African GAAP/GRAP.

PART 1: GENERAL GUIDANCE

1.1. Background

The National Energy Regulator (NERSA) requires sufficient and accurate information from regulated entities in order to make well-informed decisions on issues of market demand, competition development, and service quality/availability, financial health of the regulated entities and setting/approval of fair and reasonable tariffs aligned with the public interest.

To gather that information, the Energy Regulator is issuing this Regulatory Reporting Manual (RRM), for implementation by licensees, for purposes of recording and submitting to the Energy Regulator financial and non-financial information regularly in a systematic and consistent way. The goal is to have focused financial and non-financial information relevant to economic regulation to enhance the efficiency and transparency of the regulatory process. The financial information may at times differ from what is contained in statutory financial statements.

The RRM not only provides a uniform system of regulatory reporting by regulated entities, but also requires accounting separation of financial information (also known as ring-fencing) when the regulated entity has other businesses that the Energy Regulator does not regulate or as the Energy Regulator may require separating different activities within a regulated entity.

The RRMs are divided into three sections: Section 1 (or Volume 1) contains general administrative issues and instructions that apply to all entities in the regulated energy industry, Section 2 (or Volume 2, Volume 3 and Volume 4) contains industry specific charts of accounts, activity analysis and reporting templates, and Section 3 (or Volume 5, Volume 6 and Volume 7) contains industry specific non-financial information for the regulated industries and reporting templates.

RRM Volume 1, which is this volume, is divided into two main parts, namely financial information, which is covered under Part 2 of this volume, and non-financial information, which is covered under Part 3.

1.2. NERSA Legislative Mandate to Prescribe Reporting Requirements

In terms of Section 15 of the Electricity Regulation Act, 2006 (Act No. 4 of 2006) ('the Electricity Regulation Act'), Section 21 of the Gas Act, 2001 (Act No. 48 of 2001) ('the Gas Act'), and Section 20 of the Petroleum Pipelines Act, 2003 (Act No. 60 of 2003) ('the

Petroleum Pipelines Act'), NERSA should prescribe licence conditions to regulated entities that may include, among other considerations, providing the Energy Regulator with required information to perform its functions. Section 21(1) (u) of the Gas Act and Section 20(1) (u) of the Petroleum Pipelines Act provide that, as a condition of licence 'licensees must provide information necessary for the Regulator to perform its functions'. Section 15(1) (b) of the Electricity Regulation Act provides that 'The Regulator may make any licence subject to conditions relating to the furnishing of information, documents and details that the Regulator may require for the purposes of this Act'. Section 20(1)(e) of the Petroleum Pipelines Act also provides that, as a condition of licence, 'the petroleum loading, pipeline and storage activities of vertically integrated companies may be required to be managed separately with separate accounts and data with no cross-subsidisation'. In addition, as a licence condition, the Energy Regulator can prescribe a tariff methodology. A tariff methodology can have implications for account structures.

Pursuant to Section 47 of the Electricity Regulation Act, the Energy Regulator may, after consultation, make rules by notice in the *Gazette* that may relate to the keeping of information, the rendering of returns and the period for and format in which information must be kept, as well as the persons or institutions it must be rendered to.

Pursuant to Section 34 of the Gas Act, after consultation and duly considering public comments, the Minister may by notice in the *Gazette* make regulations regarding, among others, the rendering of information to the Energy Regulator.

Pursuant to Gas Regulation 17(1) (a), a licensee must submit to the Gas Regulator, in addition to any other information required, detailed audited annual accounts consisting of a balance sheet, income statement and cash flow statement for each licensed gas facility and activity.

Pursuant to Section 33 of the Petroleum Pipelines Act, after consultation and duly considering public comments, the Minister must, as appropriate, by notice in the *Gazette* make regulations regarding, among others, the rendering of information to the Energy Regulator.

Section 45 of the Electricity Regulation Act and Section 29 of both the Gas and Petroleum Pipelines Acts grant any person authorised by the Energy Regulator in writing right of entry to inspect, among others, books, accounts or other documents relating to the regulated entity. Furthermore, the Energy Regulator may require any person to furnish to the Energy Regulator with such information, returns or other particulars as may be necessary for the proper application of these Acts. The Energy Regulator may require the accuracy of that information, return or furnished particulars to be verified by way or oath/solemn declaration or require that the licensee ensure that the relevant governance approval process has been followed.

1.3. Regulatory Functions of NERSA

The role of NERSA is to regulate the electricity, piped-gas, and petroleum pipelines industries. The powers and duties/functions of NERSA in terms of Section 4 of all three enabling Acts include, among others, the following:

- ✓ Regulate electricity prices and tariffs; set tariffs for petroleum pipeline operation and approve tariffs for petroleum storage and loading facilities; regulate prices in terms of Section 21 (1) (p) of the Gas Act in the prescribed manner, monitor and approve and if necessary regulate gas transmission and storage tariffs and take appropriate action when necessary to ensure that they are applied in a non-discriminatory manner as contemplated in section 22, and administer the agreement concerning the Mozambique Gas pipeline.
- ✓ Promote competition in the petroleum pipelines and gas industries as well as competitiveness and customer and end user choice in electricity.
- ✓ In electricity, establish and manage monitoring and information systems and a national information system, and co-ordinate the integration thereof with other relevant information systems; gather and store information relating to construction, conversion and operation of petroleum pipelines, loading facilities, and storage facilities; gather information relating to gas production, transmission, storage, distribution, trading, liquefaction, and re-gasification.
- ✓ Licensing in the electricity, piped-gas, and petroleum pipelines industries.
- ✓ Compliance in the electricity, piped-gas, and petroleum pipelines industries.
- ✓ Dispute resolution in the electricity, piped-gas, and petroleum pipelines industries.

To fulfil these functions, NERSA employs a range of regulatory tools, one being Regulatory Reporting, which involves the reporting of both financial and non-financial information to the Energy Regulator (ER) by Licensees.

1.4. Purpose of Regulatory Reporting Manual (RRM)

The purpose of this Regulatory Reporting Manual is to prescribe reporting procedures and requirements in order to achieve uniformity and consistent reporting of elements that are required for tariff setting, monitoring and/or tariff approval, such as: operating and maintenance expenses, capex/asset values, depreciation, taxes, return on investment, compliance as well as profit commensurate with risk. Regulatory Financial Reports as set out in this Manual [1] accommodate financial segregation between regulated activities/products/services in a vertically integrated business, [2] accommodate financial segregation of regulated business from non-regulated businesses, [3] incorporate current legislative requirements, [4] support the adopted regulatory methodologies in the regulated businesses, [5] provide guidance necessary for unbundling cost allocation and rate design,

and [6] provide consistency of format in regulatory financial reports in the energy sector, whereas the non-financial reports assist in; bringing certainty to non-financial information requirements, providing an adequate information base required by the Energy Regulator, achieving uniformity in measurement, improving transparency and consistency in the regulatory process and enhancing regulatory efficiency. The implementation of the RRM will assist in bringing certainty to regulatory reporting requirements, providing an adequate information base for future price/tariff setting, monitoring the financial health of the regulated entity, monitoring performance and improving transparency in the regulatory process, as well as monitoring compliance and enhancing regulatory efficiency.

Expected benefits from RRM implementation are:

a. Consistency of reported regulatory information

This provides for easier understanding and submitting of tariff applications. The RRM also ensures the information requested for regulatory purposes is submitted correctly and should reduce further information requests. There is value in reporting on a consistent basis from year to year.

b. **Comparability of information over time both within and between regulated entities.**

It is much easier to compare information when it has been recorded on a consistent basis thereby improving the Energy Regulator's ability to test whether applications and budgets are reasonable. Standardisation allows the development and calculation of metrics and performance measures that can be used for comparison purposes and as a starting point to understanding variations.

c. More complete and comprehensive applications

To a great extent, it will help resolve the issue of how much and what type of information to include in a regulatory application, which in turn will result in reduced information requests. Both the regulated entity and the Energy Regulator will have greater certainty on regulatory reporting requirements.

d. Regulatory efficiencies

It will engender high standards, quality applications on a consistent basis, and better understanding of applications and reduce information requests, leading to greater regulatory efficiency. The RRM will save time spent in hearings by shifting focus from 'what is contained in the application' to 'why'.

e. Monitoring compliance with Energy Regulator conditions/requirements

The regulatory financial reports will allow the Energy Regulator to detect whether the full intentions of their decision have been complied with and whether licence conditions have been complied with.

f. Informing tariff reviews and setting/approving of tariffs

g. **Detection of cross-subsidisation and discrimination within businesses**, all or part of which are regulated.

1.5. Applicability of Regulatory Reporting Manual (RRM)

The RRM applies to all entities regulated by NERSA and has implications for the regulated entity's affiliates to the extent that there are transactions with the affiliate(s), allocation of cost to/from/between these affiliates and the regulated entity. In this regard, the RRM has been designed for use by:

a. each regulated entity's accounting, financial and regulatory personnel;
b. the regulated entity's auditors;
c. any person appointed by the Energy Regulator to conduct the verifications/inspections envisaged by the Act; and
d. NERSA regulatory staff.

1.6. Disclaimer

Inclusion of any item or account in the prescribed RRM does not necessarily imply NERSA's acceptance for tariff setting/approval purposes of any expenditure, revenue, or procedure suggested by the use of such account or imply the adequacy of such information to enable the Energy Regulator to make a decision.

Although the implementation of RRM is expected to lead to more complete/comprehensive application filing and thereby reduce information requests, there will still be certain well-justified circumstances when additional information would be required in order to fully clarify a specific aspect of a requested revenue requirement in an application.

PART 2: FINANCIAL INFORMATION

This section of the RRM discusses the general preparation and reporting guidelines for the financial information to be submitted by all licensees to the Energy Regulator.

2.1 General Preparation and Reporting Guidelines

2.1.1 Reporting Currency

The regulatory financial reports must be presented in South African Rand.

2.1.2 Basis of Preparation of Regulatory Financial Reports

The Energy Regulator requires information to perform its functions such as tariff setting/tariff approval and performance monitoring. This information shall be prepared by a regulated entity/licensee and provided to the Energy Regulator, and may differ from that prepared for the statutory financial statements. The purpose of the RRMs is to provide guidance on additional details, calculations, content, structure and format of regulatory reporting needed specifically for energy regulation. The Regulatory Financial Reports should therefore be prepared in accordance with these RRMs in order to fulfil these information requirements.

2.1.3 Reporting Convention – Historical Cost

The Regulatory Financial Reports should be prepared under the historical cost convention and as specified in the RRM. Where no historical cost information exists, regulatory asset base (RAB) is the deemed historical cost at the commencement of economic regulation as explained in the following paragraph.

Use of historical costs requires information dating back to when the oldest assets in service were first commissioned. For long-lived pipeline assets, this may be some time ago, and the relevant information may not be readily available. In the same vein, some electricity lines businesses' asset registers may be incomplete or/and incorporate inconsistent assumptions about depreciation. To address these limitations, the Energy Regulator may make specific decisions in this regard to determine a vesting RAB of the assets in question. This is expected to be a once-off valuation at the start of economic regulation. A form of modified historical cost valuation approach or trended original cost, taking into account the estimated remaining useful life, will be applied to determine the vesting RAB of the affected long-lived assets. The so determined vesting RABs become the proxy for historical cost going forward.

2.1.4 Reporting Convention – Fair Value Accounting (FVA)

Fair Value Accounting (FVA) is added as an alternative to historical cost. The inclusion of FVA is to accommodate the replacement cost methodology. The use of the FVA should be in line with the relevant methodology in consultation with the Energy Regulator. However if the licensee is using historical cost (as is the case currently with most licensees) there is no need to revalue (i.e. FVA), unless methodology requires it.

2.1.5 Reporting Convention – Accrual Basis

The regulatory financial reports should be prepared on an accrual basis.

2.2 Cost Allocation and Separation Principles

The allocation (assignment and attribution) of costs should ensure that separation and no cross-subsidisation occurs between regulated and non-regulated lines of business and between regulated businesses themselves, products or services. The cost of each activity should be distributed among the business units based on direct assignment when possible, and based on cost drivers when not. The allocation methodology should adhere to the principles listed below.

2.2.1 Causality

Causality means there is a causal relationship between the cost driver and the costs incurred in performing the activity. Revenues, costs, assets and liabilities must be attributed in accordance with the activities that cause the revenues to be earned or costs and liabilities to be incurred or the assets to be acquired.

Where cost causation cannot be easily ascertained or established, cost drivers should be selected based on benefits received.

2.2.2 Objectivity

The attribution methods should be objective, prevent cross-subsidisation and ensure equitable cost sharing among the entity's regulated businesses, non-regulated business and its affiliates without unduly benefiting any of them.

2.2.3 Consistency

The attribution/allocation methods should be consistent from year to year. Where there are changes to the methodology, the regulated entity should restate the previous year's (or any other applicable comparative figures') regulatory financial reports to reflect the impact of the changes.

2.2.4 Transparency

The attribution method should be transparent. All direct and allocated costs, revenues, assets and liabilities separately distinguishable from each other should be traceable on the accounting records of the regulated entity to the applicable regulatory financial reports submitted by the entity.

2.3 Cost Allocation and Separation Methodology

2.3.1 Methodology Overview

The regulated entities should adopt the fully allocated cost approach (sum of direct cost plus a share of indirect costs) whereby direct costs are assigned directly to the product/services while indirect costs are traced to an activity centre or cost pool from where the primary cost driver or relevant proxy must be identified and used to allocate the costs between regulated and non-regulated lines of business, products or services.

One of the fundamentals behind the fully allocated cost approach is to eliminate arbitrary cost allocations and instead use cost drivers, work orders and other such instruments to ensure to the maximum extent possible direct assignment.

2.3.2 Fully Allocated Cost Approach

The fully allocated cost approach entails two steps to distribute costs among business units:

1. Direct Assignment
2. Allocation based on a Cost Allocator

1. Direct Assignment

Direct Assignment should be applied when the portion of an activity used by a business unit can be reasonably established. Direct assignment is preferable to Allocation because it is based on a more direct relationship.

2. Allocation based on a Cost Allocator

Allocation will apply where more than one business unit uses an activity, but the portions of the activity that each uses cannot be directly established. In this case, a cost driver must be identified and a cost allocator assigned to distribute the costs of the activity. A cost allocator is a formula for sharing the cost of an activity among those who cause the cost to be incurred according to the causality principle mentioned above.

It is acknowledged that some amount of cost allocation is unavoidable. However, best practice suggests that when it comes to cost allocations, less is better. Therefore allocations will only be allowed when there is no other feasible alternative for direct assignment.

Clearing accounts may be used for indirect costs that are to be allocated to more than one account, from which they are then allocated on a determined cost-drivers basis. The clearing accounts must be zeroed at the end of each regulatory reporting period of the regulated entity.

The cost allocation method, affiliate transactions and transfer pricing policies should be documented in the form of a Cost Allocation Manual (CAM) and reviewed regularly to reflect any changes in cost relationships and cost allocators/cost drivers. The CAM should be approved by the Energy Regulator as specified in this Manual.

Discussions of activity analysis for each of the three regulated businesses are found in the respective industry specific manuals (see Volume 2, Volume 3 and Volume 4).

2.4 Affiliate Transactions and Transfer Pricing Policies

2.4.1 Overview

The basic principle to govern transactions between the regulated entity and affiliates and/or between business divisions, whether carrying out regulated activities or not, is that only costs relating to the operation of the licensed activity are allowed for tariff-setting/approval and other regulatory purposes. Vertically integrated businesses shall, where required, keep separate accounts for separate business units and shall separate these between regulated and non-regulated businesses. The principal objectives of this separation are to:

1. minimise the potential for a utility to cross-subsidise these activities; and
2. ensure there is no preferential access to regulated entity services.

2.4.2 Affiliate Transactions – Sale price to affiliate

The sale price to an affiliate/division should not be less than fair market value. Where no market value exists, no less than cost-based price should be charged. Cost-based price should follow the RRM cost allocation guidelines. When a regulated product or service is provided, the transaction should be recorded in the regulated revenue accounts at the prevailing approved tariff rate.

2.4.3 Affiliate Transactions – Purchase price from affiliate

Purchases from an affiliate/division should not exceed fair market value. Where no market value exists, payment reflected should be no more than the cost-based price. Cost-based price should follow RRM cost allocation guidelines. When a regulated product or service is received, the transaction should be recorded in the regulated expense accounts at the prevailing approved tariff rate.

2.4.4 Asset transfers

The regulated entity should sell assets to an affiliate/division at no less than Net Book Value (NBV), and the Regulated entity should buy assets from the affiliate/division at no more than NBV. For public entities, there may be cases where the National Treasury may prescribe the values at which a regulated public entity should buy, sell or transfer assets. If such values prescribed by National Treasury are derived on an historical cost basis or, where original cost are not available, on a modified historical cost basis, then those values may become the Regulatory Asset Value (RAV) at the commencement of economic regulation.

2.4.5 Shared Services Joint Costs

To the maximum extent possible, shared costs should be assigned directly to licensees/ affiliates on the basis of causation or usage, and where cost causation cannot be easily ascertained or established, cost drivers should be selected based on benefits received.

A key element is to ensure that transactions are at arms-length. Market testing is usually used to determine that an at arm's length transaction is taking place. An at arm's length contract like a Service Level Agreement (SLA) should be entered into. Wide market tendering [every three years or as specified by the Public Finance Management Act (PFMA), Municipal Finance Management Act (MFMA) or industry best practice] should be used to ensure competitive inter-business/division charging. Where no market exists, allocation of shared costs should use a reasonable method for a fair and equitable split as envisaged in the RRM on cost allocation and transfer pricing.

2.4.6 Loans

The interest charges between a regulated entity and its affiliate should be based on the regulated entity's fully allocated cost of debt derived as the sum of actual cost plus an allocated treasury function cost, using a cost driver selected on the basis of 'benefit received'. However, where the regulated entity's fully allocated cost of debt is lower than the prevailing interest rate that the affiliate can obtain elsewhere, the higher rate should be used by the regulated entity to calculate interest charges to the affiliate.

2.4.7 Disclosure requirements for Affiliate[1] Transactions

The regulated entity should keep its accounts and records of all affiliates' transactions that are material in nature so as to be able to furnish accurate and expeditious reports of all transactions with affiliates. The reports are required to show:

a. an explanation of affiliate relationship, detailed description of nature and purpose of transactions with affiliate entity;
b. the total amounts involved;
c. a breakdown of the charges to and from each affiliate clearly split between Operating Expenditure (opex) (excluding depreciation), depreciation, capital expenditure (capex) and revenues etc. – this breakdown should clearly indicate the amounts included in each account prescribed in the RRM with respect to such transactions; and
d. any other info about affiliate transactions necessary for an understanding of the financial statements, e.g. disclose those affiliate transactions valued at fair market value, tariff rates, and those valued using fully allocated cost-based recovery.

However there are instances where the Energy Regulator may waive disclosure of information about transactions between public/government entities where the transactions are consistent with normal operating relationships between the entities, and are undertaken on terms and conditions that are normal for such transactions in these circumstances.

[1] See under Terminology point number 1, definition of Affiliation.

2.5 Audit of Regulatory Financial Reports

2.5.1 Role of the Auditor in Regulatory Financial Reports

An independent audit of the regulatory financial reports enhances the quality, objectivity, and credibility of the regulatory financial reports for the Energy Regulator's and other stakeholders' use.

2.5.2 Appointment of Auditors for Regulatory Financial Reports

Section 45 of the Electricity Regulation Act and Section 29 of both the Gas and Petroleum Pipelines Acts grant any person authorised by the Energy Regulator in writing right of entry to inspect, among others, books, account or other documents relating to the regulated entity found thereat. Furthermore, the Energy Regulator may require any person to furnish to the Regulator such information, returns or other particulars as may be necessary for the proper application of these Acts. The Energy Regulator may require the accuracy of that information, return or furnished particular be verified by way or oath/solemn declaration. Such an oath/solemn declaration shall be done by the responsible official that would normally sign the audited statutory accounts for the entity or, in the case of a Municipality, by the Municipal Manager, and shall constitute part of the regulatory financial statements being audited.

Annual Regulatory Financial Reports must be audited at the same frequency as, and preferably by the same auditors that are auditing, the regulated entity's statutory accounts. Using the same auditors will be more cost-effective as the auditors already have knowledge of the regulated entity's business and would avoid duplicating some of the work performed for statutory audits. Using the same auditors may also enhance the timeliness of regulatory reporting. However, this would not preclude the Energy Regulator from appointing an auditor, in terms of Section 45 of the Electricity Regulation Act and Section 29 of both the Gas and Petroleum Pipelines Acts to audit the Regulatory Financial Reports, where the Energy Regulator deems it appropriate to use a different auditor from the regulated entity's incumbent auditors.

2.5.3 Form and Content of Auditor's Engagement Letter

There will be an Engagement Letter between the Energy Regulator and the Auditor as contemplated in Section 45 of the Electricity Regulation Act and Section 29 of both the Gas and Petroleum Pipelines Acts.

The Engagement Letter between the Energy Regulator and the auditor may specify the duty of care the auditor owes the Energy Regulator and require the auditor to carry out the audit with due consideration of the objectives of the Energy Regulator as contemplated in the

enabling Acts. The Engagement Letter may also clarify the position on issues related to unique needs for economic regulation in line with the RRM, and the communication process between the auditor, the regulated entity being audited and the Energy Regulator.

2.5.4 Scope of the Audit

The audit of regulatory financial reports is to be performed in accordance with the International Standards on Auditing or, in the case of public entities and municipalities, as prescribed by the Auditor General. The regulatory reports audited would have been prepared in accordance with the RRMs.

The licensee must grant the auditor unlimited access to the accounting and other records, as well as any such information and explanations required for the purposes of the regulatory financial reports audit.

2.5.5 Materiality and Audit Framework of Specialised Areas

In a situation where the materiality level used for the audit of group level statutory accounts may be significantly larger than its individually licensed activities to the extent that transaction tests will not sufficiently test regulatory financial reports items, the auditor should conduct further transaction testing for the regulatory financial reports beyond that already performed for statutory accounts. The transaction testing on regulatory financial reports should, as a minimum, be equivalent to that performed on statutory accounts as if the auditor were only engaged to audit the regulatory financial reports.

Appendix 1 as attached to this RRM shows some of the specialised high-level areas that may constitute part of the scope of the audit for regulatory financial reports. The actual scope of the audit is to be discussed between the licensee and the Regulator at the time when the audit takes place.

2.5.6 Audit Opinion

The audited regulatory financial reports will be addressed to the Energy Regulator. The auditors will express an opinion on whether the annual Regulatory Financial Report has been prepared in all material respects in accordance with the RRM.

2.5.7 Cost of the Audit

The regulated entity being audited will bear all the audit costs with provision that such costs may be recovered from tariffs.

2.6 Administrative Issues

2.6.1 Required Regulatory Financial Reports

Half-Year Regulatory Financial Reports

The half-year Regulatory Financial Report should only provide data on those specific items used in the determination of Revenue Requirement or setting/approval of tariffs to enable NERSA to monitor the results for each licensee over time. This information should be in columns accompanied by explanatory notes showing

a. actual performance for reporting period;
b. estimates (projections) as used in NERSA's revenue decision as the basis upon which to set/approve revenue/tariffs;
c. a declaration that the information presented is complete and accurate and complies with the RRM signed by the responsible person as indicated in 7.1 (f) below.

These half-year regulatory financial reports need not be audited.

Annual Regulatory Financial Reports

The annual (full-year) Regulatory Financial Reports should provide annualised comparatives in columns of: [a] current year actual against immediate previous year actual, and [b] estimates (projections) as used in NERSA's revenue decision as the basis upon which to set/approve revenue/tariffs. The annual (full-year) Regulatory Financial Reports shall include the following:

a. balance sheet (statement of financial position);
b. statement of retained earnings (statement of changes in net assets);
c. income statement (statement of financial performance/comprehensive income);
d. statement of changes in financial position (statement of cash flow);
e. commentary explaining the financial statements, which should include:
    i. a comparison between actual current period results and assumption made during tariff application/approval,
    ii. an explanation of variances between current period actual results, the results of the previous year and the assumptions made in setting/approving tariffs,
    iii. a discussion of the results against the plan and an outline of the forward plans for key business drivers such as capex, financing arrangements, organisational shape, operational performance, etc.,

iv. a formal statement from the directors of the licensee that the licensee has complied with licence obligations and that licensee has not cross-subsidised or discriminated,
v. detailed disclosure of basis of preparation of regulatory financial reports,
vi. a discussion of asset valuation basis and depreciation,
vii. detailed cost attribution, cost allocation and inter-affiliate business charges,
viii. reconciliation between information in the regulatory financial reports and statutory accounts, and
ix. the entity's statutory accounts with their supporting documents or/and notes;

f. a signed declaration to the effect that the information presented is complete and accurate and complies with the RRM, which shall be signed by a suitable official that normally signs the statutory accounts for the entity, or the Municipal Manager in the case of a Municipality or as per the Licensee's relevant Governance approval process; and
g. other surveillance/monitoring reports that NERSA may specifically request for the ongoing evaluation of performance, tariffs, revenues, etc.

The annual regulatory financial reports shall be audited. Estimates used in tariff setting/approval should be included in the Regulatory Financial Reports, but would not be subject to an audit. However, the Energy Regulator may specify in the Engagement Letter for the auditor to verify that the same estimates (projections) as used in NERSA's revenue decision as the basis upon which to set/approve revenue/tariff are replicated in the comparative column for estimates of the Regulatory Financial Reports.

2.6.2 Cost Allocation Manual (CAM)

Unless otherwise exempted by the Energy Regulator, each licensee is also required to submit to the Energy Regulator a Cost Allocation Manual (CAM) for approval, as soon as the RRM is approved for implementation and before the licensee makes its first filing to the Energy Regulator under the RRM. Regulated entities so exempted from submitting their own Cost Allocation Manual will be required to adopt a standardised CAM provided by the Energy Regulator. Thereafter, a licensee is only required to submit an updated CAM to the Energy Regulator whenever the licensee reviews and updates the CAM.

2.6.3 Accounting Period

Each regulated entity shall maintain its accounting records on an ongoing basis. For each regulatory reporting period, all transactions applicable thereto shall be entered in the accounting records of the regulated entity. Amounts applicable or assignable to specific business divisions shall be segregated for each regulatory period. Each regulated entity shall

close its accounting records at the end of each financial year. This financial year end date should align with annual dates used in the tariff application for ease of analysis and monitoring.

The Energy Regulator may specify other allowed accounting periods to cater for specific dispensations as deemed appropriate to ensure the regulatory reporting burden is not unnecessarily onerous.

2.6.4 Records

Each regulated entity must keep its books of accounts, and all other records supported by detailed information as will permit ready identification, examination, analysis and verification of all facts thereto. All amounts included in the accounts for capex and opex as well as any payments disallowed by the Energy Regulator shall be tracked separately within each account prescribed by RRM. The records shall be filed in such a manner as to be readily accessible for examination by authorised representatives of the Energy Regulator. These records must be retained by the licensee for at least five years.

2.6.5 Account Numbering System

Regulated entities should use account numbers and descriptions as provided in this RRM. Where it is not possible to use the account numbering system prescribed in the RRM, the regulated entities may opt to use a different system of account numbers for its own purposes, provided that a list of these account numbers is kept readily available together with a reconciliation of such account numbers with the numbers provided in this RRM. In this context, all submissions/applications/correspondence to the Energy Regulator must be referenced to in terms of the account numbering provided in this RRM.

2.6.6 Reporting Timeframe

Half -Year Regulatory Financial Reports (for monitoring) should be submitted within 60 days of the end of the licensee's half-year reporting period.

Annual Regulatory Financial Reports should be submitted within four months of the financial year end of the licensee.

All submissions of Regulatory Financial Reports must be in an electronic format for all documents. Electronic copies must include PDF and MS Excel files for materials that will form a permanent record, with the Excel files being for all financials. Any MS Word files made

available to the Energy Regulator will function as working copies for all parties to readily extract and analyse information. A hard copy should also be provided that will serve as a master copy.

2.6.7 Prior Period Restatement

An important tool that the Energy Regulator uses in assessing a licensee's application is the comparison of actual results to prior year and/or forecasts. In order to permit this comparison, it is imperative that the forecasts, prior year and current period actual figures be recorded and reported on a similar basis. If licensees find themselves in a situation where the forecasts/prior year and actuals are prepared on a different basis, the licensee must restate, on an account-by-account basis, the forecasts/prior year in order to provide meaningful comparisons.

2.6.8 Publication and Confidentiality

Section 8(9) (a) and Section 10(2) of the National Energy Regulator Act, Section 29 of the Gas Act and Section 29 of Petroleum Pipelines Act contain specific provisions on confidentiality of information.

The regulatory financial reports may be published on the Energy Regulator's website, but would exclude certain information contemplated in Sections 8(9) (a) and 10(2) of the National Energy Regulator Act, Section 29 of the Gas Act and Section 29 of the Petroleum Pipelines Act, determined to be confidential by the Energy Regulator. It is the responsibility of the regulated entity to promptly notify the Energy Regulator of information that should not be in the public domain by clearly marking the relevant information as such. Regulated entities are also encouraged to publish the regulatory financial reports on their respective websites.

The Energy Regulator shall only share the publicly available Financial and Non-Financial Information with any person as defined in the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

2.6.9 Implementation Costs and Timelines (Effective Date) of RRM

The RRM is effective from the date it is gazetted.

Regulated entities are required to report according to the RRM for all submissions to be made to NERSA from June 2009, although NERSA also will encourage those regulated entities that are able to comply with and report in accordance with RRM to do so immediately.

Each implementing licensee will be required to submit to the Energy Regulator an 'RRM Implementation Cost Estimates and Implementation Plan' for approval and also to enable the regulated entity to claim the approved Implementation Costs from tariffs. In approving the submitted Cost Estimates and Implementation Plan, the Energy Regulator will take into consideration, among others, [1] the Overall Approach, [2] Project/Work Plan, [3] Feasibility of the Solution Proposed, [4] Compliance with RRM (and especially demonstrate more direct cost assignments and minimise cost allocations), [5] Budget/Cost Containment, [6] Risk Management, and [7] Whether it is a new implementation or a customisation.

NERSA may consider categorising regulated entities and set staggered compliance dates according to regulated entities' implementation capacity. Such a categorisation will take into account licensees' different starting points, including licensees with experience in regulatory reporting vs new or future licensees, the learning period for both the Energy Regulator and licensees, different enterprise resource planning (ERP) systems whereby some can more easily implement the RRM, different costing systems like activity based costing (ABC) vs traditional, time to amend licence conditions if necessary, and entities that have multi-year filing applications/dispensations.

2.6.10 Review and Modification of the RRM

The Energy Regulator will consult with regulated entities on an ongoing basis to ensure the objectives and requirements of the RRM are being met. To maintain uniformity of reporting, the licensee should submit questions of doubtful interpretation to the Energy Regulator for consideration and decision. The Energy Regulator will be responsible for advising licensees on the interpretation and application of the RRM. All interpretations issued by the Energy Regulator will be posted on the frequently asked questions (FAQ) section of the Energy Regulator's website. The Energy Regulator will also entertain detailed annual feedback from the regulated entities on aspects of the RRM that are working well and areas that need amendment, with suggested amendments. The Energy Regulator will publish feedback/comments with the response in the FAQ section of its website.

The Energy Regulator will continuously conduct formal reviews of the content of this RRM every five years to ensure that the contents of the RRM reflect the regulatory circumstances existing at the time of the review. The Energy Regulator also recognises that special circumstances may arise that may necessitate ongoing changes, perhaps more frequently than the envisaged five-year formal review cycle. This provision would therefore not preclude on-going incorporation by the Energy Regulator of justifiable changes that are considered necessary to immediately capture clarity, transparency and regulatory efficiency benefits.

The Energy Regulator will make decisions on the interpretation of the various clauses of the RRM, but any party will be entitled at any stage to take decisions of the Energy Regulator on review or appeal as contemplated in the enabling legislations.

PART 3: NON-FINANCIAL INFORMATION

This section details a high-level discussion on the Non-Financial Information (NFI) Manuals of the RRMs. As discussed in section 1.4 of this RRM volume, the NFI Manuals will assist in bringing certainty on non-financial information regulatory reporting requirements, provide an adequate information base required by the Energy Regulator and improve transparency in the regulatory process. The NFI Manuals apply to the Electricity Supply Industry (NFI Volume 5), Piped-Gas Industry (NFI Volume 6) and Petroleum Pipeline Industry (Volume 7). A detailed discussion on the NFI requirements per industry is contained in the industry specific NFI Manuals mentioned above.

3.1 NFI Categories

The non-financial information is grouped into two categories, namely static (initial) information and dynamic information.

3.1.1 Static Information

Static information is the NFI that has already been collected by NERSA (once off) from the licensees at the time of licence application. Static information may include information such as installed capacity, licence number and power station name. Licensees should therefore note that, after licensing, static information will not be collected again while it remains unchanged from what was originally submitted to the Energy Regulator. The static information section is included in the different industry specific NFI Manuals in order to amalgamate all NFI required/used or in the possession of NERSA into one point of reference. This amalgamation makes the Manual a complete single source of reference of NFI in order to engender regulatory efficiency for all the users of the NFI Manual identified in section 1.5 of this Manual.

3.1.2 Dynamic information

Dynamic information is the NFI that changes more regularly while the licensee is in operation. Dynamic information may include information such as volume sent out and fuel volume used. Dynamic information will be collected from the licensees periodically, for example daily, weekly, monthly, quarterly, annually or on the licence anniversary date, as the case may be. The dynamic information is the core of the NFI Manuals and form the basis from which the Energy Regulator will derive the performance and compliance monitoring metrics illustrated by way of examples in the later parts of the three NFI Manuals (namely Volumes 5, 6 and 7).

3.2 Measurements/Calculations

3.2.1 Units of measurement

The units of measurement shall be in metric (Electricity and Petroleum Pipelines industries) or both metric and non-metric for the Piped-Gas industry.

3.2.2 Measurements and calculations

Each industry's NFI contains a section that defines the information or items that are subject to different interpretations of measurement approaches to enable NERSA and the regulated industries to adopt one standard measure.

3.3 Responsibility for NFI Submission and Solemn Declaration

The NFI must be submitted to the Energy Regulator by a responsible official appointed from time to time and duly authorised by the licensee to submit this information to the Energy Regulator. The Energy Regulator may require that this duly authorised responsible official verify the accuracy of the NFI being submitted by way of oath/solemn declaration.

The NFI must be submitted electronically or in any other format agreed upon between the Energy Regulator and the licensee.

3.4 Record Keeping

Each regulated entity must keep records supported by detailed information that will permit identification, examination, analysis and verification of all facts thereto. The records shall be kept in such a manner as to be readily accessible for examination by authorised persons at least every five years or as per the National Archives of South Africa Act, 1996 (Act No. 43 of 1996).

3.5 Audit of NFI

As discussed in section 1.2 of this RRM, the Energy Regulator may audit the NFI submitted by the licensee for its accuracy if deemed necessary.

3.6 Publication and Confidentiality of Information

The Energy Regulator may publish the non-financial information submitted by licensees on its website, but such publication will exclude information determined to be confidential as contemplated in Sections 8(9) and 10(2) of the National Energy Regulator Act, 2004 (Act No. 40 of 2004), Section 29(4) of the Gas Act, Section 29 of the Petroleum Pipelines Act and determined to be confidential by the Energy Regulator. It is therefore the responsibility of the regulated entity to promptly notify the Energy Regulator of information that should not be in the public domain by clearly marking the relevant information as such. Regulated entities are also encouraged to publish the non-confidential NFI on their respective websites.

The Energy Regulator shall only share the publicly available NFI with any person as defined in the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

3.7 Effective Date and Implementation Costs

The implementation phase will be for a period of at least three years starting from 01 April 2016. This three-year period is to enable the licensees to prepare, transition and start reporting according to these NFI Manuals for all non-financial information submitted to NERSA.

The Energy Regulator may also approve a phased implementation to provide for any other justifiable circumstances that may warrant such an approach. Licensees are required to make appropriate arrangements to comply with the prescript and guidance contained in these NFI Manuals.

Costs related to reporting in accordance with this NFI Manual should be treated in a similar manner and recovered in a similar way as the licensee's other operating and maintenance expenses for the licensed activity.

Licensees are allowed to report on the NFI using an MS Excel spreadsheet for a period of at least three years (implementation phase). Thereafter the ER may consider using an automated system.

3.8 Review and Modification of the NFI Manual

The Energy Regulator will conduct an initial formal review of the content of these NFI manuals within three years of being approved by the Energy Regulator and being implemented.

Subsequent reviews will be done every five years to ensure that the contents of the NFI Manuals reflect the legislative and regulatory circumstances existing at the time of the review.

The Energy Regulator also recognises that special circumstances may arise that may necessitate ongoing changes, perhaps more frequently than the envisaged five-year formal review cycle. This provision would therefore not preclude on-going incorporation by the Energy Regulator of justifiable changes that are considered necessary to immediately capture clarity, transparency and regulatory efficiency benefits.

The Energy Regulator will provide decisions on the interpretation of the various clauses of NFI, but any party will be entitled at any stage to take decisions of the Energy Regulator on review or appeal as contemplated in the enabling legislation.

Appendix: Scope of Audit for Specialised Areas

1 AUDIT – TEST YEAR

- Defined:
  - ✓ Period of Measurement for a recent, consecutive 12-month period consisting of a full year of operations where data is readily available
- Historic or Future?
  - ✓ Current or past?
  - ✓ Representative of period in which rates will be in effect?

2 AUDIT – TEST YEAR ADJUSTMENTS

- Correcting
  - ✓ Removal of Prior Period Items from the Test Year
- Normalising
  - ✓ Adjusting Revenues for Normalised Conditions e.g. normalised weather
- Pro Forma
  - ✓ Reflection of Authorised Salary Increases
  - ✓ General purpose is to transform the relationship that exists between the revenue requirement elements to make it reflective of what is expected to take place during the time the rates are expected to be in effect.

3 AUDIT – RATE BASE

- Rate base is the investment base to which a fair rate of return is applied to arrive at the Allowable Revenue (or Revenue Requirement) to be set or approved.
- Original Cost is the cost of the item at the time that the asset was first put into service and it is the cost that remains with that asset throughout its life.

3.1 Audit of Rate Base – Regulated Plant In Service: Used and Useful

- Plant should be functioning and necessary to be included in rate computation
- Matching in-service date with timing included in rates – Regulator Policy
- Look at major additions since last rate case or review – Type, need, cost, date in service.

3.2 Audit of Rate Base – Plant Held for Future Use

- Plan for Use
  - ✓ Is there a definite plan to use this plant in the future?
- Date of Use
  - ✓ When will this plant be used?

3.3 Audit of Rate Base – Construction Work in Progress (CWIP)

- What is the Policy of the Regulator?
  - ✓ Allow/Disallow Plant in rates prior to being in service.

3.4 Audit of Rate Base – Acquisition Adjustments

- Represents the difference between the original cost of plant and purchase price
- What is the Policy?
  - ✓ Allow or Disallow – Return on and Return of the Investment.

3.5 Audit of Rate Base – Customer Deposits

- Source of non-investor supplied capital
- Reduction in rate base. How should interest on these deposits be treated?
- Deposit policies – are they consistent with the Regulator's rules?
- Is the regulated entity doing what it can to minimise 'uncollectible' (bad debts)?

3.6 Audit of Rate Base – Cash Working Capital

- Measure of funding the daily expenditures to sustain on-going operations of the utility until those expenditures can be recovered through revenues.
- Methods used to measure Cash Working Capital include:
  - ✓ Formula Method – most popular 45 days
  - ✓ Balance Sheet Method
  - ✓ Lead Lag Study

3.7 Audit of Rate Base – Customer Advances

- Source of non-investor supplied capital
- Accounting treatment different for different industries
  - ✓ Energy Industry– this is usually netted against costs in plant account
- Consistent with tariff
- Tax treatment

3.8 Audit of Rate Base

- Prepayments:
  - ✓ Type of payment: Related to Service?
- Materials and Supplies
  - ✓ Level of inventory: Reasonable or Excessive?
  - ✓ Use of 13-month average

DEPARTMENT OF LABOUR

NOTICE 680 OF 2016

NOTICE IN TERMS OF SECTION 62 (7) OF THE LABOUR RELATIONS ACT 66 OF 1995 (AS AMENDED)

PLEASE TAKE NOTICE THAT:-

1. Migra Fabrics (Pty) Limited (the applicant) has applied to the CCMA in terms of section 62(1) of the Labour Relations Act 66 of 1995 as amended (the LRA) for a demarcation order to the effect that the applicant's activities fall within the registered scope of the Bargaining Council for the Laundry, Cleaning and Dyeing Industry (Cape) according to its certificate of registration.

2. The applicant business is involved in the following activities: washing, bleaching, ironing and dyeing of fabric.

3. The respondent, the National Textile Bargaining Council, is opposing the demarcation application on the basis that it will argue that the activities of the applicant fall under its scope and registration. It will request a demarcation order that the applicant business should comply with its certificate of registration and all supporting collective agreements.

4. The CCMA believes that the question raised by this demarcation application is of substantial importance and therefore invites written representations by any interested party. Of relevance is the wide and diversified scope of both industries and therefore the activity of dying of yarns may be particularly relevant in this application. As a result thereof, there may be unidentified entities that could potentially be affected by the outcome of this application. Such entities should have the right to make representations to the CCMA.

5. Written representations may be made within 21 calendar days of the date of publication of this notice, and should be clearly marked with reference number **WECT 17985-15** and directed to:-

   Contact: **Ms Shannon Rene Shamrock**

   Tel: **021 469 0125/0111**

   Fax: **021 465 7193/7/87 or 021 462 5006**

   Email: **shannons@ccma.org.za**

   Hand delivery: **78 Darling Street, Cape Town 8001**

DEPARTMENT OF LABOUR

NOTICE 681 OF 2016

PLEASE FIND SET OUT BELOW A LIST OF BARGAINING COUNCILS THAT HAVE BEEN ACCREDITED BY THE CCMA IN TERMS OF THE PROVISIONS OF THE LABOUR RELATIONS ACT 66 OF 1995 (AS AMENDED) FOR CONCILIATIONS AND/ OR ARBITRATIONS AND/ OR INQUIRY BY ARBITRATOR, WITH THE TERMS OF ACCREDITATION ATTACHED FOR THE PERIOD 01 SEPTEMBER 2016 TO THE
30 JUNE 2021, AS WELL AS THE AMENDMENT OF BARGAINING COUNCILS ACCREDITATION IN TERMS OF SECTION 129 OF THE LABOUR RELATIONS ACT 66 OF 1995.

BARGAINING COUNCILS ACCREDITED TO CONDUCT CONCILIATIONS AND ARBITRATIONS, SUBJECT TO CONDITIONS WHERE APPLICABLE

Name of Council	Accredited Functions
PRIVATE SECTOR BARGAINING COUNCILS (Applied for conciliations and arbitrations)	
Bargaining Council for the Civil Engineering Industry	To be accredited for conciliations and arbitrations (which includes Inquiry by Arbitrator) from **01 September 2016** until **31 March 2020** on condition that sections 198 and 198A to 198C-matters are allocated to only those part-time Commissioners and Panelists who have been successfully trained by the CCMA on sections 198 and its insertions.

Building Industry Bargaining Council (Cape of Good Hope)	To be accredited for conciliations and arbitrations (which includes Inquiry by Arbitrator) from **01 September 2016** until **31 October 2018** on condition that the Collective Agreement is extended to non-parties, late awards are monitored on a monthly basis and that sections 198 and 198A to 198C-matters are allocated to only those part-time Commissioners who have been successfully trained by the CCMA on section 198 and its insertions.
Bargaining Council for the Restaurant, Catering and Allied Trades	To be accredited for conciliations and arbitrations (including Inquiry by Arbitrator) from **01 September 2016** until **31 May 2018** on condition that all performance efficiencies are monitored on a monthly basis and that sections 198 and 198A to 198C-matters are allocated to only those part-time Commissioners and Panellists who have been successfully trained by the CCMA on section 198 and its insertions.
Bargaining Council for the Contract Cleaning Services Industry (Kwa-Zulu Natal)	To be accredited for conciliations and arbitrations (including Inquiry by Arbitrator) from **01 October 2016** until **28 September 2017** on condition that monthly reports on all performance efficiencies be provided, the Collective Agreement is extended to non-parties, settlement rate is improved upon and that sections198 and 198A to 198C-matters are allocated to only those part-time Commissioners who have been successfully trained by the CCMA on section 198 and its insertions.

Motor Industry Bargaining Council	To be accredited for conciliations and arbitrations (including Inquiry by Arbitrator) from **01 September 2016** until **31 March 2017** on condition that the Collective Agreement is extended to non-parties, late awards are monitored on a monthly basis and that sections198 and 198A to 198C-matters are allocated to only those part-time Commissioners who have been successfully trained by the CCMA on section 198 and its insertions.
Building Industry Bargaining Council (Southern and Eastern Cape)	To be accredited for conciliations and arbitrations (including Inquiry by Arbitrator) for party-party disputes from **01 October 2016** until **30 September 2020** on condition that sections198 and 198A to 198C-matters are allocated to only those part-time Commissioners who have been successfully trained by the CCMA on section 198 and its insertions.

THE AMENDMENT OF ACCREDITATION IN TERMS OF SECTION 129 OF THE LABOUR RELATIONS ACT 66 OF 1995, WITH THE SAME TERMS OF ACCREDITATION AS ATTACHED

National Bargaining Council for the Leather Industry of South Africa	To be accredited for conciliations only (including non-party disputes) from **01 June 2016** until **30 September 2021** on condition that the settlement rate is improved upon.
Public Health and Social Development Sectoral Bargaining Council	To be accredited for conciliations and arbitrations (which includes Inquiry by Arbitrator) from **01 June 2016** until **31 May 2019** on condition that sections 198 and 198A to 198C-matters are allocated to only those part-time Commissioners who have been successfully trained by the CCMA on sections 198 and its insertions.

TERMS OF ACCREDITATION FOR CONCILIATION, ARBITRATION AND INQUIRY BY ARBITRATOR

1. SCOPE OF ACCREDITATION:

Herewith categories of disputes for which Councils are eligible to apply for accreditation.

COUNCILS ARE ACCEDITED TO PERFORM THE FOLLOWING DISPUTE RESOLUTIONS FUNCTIONS:

Unfair dismissal disputes	**- Section 191**
Unfair Labour practice	**- Section 191**
Mutual Interest disputes	**- Section 64**
Interpretation of Collective Agreement disputes	**- Section 24 (1)**
Essential Services disputes	**- Section 74**
Inquiry by Arbitrator	**- Section 188A**
Temporary Employment Service	**- Section 198, 198A, 198B, 198Cand 198D**
Disputes about Interpretation and Application of Chapter 2	**- Section 9**

COUNCILS MAY NOT SEEK ACCREDITATION FOR THE FOLLOWING DISPUTE RESOLUTION FUNCTIONS REGARDING DISPUTES OVER THE FOLLOWING (see FOOTNOTE 11 of SECTION 51):

Organisational rights (sections 16, 21 and 22);

Collective Agreements where the agreement does not provide for a dispute resolution procedure or the procedure is inoperative or any party frustrates the resolution of disputes (section 24(2) to (5));

Agency shops and closed shops (section 24(6) and (7) and section 26(11);

Determinations made by the Minister in respect of proposals made by a Statutory Council (section 45);

The interpretation and application of Collective Agreements of a Council whose registration has been cancelled (section 61(5) to (8));

Demarcation of sectors and areas of Councils (section 62);

The Interpretation or application of Part C (Bargaining Councils), Part D (Bargaining Councils in the Public Service), Part E (Statutory Councils) and Part F (General Provisions concerning Councils) (Section 63);

Picketing (section 69(8) to 10);

Proposals which are the subject of joint-decision making in a workplace forum (section 86);

Disclosure of information to workplace forums (section 89);

Interpretation or Application of the provisions of Chapter 5 of the LRA which deals with workplace forums (section 94);

Enforcement of the Collective Agreements by Bargaining Councils (section 33A) and;

Enforcement of arbitration awards in terms of section 143. Only the Director of the CCMA, unless the power has been delegated to a CCMA Senior Commissioner may certify awards as if it were an order of the Labour Court;

Facilitating mass retrenchment disputes section 189(A).

2. POWERS OF ACCREDITATION:

Only those persons who are accredited by the CCMA, or are part-time Commissioners appointed by the Governing Body of the Commission in the terms of section 117 (2) of the Labour Relations Act, may perform the accreditation functions of the council for the Council.

The following provisions of the LRA, as amended apply to Councils accredited for conciliation and arbitration:

(a) For the purpose of this paragraph any reference in Part C of Chapter VII of the LRA to:
"Commission" must be read as a reference to the Council;
"Commissioner" must be read as a reference to a conciliator or arbitrator appointed by the Council.
"Director" must be read as a reference to the Secretary of the Council.

(b) The provisions of the sections contained in Part C of Chapter VII (section 127(6)) of the LRA shall apply to the Council in the performance of its accredited functions subject to the Council's Constitution and/or Collective Agreements. For the purpose of this sub-paragraph the following applies:

(i) The provisions of section 133 to 136;
(ii) The provisions of section 138 to 142, S142A , S143, S144 and S145;
(iii) The provisions of section 146 unless the Collective Agreement of the Council provides that the Arbitration Act, Act 42 of 1965 applies to any arbitration conducted under its accredited function and which Collective Agreement is binding on the parties to the disputes; and
(iv) The provisions of section 148.

3. EXTENSION OF ACCREDITATION:

Despite the expiry of the period of accreditation as stated in the Certificate of Accreditation, the Council may continue to perform its accredited functions in respect of any dispute referred to it during the period of accreditation, but not yet resolved by the time the period expires, until the dispute is resolved either through conciliation or arbitration.

4. TRANSGRESSION OF TERMS OF ACCREDITATION:

If the accredited Council fails to comply with the terms of accreditation, the Governing Body of the CCMA may revoke accreditation. In terms of section 130 of the LRA, as amended the Governing Body of the CCMA may withdraw accreditation after having given reasonable notice of withdrawal.

5. AMENDMENT OF ACCREDITATION:

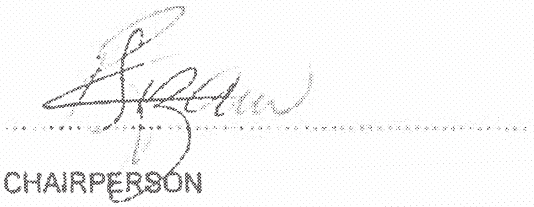
An Accredited Council may apply to the Governing Body of the CCMA in terms of section 129 of the LRA to amend its accreditation.

OFFICE OF THE PUBLIC SERVICE COMMISSION

NOTICE 682 OF 2016

PUBLIC SERVICE COMMISSION ACT, 1997

The Public Service Commission has, under section 11 of the Public Service Commission Act, 1997 (Act No. 46 of 1997), made the Rules contained in the Schedule.



CHAIRPERSON

OF THE PUBLIC SERVICE COMMISSION

SCHEDULE

PUBLIC SERVICE COMMISSION RULES ON REFERRAL AND INVESTIGATION OF GRIEVANCES OF EMPLOYEES IN PUBLIC SERVICE

Definitions

1. In these rules, any word or expression to which a meaning has been assigned in the Act has the meaning so assigned and, unless the context indicates otherwise—

"aggrieved employee" means an employee—

(a) on whose behalf a grievance is referred to the Commission; or

(b) who has lodged a grievance with the Commission;

"Cluster Commissioner" means a commissioner appointed in terms of section 196(7)(a) of the Constitution, and who has been assigned responsibility by the Commission to be the overseer of a particular department in order to assist the Commission in executing its mandate in terms of the Constitution;

"Condonation Application Form" means the form prescribed in Annexure B to these rules;

"department" has the meaning ascribed to it by the Public Service Act;

"employee" has the meaning ascribed to it by the Public Service Act;

"executive authority" has the meaning ascribed to it in the Public Service Act;

"grievance" means a dissatisfaction or complaint formally lodged in writing by an aggrieved employee over an official act or omission contemplated in section 196(4)(f)(ii) of the Constitution, but excludes a grievance over an unfair dismissal;

"Grievance Referral Form" means the form prescribed in Annexure A to these rules;

"head of department" has the meaning ascribed to it by the Public Service Act;

"investigator" means a person authorised or delegated by the Commission in terms of section 13 of the Public Service Commission Act, 1997 (Act No. 46 of 1997), to investigate grievances as provided for in section 196(4)(f)(ii) of the Constitution of the Republic of South Africa, 1996 (Act No. 106 of 1996);

"Public Service Act" means the Public Service Act, 1994 (Proclamation No. 103 of 1994);

"representative" means a fellow employee, official of a recognised trade union or family member;

" Provincially-based Commissioner" means a commissioner appointed in terms of section 196(7)(b) of the Constitution;

"the Act" means the Public Service Commission Act, 1997 (Act No. 46 of 1997).

CHAPTER 1
PURPOSE OF RULES

Purpose of rules

2. The purpose of these rules is to—

(a) provide for the investigation by the Commission of grievances by aggrieved employees and the recommendation by the Commission of appropriate remedies;

(b) determine the procedure for the referral of grievances to the Commission;

(c) determine the procedure for the direct lodging of grievances by heads of departments;

(d) provide for timeframes within which grievances may be referred to or lodged with the Commission;

(e) determine the procedure for the investigation and consideration of grievances by the Commission;

(f) determine service standards applicable to the Commission in investigating and resolving grievances; and

(g) provide for mechanisms of monitoring grievances management by departments.

CHAPTER 2
REFERRAL OF GRIEVANCES TO COMMISSION

Referral of grievances to Commission

3. (1) Subject to subrules (2) and (3), an executive authority must submit a grievance lodged with the executive authority by an employee in terms of section 35(1)*(a)* of the Public Service Act to the Commission if the grievance in question is not resolved to the satisfaction of the employee.

(2) If the grievance in question is not resolved to the satisfaction of the employee, the employee must inform the executive authority of his or her dissatisfaction in writing within 10 days of receipt of the executive authority's decision and must request the executive authority in writing to refer his or her grievance to the Commission for investigation.

(3) The executive authority must submit the grievance to the Commission within 10 days of the receipt of the written request by the employee in terms of subrule (2).

(4) An employee may submit a grievance to the Commission if the executive authority fails—

(a) to provide the employee with the outcome on the investigation of his or her grievance within the timeframe applicable to the executive authority or on the lapse of the agreed date of extension between the employee and the executive authority; or

(b) to refer the employee's grievance to the Commission for investigation within 10 days of receiving a written request in terms of subrule (2).

(5) If an official of a recognised trade union as representative of an employee act on behalf of the employee in terms of subrule (4), the relevant part in the Grievance Referral Form must be completed by both the employee and representative.

(6) In case of the lodging of a collective grievance, all employees concerned must sign the Grievance Referral Form.

(7) *(a)* If the employee who lodged a grievance with the executive authority became seriously ill to the extent that he or she could not personally pursue the grievance, his or her representative may refer the matter to the Commission.

(b) Paragraph *(a)* applies with the changes required by the context in a case where the employee passed on before the matter could be resolved.

(8) The representative referring the grievance in terms of subrule (7) must submit a statement containing proof that he or she qualifies to refer the grievance in terms of that subrule.

Manner of referral of grievance

4. (1) A grievance submitted to the Commission in terms of rule 3 must be addressed to "The Chairperson of the Public Service Commission" or Commissioner based in that particular Province, using either the postal or physical address of the Commission as listed in Annexure D.

(2) Grievances may be referred to the Commission by—

(a) registered post, in which case the employee or executive authority must keep proof that the grievance was posted;

(b) e-mail using the following e-mail address: grievances@opsc.gov.za;

(c) facsimile, in which case the employee or executive authority must keep proof that the facsimile was successfully transmitted to the Commission; or

(d) delivered by hand at any of the offices of the Commission, in which case the Commission must provide the employee or executive authority with proof of receipt.

(3) Subject to rule 5, referrals must be signed and dated by the employee and must be accompanied by a copy of the duly completed Grievance Form, signed and dated by the aggrieved employee, the designated employee appointed by the relevant

department to facilitate the resolution of grievances, and where applicable, also signed and dated by the relevant executive authority.

(4) *(a)* An aggrieved employee who cannot write may visit any office of the Commission and may request to be assisted with the completion the Grievance Referral Form.

(b) The Commission must request that employee to affix his or her left thumb print to the Grievance Referral Form.

Requirements for referral of grievances

5. (1) *(a)* Referral by an executive authority in terms of rule 3(1) must be done in writing by the executive authority, or an employee so delegated by the executive authority, within the timeframe prescribed in rule 3(3), using the Grievance Referral Form.

(b) The delegated employee must provide proof that he or she has the delegated authority to decide or refer grievances to the Commission.

(2) The executive authority must, when referring a grievance in terms of subrule (1), provide the Commission with the following:

(a) The executive authority's decision and reasons for the decision;

(b) a copy of the investigation report together with its annexures;

(c) a copy of the letter of the outcome of the investigation furnished to the aggrieved employee;

(d) a copy of the aggrieved employee's Grievance Form;

(e) copies of policies and other relevant prescripts and information used in dealing with the grievance; and

(f) the aggrieved employee's request for referral of the grievance to the Commission that was addressed to the executive authority.

(3) Referral by the aggrieved employee or his or her representative in terms of rule 3(4), (5) or (6) must be done—

(a) within the timeframe prescribed in the department's grievance procedure for such referral after the lapse of the prescribed timeframe for the executive authority to deal with the grievance, or on the lapse of the agreed date of extension between the employee and the department or executive authority; and

(b) after following the necessary steps provided for in the department's grievance procedure.

(4) In referring the grievance in terms of rule 3(4) (5), or (6) the aggrieved employee must—

(a) complete and sign the Grievance Referral Form in full in order to provide the Commission with the information required in the Grievance Referral Form;

(b) provide the Commission with a copy of the Grievance Form used to lodge the grievance with the executive authority, which Grievance Form must have been signed by both the aggrieved employee and the representative of the executive authority as proof that the grievance procedure of the department was followed;

(c) provide the Commission with proof that the aggrieved employee had directed an inquiry in writing to the department or executive authority regarding the status of his or her grievance and that he or she was not provided with a response within five days; and

(d) provide the Commission with copies of all correspondence between the aggrieved employee and the department or executive authority on the grievance in question.

(6) The Commission will not consider any grievance that was not lodged formally with the executive authority.

Office hours

6. Grievances may be referred to or lodged with the Commission any day from Monday to Friday, excluding public holidays, between the hours of 08h00 (8am) to 16h30 (4.30pm).

CHAPTER 3
REFERRAL AND LODGING OF GRIEVANCES BY HEADS OF DEPARTMENTS

Referral and lodging of grievances by heads of departments

7. (1) A head of department may refer a grievance which he or she has lodged with the executive authority in terms of section 35(3)*(a)* of the Public Service Act to the Commission if the grievance is not resolved within 45 days of receipt thereof by the executive authority or within the timeframes agreed between them in writing.

(2) In referring a grievance in terms of subrule (1) the head of department must—

(a) attach a copy of the Grievance Form used to lodge the grievance with the executive authority;

(b) attach copies of documents relevant to the grievance;

(c) submit information relating to the steps taken in an attempt to resolve the grievance, including dates on which those steps were taken; and

(d) attach proof that he or she enquired with the executive authority about the finalisation of his or her grievance and that five days has lapsed without any feedback.

(3) *(a)* An executive authority may refer a grievance of a head of department to the Commission for consideration, if the executive authority is of the opinion that the executive authority would not be able to deal with the grievance.

(b) If the executive authority refers the grievance in terms of paragraph *(a)*, the executive authority must—

(i) do so in writing within five days of receipt thereof;

(ii) provide reasons in writing why the executive authority is of the view that the executive authority would not be able to deal with the grievance; and

(iii) inform the head of department in writing that the executive authority has referred the grievance to the Commission.

(c) An executive authority must refer a grievance of a head of department to the Commission for consideration if, after having provided feedback to the head of department, the head of department—

(i) informs the executive authority of his or her dissatisfaction in writing within 10 days of receipt of the feedback;

(ii) provides reasons for his or her dissatisfaction in writing; and

(iii) requests the executive authority in writing to refer the grievance to the Commission.

(4) An executive authority must, when referring a grievance, attach the head of department's Grievance Form and its annexures, copy of the investigation report, copy of the outcome letter to the head of department and all relevant documentation including applicable policies and other prescripts.

(5) *(a)* A head of department may lodge his or her grievance directly with the Commission if—

(i) the executive authority has refused to receive his or her Grievance Form;

(ii) when trying to resolve the grievance informally with the executive authority before completing a Grievance Form, the executive authority—

(aa) fails to respond to his or her correspondence; or

(bb) refuses to advise him or her by when the matter would be resolved.

(b) A head of department may lodge a grievance with the Commission directly within 90 days of becoming aware of the official act or omission by—

(a) completing the Grievance Referral Form;

(b) attaching copies of all documents relevant to the grievance;

(c) indicating the steps taken to resolve the grievance before referring it to the Commission;

(d) providing written reasons for direct referral;

(e) informing the executive authority of the direct lodging of the grievance with the Commission by—

(i) serving the executive authority with a copy of the Grievance Referral Form and documents submitted to the Commission; and

(ii) requesting acknowledgement of proof of receipt; and

(f) providing the Commission with proof that the executive authority was properly informed.

CHAPTER 4
TIMEFRAMES APPLICABLE TO REFERRAL OR LODGING OF GRIEVANCES WITH COMMISSION

Timeframes to be complied with

8. (1) Strict compliance with the timeframes prescribed in the department's grievance procedure and these rules is mandatory in order to ensure a speedy resolution of grievances and promote sound labour relations.

(2) Subject to subrule (3), the Commission may deal with the grievance only if the grievance was lodged with the executive authority by the aggrieved employee within 90 days of the aggrieved employee becoming aware of the official act or omission.

(3) The Commission may deal with grievances that were lodged with the executive authority by the aggrieved employee after the expiry of the 90 days period referred to in subrule (2), if—

(a) the department's grievance procedure permits for the lodging of grievances outside that period; and

(b) the department's prescribed timeframe was complied with.

(4) An executive authority referring a grievance that was lodged after the 90 days period or outside the department's prescribed timeframe for the lodging of a grievance, must provide the Commission with—

(a) written reasons why the grievance was considered despite the non-compliance with the prescribed timeframes; or

(b) proof that condonation was applied for by the aggrieved employee and granted by the executive authority.

(5) An aggrieved employee referring a grievance that was lodged outside the prescribed timeframe must provide proof that condonation was granted by the executive authority, which then afterwards failed to finalise the matter within the prescribed timeframe.

(6) The Commission must finalise the investigation of a properly referred grievance and provide the aggrieved employee concerned and relevant executive authority with the outcome within 30 days of receipt of all information.

(7) The Commission must, in cases where it foresees that it will not be able to meet the timeframe prescribed in subrule (6), advise the aggrieved employee concerned and relevant executive authority of its inability to finalise the grievance within the timeframe, and must provide them with reasons for the delay.

Application for condonation

9. (1) The aggrieved employee or executive authority must, if one of them wishes to refer a grievance which is outside the timeframe prescribed for referral to the Commission, first apply for condonation for the late referral to the Commission.

(2) *(a)* The party applying for condonation must complete the Condonation Application Form.

(b) In the case of an executive authority, the Condonation Application Form may be completed by an employee so delegated by the executive authority.

(3) *(a)* The Commission must within five days of receipt of the Condonation Application Form, request the executive authority or the aggrieved employee, as the case may be, to comment on the request for condonation.

(b) The party responding to the request must use the Condonation Application Form and must furnish the Commission with his or her comments within five days of receipt of the Commission's request for comments.

(4) The Commission may finalise the application for condonation without the responding party's comments if the latter fails to respond within the stipulated timeframe.

(5) The Commission must consider the application for condonation and provide the party applying for condonation with its decision within 10 days of receipt of the application.

(6) The party applying for condonation must address the following issues in its application for condonation:

(a) The degree of lateness;

(b) The reasons for lateness;

(c) The extent of prejudice likely to be suffered if the Commission does not investigate the grievance sought to be referred;

(d) Any prejudice to the other party;

(e) Any practical remedy for, or possible solution, to the grievance;

(f) Any prospects that the outcome of the Commission's investigation will resolve the grievance;

(g) Any special circumstances why the grievance should be considered; and

(h) Any other relevant factors.

(7) The Commission must consider the application for condonation based on the issues referred to in subrule (6) and must provide reasons for its decision.

(8) Applications for condonation must be considered by the Cluster Commissioner responsible for the department involved and in the Commission's provincial offices, the Provincially-based Commissioner must consider the application for condonation.

(9) The Cluster Commissioner or Provincially-based Commissioner contemplated in subrule (8) must within the timeframe prescribed in subrule (5) issue the aggrieved employee concerned or relevant executive authority with his or her decision by completing the relevant section in the Condonation Application Form.

(10) In cases where condonation is granted, the party applying for condonation must refer his or her grievance documents to the Commission within five days of receipt of the decision referred to in subrule (9).

(11) This rule applies to any of the timeframes prescribed in these Rules, except for the timeframe to comment on the draft report provided for in rule 17(9).

CHAPTER 5
PROCESSING AND CONSIDERATION OF GRIEVANCES RECEIVED BY THE PSC

Registration and allocation of grievances received

10. (1) The Commission must upon receipt of a grievance—

(a) open a file for the grievance and register it in either of the following database:

(i) Database for properly referred grievances; or

(ii) Database for no jurisdiction / not properly referred cases;

(b) number the grievance with a consecutive number for the year during which it was received and in the category under which it falls; and

(c) acknowledge receipt of the grievance within 48 hours of receipt thereof.

(2) The Commission must within three days of receipt of a grievance—

(a) conduct a pre-assessment of the grievance to determine whether or not the Commission has jurisdiction to investigate the grievance and must advise the referring party accordingly; and

(b) where the Commission has jurisdiction, assign the grievance to one or more Commissioners, or to an investigator for investigation.

(3) The investigator to whom a grievance has been assigned must keep the referring party updated of developments in the investigation of the grievance under consideration at all material times.

(4) The Commission must provide the aggrieved employee and executive authority with the contact details of the investigator to whom the grievance has been allocated, and the aggrieved employee and executive authority may address any enquiries with the investigator concerned.

Request for additional information

11. (1) The investigator to whom a grievance has been assigned may, upon receipt of a grievance, request the aggrieved employee or executive authority to provide additional information in order to enable the Commission to make a proper analysis and an informed decision on the finding of the grievance.

(2) Additional information from the department or executive authority may be requested—

(a) telephonically, followed by a written request, whether by e-mail or a faxed letter to the relevant employee of the department or to the executive authority;

(b) through a letter directed to the head of the relevant department;

(c) through consultation or interviews with the relevant employees from the relevant department or with the executive authority, provided that the request for a consultation or an interview is confirmed in writing, whether through e-mail or letter to the employees involved; or

(d) by visiting the relevant department or executive authority to obtain information or interview relevant employees.

(3) *(a)* In a case where employees from the department are not cooperating in providing the requested information, the Director-General of the Office of the Commission must request the information in an official letter addressed to the head of department concerned.

(b) The letter must contain a warning clause that failure by the head of department to provide the Commission with the required information within a period of 10 days, will result in summons being issued against him or her and any of the employees from whom the information was originally requested.

(4) If after receipt of the letter referred in subrule (3) the head of department fails to provide the information requested, the Commission may issue a summons, calling on the head of department and the employees from whom the information was originally

requested to appear before the Commission to be questioned at a time and place specified in the summons.

(5) The Cluster Commissioner or the Provincially-based Commissioner, as the case may be, or any Commissioner so delegated by the Commission must conduct or lead the enquiry emanating from the issue of the summons.

(6) The Commission may report any executive authority that fails to provide the Commission with information required in its investigations to the National Assembly or relevant Provincial Legislature, as the case may be.

Consideration of grievances by Commission

12. (1) The Commission may after pre-assessment decide to—

(a) close the grievance without any further investigation;

(b) resolve the grievance through mediation;

(c) investigate the grievance and subject it to deliberations before a Panel of Commissioners, who must make a finding—

(i) that the allegation is true, supported by evidence and therefore substantiated;

(ii) that the allegation is not true, not supported by evidence and therefore unsubstantiated;

(iii) of no jurisdiction; or

(iv) that the matter must be deferred for further investigation;

(d) conduct a formal inquiry into the matter in terms of section 10 of the Act; or

(e) refer the matter to an appropriate public body or authority, including the Public Protector appointed as such in terms of section 1A of the Public Protector Act, 1994 (Act No. 23 of 1994).

(2) The Commission must record its findings and reasons for any decision taken in subrule (1) in writing and where applicable also make written recommendations to the relevant department.

(3) The Commission must communicate the outcome of its investigation in writing to the executive authority and where the grievance was referred by an aggrieved employee, also to the aggrieved employee.

(4) Once the Commission has made a finding on a grievance and has made recommendations, it may not reconsider the finding or alter the recommendations.

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Grievances closed without further investigation

13. (1) The Commission must close grievances without further investigation if—

(a) there is *prima facie* no compliance with the grievance procedure of the relevant department and the aggrieved employee has, after having been afforded an opportunity to provide proof of compliance, failed to do so within the period prescribed by the Commission;

(b) the aggrieved employee has failed to complete the Grievance Referral Form;

(c) after referral the aggrieved person informs the Commission in writing that he or she is withdrawing the grievance;

(d) after referral the executive authority or the aggrieved employee informs the Commission in writing that the grievance was subsequently resolved internally;

(e) the Commission is informed by the aggrieved employee or the executive authority that the same matter is pending before a bargaining council, court, other alternative dispute resolution forum or any other institution that has jurisdiction to entertain the matter;

(f) the grievance was referred by a former employee on a matter which he or she raised with the executive authority after his or her termination of service, in which case the grievances must be referred to the executive authority for further handling in terms of section 3(8) of the Public Service Act;

(g) the grievance relates to allegations of unfair dismissal; or

(h) the grievance relates to a matter which is the subject of a disciplinary action being taken against the aggrieved employee.

(2) The Commission must close a grievance if, after receipt thereof, the aggrieved employee or the employee against whom the grievance is lodged passes on and continuation of the investigation would not have an outcome which has any bearing on the aggrieved employee's financial benefits and integrity.

Panels of Commissioners to consider and make findings on certain grievances

14. (1) The Commission may establish a Panel of Commissioners to consider grievances assigned to investigators for investigation.

(2) A grievance investigated in terms of rule 12(1)*(c)* must be presented to a Panel of Commissioners to consider and make a finding on the grievance in question.

(3) A meeting of a Panel to consider a grievance is a closed internal session only open to Commissioners and internal investigators of the Commission.

Communication by Commission of outcome of grievance investigation

15. (1) The Commission must, after investigating a grievance, communicate the outcome thereof in writing to the executive authority.

(2) Communication of the outcome must be through a letter containing the following:

(a) The name and PERSAL number of the aggrieved employee whose grievance was referred the to the Commission;

(b) A brief summary of the facts;

(c) The findings of the Commission and reasons therefor, which must include the applicable law and prescripts; and

(d) Recommendations, where this is applicable.

(3) The executive authority to whom a recommendation has been made must, within 10 days of receipt of Commission's letter, provide the Commission with comment indicating whether or not the executive authority is going to implement recommendations made by the Commission.

(4) The executive authority must, if he or she is not going to implement the recommendations of the Commission, provide the Commission with reasons for not implementing.

Mediation of grievances referred or lodged directly with the Commission

16. (1) This rule applies to grievances that were properly referred or lodged with the Commission.

(2) The Commission may follow a mediation process in order to resolve a grievance, where it is clear that there is—

(a) a misunderstanding of the prescripts on the part of either the aggrieved employee or executive authority;

(b) an unrealistic solution proposed by the aggrieved employee in a case where the prescripts have been properly followed and applied;

(c) *prima facie* evidence that the executive authority mistakenly omitted to include the aggrieved employee when taking a particular action towards a certain category or group of employees.

(3) *(a)* The Commission must give the aggrieved employee or executive authority at least five days written notice of the intended mediation, unless the aggrieved employee or executive authority agree to a shorter notice.

(b) The written notice must outline the procedure to be followed during the process and the venue where the proceedings will be conducted.

(4) The Commission must, before the commencement of the mediation proceedings, require the parties to sign a mediation agreement which must include, among others, the following:

(a) That the proceedings and any correspondence pertaining to such proceedings are private and confidential.

(b) That neither the aggrieved employee nor executive authority or any other person may use the contents of any discussion during those proceedings or such correspondence at any subsequent hearing or proceedings, unless the Commission and everybody involved in the mediation so agree in writing.

(5) The Commission must determine the manner in which the proceedings will be conducted and the manner in which the parties will conduct themselves during the proceedings.

(6) The Commission must assist the aggrieved employee and executive authority in concluding a settlement agreement, which must be in writing, signed and dated by both parties, and witnessed by the Cluster Commissioner, Provincially-based Commissioner or assigned investigator.

(7) The Commission must ensure that the mediation, including the settlement agreement, is finalised within 30 days of having notified the parties of the mediation process.

(8) *(a)* The Commission must close the grievance if the aggrieved employee fails to attend the proceedings without providing any explanation in writing of his or her inability to attend the mediation.

(b) In such a case the grievance must be closed within 10 days of the date on which the mediation was scheduled.

(9) *(a)* The Commission must continue with its investigation and make a finding and recommendations on the matter if the executive authority fails to attend the mediation proceedings without providing any written explanation.

(b) The Commission must note in its investigation report that the executive authority failed to attend the mediation proceedings.

(10) Where the Commission continues with the investigation in terms of subrule (9), the matter must be finalised within 45 days of the date on which the mediation was scheduled.

(11) The Commission may only mediate a grievance that has been properly referred to it in terms of these rules.

(12) Where a settlement agreement was entered into, the executive authority must provide the Commission with proof of implementation within 30 days of the date of agreement.

(13) Legal representation is not permitted in the process since the intention is to facilitate a speedy resolution of the grievance.

(14) *(a)* An informal mediation process may be followed by an investigator, in which case a mediation agreement is not necessary.

(b) Where a grievance was resolved through an informal mediation process the parties must confirm in writing that the grievance has been resolved, and the Commission must close the grievance file.

Conducting of inquiry to investigate grievance

17. (1) The Commission may, in terms of section 10 of the Act, conduct an inquiry into a grievance—

(a) referred or lodged directly by a head of department, if the Commission is of the opinion that the subject matter of the grievance cuts across or has or is affecting different operations of the relevant department;

(b) relating to an employee other than a head of department, if—

(i) the Commission is of the opinion that the subject matter of the grievance cuts across or has or is affecting different the operations of the relevant department; and

(ii) the grievance, although lodged and referred by one employee, affects other employees;

(c) if the Commission is of the opinion that the subject matter of the grievance is of a complex nature and requires the Commission to call for written or oral evidence of experts in particular fields of study involved in the subject matter of the grievance.

(2) *(a)* The decision to conduct a formal enquiry on the grievance must be made by the Chairperson of the Commission, Deputy Chairperson of the Commission, Cluster Commissioner or Provincially-based Commissioner.

(b) The other Commissioners on the Panel of Commissioners and investigators assigned to the investigation of the grievance may participate in the hearing.

(3) The Commission must notify the aggrieved employee or executive authority in writing that a formal inquiry will be conducted on the grievance.

(4) The Commission must summons any person required to provide information or documentary evidence to the Commission in terms of section 10(2) of the Act.

(5) The Commission must follow an inquisitorial and not an adversarial approach during the inquiry.

(6) The inquiry is an internal closed process which may be chaired by either—

(a) the Chairperson of the Commission;

(b) Deputy Chairperson of the Commission;

(c) Cluster Commissioner; or

(d) Provincially-based Commissioner, who must before the commencement of the hearing—

(a) welcome the parties and explain the purpose of the hearing;

(b) formally record the details of the participants and their designations;

(c) explain the inquisitorial nature of the hearing and the procedure to be followed;

(d) summarise the grievance and state the issue to be determined;

(e) indicate the order in which evidence will be taken from the witnesses and the role of other participants during the process;

(f) make a determination on how documentary evidence will be taken; and

(g) make any other determination necessary on any other aspect of the hearing.

(7) The chairperson of the hearing may, if he or she deems it necessary, administer an oath or accept an affirmation from a witness.

(8) The chairperson must make a determination on the admissibility of evidence.

(9) At the conclusion of the inquiry the Panel of Commissioners must evaluate the evidence and produce a provisional report with findings and recommendations, which, where necessary, must be made available to the parties to comment or respond thereon within the timeframe provided by the Commission.

(10) The Commission must issue the final report with findings and recommendations, where necessary, after considering the comments or response from all the parties.

(11) The Commission must, if no comments or response is received after the date contemplated in subrule (9), continue to finalise the report.

(12) The Commission must, if it does not agree with any aspect of the comments or response from any of the parties—

(a) continue to finalise the report regardless of the comments or response;

(b) indicate in the report any aspect with which the Commission does not agree and the reasons for disagreement; and

(c) attach the response of the party to the final outcome of the inquiry as an annexure.

(13) Legal representation is not permitted in the process since the intention is to facilitate a speedy resolution of the grievance.

(14) *(a)* The hearing must be conducted in English, unless a witness requests otherwise.

(b) A witness contemplated in paragraph *(a)* must inform the Commission within three days of receipt of the Commission's notification of the hearing in which language he or she wishes to testify.

(c) The Commission must then obtain the services of an interpreter if necessary.

Guiding principles and standards in investigations and consideration of grievances

18. The Commission, when it investigates and considers grievances, must—

(a) be independent and impartial and must exercise its powers and perform its functions without fear, favour or prejudice in the interest of the maintenance of effective and efficient public administration;

(b) promote the highest standard of professional ethics;

(c) strive to finalise grievance investigation within the prescribed timeframes;

(d) apply the rules of administrative justice;

(e) follow the inquisitorial approach and be objective;

(f) provide departments with legally sound and implementable recommendations;

(g) encourage speedy resolution of grievances; and

(h) promote sound labour relations.

CHAPTER 6
COMMISSION TO MONITOR RECOMMENDATIONS

Commission to monitor recommendations

19. (1) The Commission must issue its findings and make recommendations in respect of a grievance investigation to the executive authority, who must within 10 days of receipt of the findings and recommendations notify the Commission whether or not the executive authority is going to implement the recommendations made by the Commission.

(2) The executive authority must, in the case where the executive authority decides not to implement the recommendations by the Commission, provide the Commission with reasons for not doing so within the 10 days' period referred to in subrule (1).

(3) The executive authority must, in the case where the executive authority decides to implement the recommendations by the Commission, provide the Commission with an update and proof of that implementation, within 60 days of the date of receipt of the findings and recommendations in terms of subrule (1).

(4) The Commission must, on a six-monthly basis request a head of department to provide the Commission with information relating to grievance resolution in his or her department, in order to enable the Commission to—

(a) analyse trends and to promote a cultivation of good human resource management and career-development in order to maximise human potential in the public service;

(b) promote accountability in public administration; and

(c) report annually to the—

(i) National Assembly; and

(ii) provincial legislatures.

(5) The Commission must in its annual report in terms of subrule (4)(c) also report about departments who fail to comply with subrules (1), (2) and (3).

CHAPTER 7
GENERAL

Customer service

20. (1) Enquiries about services rendered in respect of any grievance lodged or referred to the Commission may be made with the investigator concerned.

(2) Any person may raise his or her dissatisfaction with the handling of the grievance by the Commission by completing the Grievance Service Complaint Form prescribed in Annexure C to these rules and by submitting the form to the Commission.

Transitional measures

21. Grievances lodged or referred to the Public Service Commission in terms of the Rules published by Government Notice R.1012 of 25 July 2003 and Government Notice 816 of 17 September 2010 before the gazetting of the rules shall be dealt with by the Public Service Commission in the same manner as was dealt with before the gazetting of these rules."

Short title and commencement

22. These Rules are called the Public Service Commission Rules on Referral and Investigation of Grievances of Employees in the Public Service and come into operation on the date of publication in the Government *Gazette*.

ANNEXURES

A. Grievance Referral Form

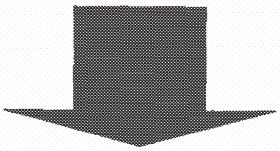
B. Condonation Application Form

C. Grievance Service Complaint Form

D. Physical and postal addresses of Commission

ANNEXURE A

READ THIS FIRST



GRIEVANCE REFERRAL FORM

WHAT IS THE PURPOSE OF THIS FORM?

This form is to be completed when referring the grievance to the Public Service Commission.

WHO FILLS IN THIS FORM?

- *The aggrieved employee or his representative if the department has failed to deal with the grievance within the timeframe prescribed in the grievance procedure;*
- *Representative of the Department if the aggrieved is not satisfied with the decision of the executive authority and has requested referral to the PSC; or*
- *The HOD requesting an investigation into his / her grievance.*

Representative must attach proof of delegation / authorisation.

1. DETAILS OF THE AGGRIEVED EMPLOYEE / HOD REQUESTING INVESTIGATION

Initials and Surname : _____

PERSAL Number : _____

Designation / Rank : _____

Salary Level : _____

Tel:_____ Fax:_____

Cell:_____ Email: _____

Postal Address : _____

_____

_____

Name of Department : _____

Where stationed : _____

2. DETAILS OF THE REPRESENTATIVE ACTING ON BEHALF OF THE AGGRIEVED EMPLOYEE / EXECUTIVE AUTHORITY (DEPARTMENT)

Initials and Surname : _____

Capacity / Relationship with the aggrieved:_____

Reason for representing the aggrieved:_____

Proof attached: Yes / No_____

Reason why proof not attached:_____

Contact Number :_____

WHERE DOES THE FORM GO? *Once completed the form may be e-mailed to grievances@opsc.gov.za or be sent to the either the PSC office in Pretoria (for grievances emanating from national departments) or to the relevant provincial office at the addresses listed in Annexure D of the Rules.* **WHAT WILL HAPPEN WHEN THIS FORM IS SUBMITTED?** *The grievance will be registered and case be allocated to an investigator. The aggrieved / department will be provided with the grievance case number and the details of the investigator.*	E-mail Address :_____ Postal Address: _____ _____ _____ **OR** Name of Union :_____ Contact Number :_____ E-mail Address :_____ Postal Address: _____ _____ _____
	3. REASON FOR REFERRAL **Answer: Yes / No** Referral in terms of Rule 3(3): _____ The executive authority failed to refer the grievance in terms of rule 3(4)(a): _____ The executive authority failed to refer the grievance in terms of rule 3(4)(b): _____ Referral in terms of rule 7(1):_____ Referral in terms of rule 7(3):_____ Direct lodging with the PSC in terms of rule 7(5):_____
COMPLIANCE WITH TIMEFRAMES *The PSC will not deal with grievances that were lodged / referred outside the prescribed timeframes, unless if condonation was granted.*	**4. DETAILS OF THE GRIEVANCE** Date of becoming aware: _____ Summary of the grievance: _____ _____ _____ _____ _____ Proposed solution: _____ _____

Documents attached ○ *Copy of Grievance Form* ○ *Proof in terms of rule 3(8)*	**5. SIGNATURES AND ATTACHMENTS** **Aggrieved Employee:** Signature Day / Month / Year _____ Date:___/____/20_____ **Name of representative of aggrieved / designated employee of department):** _____ Rank (relationship in case of family member): _____ Signature Day / Month / Year _____ Date:___/____/20_____ **Name of Executive / Delegated Authority:** Mr/Ms/Prof/Dr/_____ Rank (in case of delegated authority): _____ Signature Day / Month / Year _____ Date:___/____/20_____

ANNEXURE B

CONDONATION APPLICATION FORM

APPLICANT: DETAILS OF THE AGGRIEVED EMPLOYEE / REPRESENTATIVE / DEPARTMENT

Initials and Surname : _____

PERSAL Number : _____

Designation / Rank : _____

Salary Level : _____
Department

Capacity (e.g. delegated by the aggrieved : _____
or the executive authority, etc. (*Provide proof*)

Tel :_____ Fax :_____

Cell :_____ Email: _____

Postal Address:

_____

_____

AND

RESPONDENT: DETAILS OF THE AGGRIEVED EMPLOYEE / REPRESENTATIVE / DEPARTMENT

Initials and Surname : _____

PERSAL Number : _____

Designation / Rank : _____

Salary Level : _____
Department

Capacity (e.g. delegated by the aggrieved : _____
or the executive authority, etc. (*Provide proof*)

Tel :_____ Fax :_____

Cell :_____ Email: _____

Postal Address:

_____

_____

AFFIDAVIT

1. BACKGROUND

1.1 The grievance relates to

_____

1.2 The aggrieved became aware of the official act or omission on / The Department received the grievance / request from the aggrieved employee / his or her representative on_____

1.3 The applicant followed the following internal procedure:_____

_____

2. DEGREE OF LATENESS

2.1 The referral is _____ days late (excluding the 90 days as stipulate in the Rules)

2.2 Applicant did the following after becoming aware of the official act or omission / The Department did the following after receiving the grievance or request from the aggrieved employee or his / her representative:

2.2.1_____

_____

_____

2.2.2 Applicant telephoned

_____on_____.

2.2.3 Applicant signed the referral form on _____

2.2.4 Other:

_____

_____

_____

3. **REASONS FOR LATENESS**

The reason/s the applicant referred the matter late is / are the following:

4. **PROSPECTS OF SUCCESS**

Applicant believes that he/she has good cause because

5. **PREJUDICE**

5.1 As the applicant (employee / department), if condonation is not granted, I will be prejudiced
because

5.2 As the respondent (employee / department), if condonation is granted, I will be prejudiced because_____

_____

_____

_____

_____

_____

6. **GENERAL**

Any other relevant information_____

_____

_____

_____

_____

_____

7. **The respondent must, in terms of rule 9(3)(b) of the Rules, comment on the application for condonation or file an affidavit opposing an application for condonation by the applicant within five days of receipt of this affidavit from the Commission.**

8. **It should be noted that the Commission may finalise the application for condonation without the responding party's comments if the latter fails to respond within the stipulated timeframe.**

_____ _____

Signature of Applicant Signature of Respondent

Date: ___/____/20_____ Date: ___/____/20_____

Signed before me on _____at _____
by the deponent who acknowledges that he/she knows and understands the contents of the affidavit, has no objection to taking the oath/affirmation and considers it binding upon his/her conscience.

Commissioner of Oaths_____

Name_____

Address_____

_____

Capacity_____

DECISION OF THE COMMISSION

After considering submissions made on the condonation application, the Commission has decided to grant / not to grant condonation based on the following:

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

NAME OF COMMISSIONER: _____

_____ Date: ___/____/20_____

Signature

ANNEXURE C

GRIEVANCE SERVICE COMPLAINT FORM

NB: This form can only be used to register a complaint with regard to the service rendered/being rendered on the investigation of a grievance that has already been referred to the Public Service Commission, and for which a case number has been allocated. E.g. Not receiving an update; taking long to finalise the grievance; etc

DETAILS OF THE COMPLAINT

Grievance Case Number : _____

Date referred to the PSC : _____

Name of investigator : _____

Name of aggrieved employee / representative : _____

Tel : _____ Fax: _____

Cel : _____ Email : _____

Reason for dissatisfaction with regard to the PSC service :

_____

_____

_____

_____

_____

_____

_____

_____

Signature Day / Month / Year

_____ Date: _____/ _____/ 20_____

ANNEXURE D

PHYSICAL AND POSTAL ADDRESSES OF THE COMMISSION

POSTAL ADDRESS	PHYSICAL ADDRESS
NATIONAL OFFICE OF THE PUBLIC SERVICE COMMISSION PRIVATE BAG X121 **PRETORIA** 0001 Tel: (012) 352 1000 Fax: (012) 328 6105	 ABSA BUILDING CNR PRETORIUS & LILLIAN NGOYI STREETS **PRETORIA** 0001 grievances@opsc.gov.za
EASTERN CAPE P.O. BOX 2167 **KING WILLIAM'S TOWN** 5600 Tel: (043) 643 4704 Fax: (043) 642-1371 / 0866476021	 91 ALEXANDRA ROAD **KING WILLIAM'S TOWN** 5601 grievances@opscec.gov.za
FREE STATE PRIVATE BAG X20572 **BLOEMFONTEIN** 9300 Tel: (051) 448 8696 Fax: (051) 448-4135 / 0866476056	 62 FEDSURE BUILDING 3RD FLOOR ST ANDREW STREET **BLOEMFONTEIN** 9301 grievances@opscfs.gov.za

GAUTENG P.O BOX 8962 **JOHANNESBURG** 2000 Tel: (011) 833 5701/2/3/4/5 Fax: (011) 834-1200	 16TH FLOOR TEN SIXTY-SIX BUILDING 35 PRITCHARD STREET (CORNER HARRISON STREET) **JOHANNESBURG** 2000 grievances@opscgp.gov.za
KWAZULU-NATAL PRIVATE BAG X 9130 **PIETERMARITZBURG** 3200 Tel: (033) 345 9998 Fax: (033) 345-8505	 221 PIETERMARITZ STREET 1ST FLOOR, PRESTASIE HOUSE **PIETERMARITZBURG** 3201 grievances@opsckzn.gov.za
LIMPOPO PRIVATE BAG X 9543 **POLOKWANE** 7000 Tel: (015) 291 4783 Fax: (033) 345-8505 / 0866476086	 KIRK PATRICK BUILDING 40 SCHOEMAN STREET POLOKWANE 0701 grievances@opsclp.gov.za
MPUMALANGA P.O BOX 11303 **NELSPRUIT** 1200 Tel: (013) 755 4070 Fax: (013) 752-5814	 19 RUSSEL STREET **NELSPRUIT** 1201 grievances@opscmp.gov.za
NORTHERN-CAPE PRIVATE BAG X 5071 KIMBERLEY 8300 Tel: (053) 832 6222 Fax: (053) 832-6225 / 0866479837	 WOOLWORTHS BUILDING 1ST FLOOR CNR LENNOX AND CHAPEL STREET KIMBERLEY grievances@opscnc.gov.za

NORTH-WEST PRIVATE BAG X 2065 **MMABATHO** 2735 Tel: (018)384 1000 Fax: (018) 384-1012	SHOP 112, GROUND FLOOR UNIT 1, MEGACITY SHOPPING CENTRE CNR SEKAME STREET AND DR JAMES MOROKA DRIVE **MMABATHO** 2735 grievances@opscnw.gov.za
WESTERN-CAPE P.O BOX 2078 **CAPE TOWN** 8000 Tel: (021) 421 3980 Fax: (021) 421-4060 / 0865297499	21 ST FLOOR SANLAM GOLDEN ACRE BUILDING ADDERLY STREET **CAPE TOWN** 8001 grievances@opscwc.gov.za

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 683 OF 2016

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

Notice is hereby given in terms of Section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994), as amended. This claim for the restitution of land rights has been submitted to the Regional Land Claims Commissioner for the Western Cape. The particulars regarding this claim are as follows:

Capacity : Ownership

Area : Kraaifontein

Ref no	Property Description	Extent	Date of submission
F465	Remainder of Erf 504 Kraaifontein, City of Cape Town	3468m²	20/03/1997

The Regional Land Claims Commission will investigate this claim in terms of provisions of the Act in due course. Any party who has an interest in the above-mentioned land is hereby invited to submit, within 60 days from the publication of this notice, any comments / information to:

The Regional Land Claims Commission: Western Cape
Private Bag X9163
Cape Town
8000

Tel: (021) 409-0300
Fax: (021) 418 0205

CHECKED.....

DATE.....25/06/2016

APPROVED.....

DATE.....20/6/03/14

Mr. L.H Maphutha
Regional Land Claims Commissioner

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 684 OF 2016

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

NOTICE IS HEREBY GIVEN IN TERMS OF SECTION 11(1) OF THE LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994), AS AMENDED. THIS CLAIM FOR THE RESTITUTION OF LAND RIGHTS HAS BEEN SUBMITTED TO THE REGIONAL LAND CLAIMS COMMISSIONER FOR THE WESTERN CAPE. THE PARTICULARS REGARDING THIS CLAIM ARE AS FOLLOWS:

REFERENCE NO: KRK 6/2/3/A/23/202/0/2 (D148)

DISPOSSESSED PARTY: GABERLINA JEANETTA STOFFELS

PROPERTY DESCRIPTION: ERF 10 HELPMEKAAR, WHICH WAS AN UNDIVIDED PORTION OF ERF 353 TULBAGH

CAPACITY: OWNERSHIP

CURRENT OWNER: REMAINDER ERF 353: MUNICIPALITY OF TULBAGH; ERF 706 THAT WAS CONSOLIDATED INTO ERF 709 THAT WAS CONSOLIDATED IN ERF 799: OLD APOSTOLIC CHURCH OF AFRICA; ERVEN 707: RSA; 708: BLACKBIRD TRADING 156 CC; 710 THAT WAS CONSOLIDATED IN ERF 799: OLD APOSTOLIC CHURCH OF AFRICA; 711 THAT WAS CONSOLIDATED IN ERF 799: OLD APOSTOLIC CHURCH OF AFRICA; 712 THAT WAS CONSOLIDATED IN ERF 799: OLD APOSTOLIC CHURCH OF AFRICA; 714 THAT WAS CONSOLIDATED IN ERF 798: TELKOM SA LTD; 715 THAT WAS CONSOLIDATED IN ERF 798: TELKOM SA LTD; 716: PETRUS CORNELIUS BADENHORST; 717: CHRISMAN JOEL LOUW AND MARIA ISABELLA JACOBA LOUW; 718: LOUIS P. FOURIE; 719: REJANE WILLEMSE; 724: DENVER JOHN AND PAMELA MOURIES AND 725: KENNETH JOHN AND SOPHIA JULIUS.

DATE OF LODGEMENT: 1JULY 1997

THE COMMISSION ON RESTITUTION OF LAND RIGHTS WILL INVESTIGATE THIS CLAIM IN TERMS OF PROVISIONS OF THE ACT IN DUE COURSE. ANY PARTY WHO HAS AN INTEREST IN THE ABOVE-MENTIONED LAND IS HEREBY INVITED TO SUBMIT, WITHIN 60 DAYS FROM THE PUBLICATION OF THIS NOTICE, ANY COMMENTS / INFORMATION TO:

OFFICE OF THE REGIONAL LAND CLAIMS COMMISSIONER: WESTERN CAPE
PRIVATE BAG X9163
CAPE TOWN
8000

TEL: 021- 409 0300
FAX: 021 424 5146

MR. L.H. Maphutha
REGIONAL LAND CLAIMS COMMISSIONER

APPROVED: .....
DATE: 30/09/2016

CHECKED BY: .....
DATE: 22/9/2016

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 685 OF 2016

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

Notice is hereby given in terms of Section 11(1) of the Land Rights Act 1994, (Act No. 22 of 1994), as amended. This claim for the restitution of land rights has been submitted to Regional Land Claims Commissioner of Western Cape. The particulars regarding this claim are as follows:

REFERENCE No: E218 (KRK6/2/3/A/1/0/347/1)

DISPOSSESSED PARTY: Mr Samuel Englebrecht

PROPERTY DESCRIPTION: Erf 557 in Firgrove, City of Cape Town

EXTENT: 1,9478ha

DATE OF OCCUPATION: From 1949 till 1976

CAPACITY: TENANT

CURRENT OWNER: No data found of the current owner

DATE OF LODGEMENT: 31 December 1998

The Commission on Restitution of Land Rights will investigate this claim in terms of provisions of the Act in due course. Any party who has an interest in the above-mentioned land is hereby invited to submit, within 60 days from the publication of this notice, any comments / information to:

OFFICE OF THE REGIONAL LAND CLAIMS COMMISSIONER: WESTERN CAPE
PRIVATE BAG X9163
CAPE TOWN
8000

TEL: 021-409 0300
FAX: 021-424 5146

MR. L.H MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER

APPROVED: .....

DATE: 30/09/2016

CHECKED BY: .....

DATE: 19/9/16

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 686 OF 2016

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

Notice is hereby given in terms of Section 11(1) of the Land Rights Act 1994, (Act No. 22 of 1994), as amended. This claim for the restitution of land rights has been submitted to Regional Land Claims Commissioner of Western Cape. The particulars regarding this claim are as follows:

REFERENCE No: KRK6/2/3/A/2/0/10520/83 (D875)

DISPOSSESSED PARTY: The late Mr Danie Daniels

PROPERTY DESCRIPTION: Erf 686 in Noordhoek, City of Cape Town

EXTENT: 80m^2

DATE OF OCCUPATION: From 1957 till 1967

CAPACITY: TENANT

CURRENT OWNER: Zyl Anton Keith Van

DATE OF LODGEMENT: 31 December 1998

The Commission on Restitution of Land Rights will investigate this claim in terms of provisions of the Act in due course. Any party who has an interest in the above-mentioned land is hereby invited to submit, within 60 days from the publication of this notice, any comments / information to:

OFFICE OF THE REGIONAL LAND CLAIMS COMMISSIONER: WESTERN CAPE
PRIVATE BAG X9163
CAPE TOWN
8000

TEL: 021-409 0300
FAX: 021-424 5146

MR. L.H MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER

APPROVED: .....

DATE: 30/09/2016

CHECKED BY: .....

DATE: 16/9/2016

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 687 OF 2016

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

Notice is hereby given in terms of Section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994), as amended. This is a claim for the restitution of land rights submitted to the Regional Land Claims Commissioner for the Western Cape. The particulars regarding this claim are as follows:

Claimant : **Adonis Carolus Booyse**

Dispossessed person : **African Methodist Episcopal Kerk**

Number of Claims : **1**

Area : **Retreat.**

Properties : **As listed below**

Date Submitted : **28 December 1998.**

REF NO	CLAIMANT	PROPERTY DISCRIPTION	CURRENT OWNERS
KRK6/2/3/A/6/0/1989/275 **(B633)**	Adonis Carolus Booyse	Erf 82472 Retreat, City of Cape Town.	City of Cape Town

The Regional Land Claims Commission will investigate this claim in terms of provisions of the Act in due course. Any party who has an interest in the above-mentioned land is hereby invited to submit, within 60 days from the publication of this notice, any comments / information to:

The Regional Land Claims Commission: Western Cape
Private Bag X9163
Cape Town
8000

Tel: (021)409-0300
Fax: (021)424-5146

CHECKED.....

DATE.....20/9/2016

APPROVED.....

DATE.....30/09/2016.....
Mr. L.H Maphutha
Regional Land Claims Commissioner

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 688 OF 2016

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

Notice is hereby given in terms of Section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994), as amended. This claim for the restitution of land rights is submitted to the Regional Land Claims Commissioner for the Western Cape. The particulars regarding this claim are as follow:

Reference Number	**: KRK 6/2/3/A/17/92/0/143 (S1383)**
Property	**: Portion 17 of Farm 291 in Grabouw**
Current Owner	**:Elgin Fruit Packers**
Claimant	**: Fanie Shuma**
Date Submitted	**: 31 December 1998**

The Regional Land Claims Commission will investigate this claim in terms of provisions of the Act in due course. Any party who has an interest in the above-mentioned land is hereby invited to submit, within 60 days from the publication of this notice, any comments / information to:

The Regional Land Claims Commission: Western Cape
Private Bag X9163
Cape Town
8000

Tel: (021) 409-0300
Fax: (021) 424-5146

CHECKED.....
DATE.....18/8/2016.....

APPROVED.....
DATE.....2016/09/22.....
Mr. L.H Maphutha
Regional Land Claims Commissioner

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 689 OF 2016

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

Notice is hereby given in terms of Section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994), as amended. These claims for the restitution of land rights have been submitted to the Regional Land Claims Commissioner f or the Western Cape. The particulars regarding this claim are as follow:

Project Name : **Waqu Family Claim**

Number of Claims : **1**

Area : **Kensington**

Claimants : **1 Tenant**

Property : **As listed below**

Date Submitted : **31 December 1998**

REF NO	CLAIMANT INITIALS & SURNAME	PROPERTY DESCRIPTION	PROPERTY EXTENT
KRK6\2\3\A\1\0\1084\61 0 W273	N. C Waqu	Erf 21925 Kensington City Of Cape Town	2030m^2

The Regional Land Claims Commission will investigate this claim in terms of provisions of the Act in due course. Any party who has an interest in the above-mentioned land is hereby invited to submit, within 60 days from the publication of this notice, any comments / information to:

The Regional Land Claims Commission: Western Cape
Private Bag X9163
Cape Town
8000

Tel: (021) 409-0300
Fax: (021) 424-5146

CHECKED.....

MR BEN MARS
CHIEF RESTIUTION ADVISOR: LEGAL
DATE: 17/8/2016

APPROVED.....

MR L.H MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
DATE: 2016/08/24

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 690 OF 2016

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

Notice is hereby given in terms of Section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994), as amended. This is a claim for the restitution of land rights submitted to the Regional Land Claims Commissioner for the Western Cape. The particulars regarding this claim are as follows:

Claimant : **Mr Raymond Moffat.**

Dispossessed person : **Mr Raymond Moffat.**

Number of Claims : **1**

Area : **Stellenbosch.**

Properties : **As listed below**

Date Submitted : **10 September 1996.**

REF NO	CLAIMANT	PROPERTY DISCRIPTION	CURRENT OWNERS
KRK6/2/3/A/6/0/1989/275 **(M230)**	Raymondl Moffat	Erf 6305 Stellenbosch.	No data found.

The Regional Land Claims Commission will investigate this claim in terms of provisions of the Act in due course. Any party who has an interest in the above-mentioned land is hereby invited to submit, within 60 days from the publication of this notice, any comments / information to:

The Regional Land Claims Commission: Western Cape
Private Bag X9163
Cape Town
8000

Tel: (021)409-0300
Fax: (021)424-5146

CHECKED.....

DATE.....15/9/2016

APPROVED.....

DATE.....2016/09/22

Mr. L.H Maphutha
Regional Land Claims Commissioner

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 691 OF 2016

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

Notice is hereby given in terms of Section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994), as amended. These claims for the restitution of land rights have been submitted to the Regional Land Claims Commissioner for the Western Cape. The particulars regarding this claim are as follow:

Number of Claims : 5
Areas : District Six and Cape Town
Claimants : Owners
Properties : As listed below
Date Submitted : 31 December 1998

REF NO	CLAIMANT	PROPERTY DISCRIPTION	CURRENT OWNER
KRK6/2/3/A/1/0/331 /65 **(J116)**	Mogamat Armien Jappie	Erf 243, Cape Town	Emilel Inv 15 Pty Ltd
KRK6/2/3/A/1/0/331 /1992 **(I2)**	Zubeida Begum Ismail	Rem 7422, 7424, 7479, 7431 District Six	Community Development Board
KRK6/2/3/A/1/0/331 /792**(M64)**	Bahia Kamedien	Rem of Erf 9161 District Six	Community Development Board
KRK6/2/3/A/1/0/331 / **(P661)**	Ismail Shaik Hassan Parker	Rem of Erf 8797, Rem of Erf 8792, Erf 8796 District Six	Community Development Board
KRK6/2/3/A/1/0/331 /1675 **(V234)**	Abdul Aziz Vallie	Erven 7123, 7197 District Six	City of Cape Town

The Regional Land Claims Commission will investigate this claim in terms of provisions of the Act in due course. Any party who has an interest in the above-mentioned land is hereby invited to submit, within 60 days from the publication of this notice, any comments / information to:

The Regional Land Claims Commission: Western Cape
Private Bag X9163
Cape Town
8000

Tel: (021)409-0300
Fax: (021)418 0205

CHECKED.....

DATE:.....10/8/2016.....

APPROVED.....

DATE:.....20/6/08/17.....
Mr. L.H. Maphutha
Regional Land Claims Commissioner

DEPARTMENT OF TRANSPORT

NOTICE 692 OF 2016

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

Pursuant to the provisions of section 17 (12) of Act No.60 of 1993 and Regulation 15 (1) and 15 (2) of the International Air Regulations,1994, it is hereby notified for general information that the applications, detail of which appear in the Schedules hereto, will be considered by the International Air Services Council (Council) representation in accordance with section 16(3) of the Act No. 60 of 1993 and regulation 25(1) of International Air Services Regulation, 1994, against or in favour of an application, should reach the Chairman of the International Air Services Council at Department of Transport, Private Bag X 193, Pretoria, 0001, within 28 days of the application hereof. It must be stated whether the party or parties making such representation is / are prepared to be represent or represented at the possible hearing of the application.

APPENDIX II

(A) Full name, surname and trade name of the applicant. (B) Full business or residential address of the applicant. (C) Class of licence applied for. (D) Type of International Air Service to which application pertains. (E) Category or kind of aircraft to which application pertains. (F) Airport from and the airport to which flights will be undertaken. (G) Area to be served. (H) Frequency of flight

(A) Advanced Aviation Logistics (Pty) Ltd; AAL. (B) Hangar 2, Douglas Road, General Aviation Area. Cape Town International Airport. (C) Class II & III; I/N242 & I/G243. (D) Type G7, G8, G11, G15 & G16 (Ship to Shore). € Category H1. . **Change of the Company name:** From Advanced Aviation Logistics (Pty) Ltd; AAL to Aerios Global Aviation (Pty) Ltd, **change Shareholding:** Montana Aircraft Wonderboom has 75% & Pacifico Intertnational Technology (Pty) Ltd has 25% to the and **addition** of category H2

(A) Eskom Holdings SOC Ltd; Eskom Holdings SOC Ltd. (B) 311 New Road, Grand Central Airport, Halfway House. (C) Class II & III. (D) Type N1, N2, G3, G4, G15 & G16 (Live power, line maintenance and power line construction). (E) Category A3, A4, H1 & H2.

(A) S. A. Airways (SOC) Ltd; S. A. Airways. (B) Airways Park, Jones Road, OR Tambo International Airport. (C) Class I & II; I/S094 & I/N095. (D) Type S1, S2, N1, N2, N3 & N4. (E) Category A1 & A2. **Changes to the Management Plan:** Captain P. E. Manetsa is appointed as Acting Responsible Person: Flight Operations & Mr B. Tshabalala is appointed as Responsible Person: Aircraft.

(A) S. A. Airways (SOC) Ltd; S. A. Airways. (B) Airways Park, Jones Road, OR Tambo International Airport. (C) Class I; I/S094. (D) Type S1. (E) Category A1 & A2. (F) OR Tambo International Airport, Cape Town International Airport & King Shaka International Airport. (G) & (H) **Adding the following.**

State	Destination	Frequencies
Denmark	Copenhagen	Four (4) return flights per week
China	Guangzhou	Seven (7) return flights per week
Ghana	Accra	One (1) return flight per week

DEPARTMENT OF TRANSPORT

NOTICE 693 OF 2016

AIR SERVICE LICENSING ACT, 1990 (ACT NO.115 OF 1990) APPLICATION FOR THE GRANT OR AMENDMENT OF DOMESTIC AIR SERVICE LICENCE

Pursuant to the provisions of section 15 (1) (b) of Act No. 115 of 1990 and Regulation 8 of the Domestic Air Regulations,1991, it is hereby notified for general information that the application detail of which appear in the appendix, will be considered by the Air Service Licensing Council. Representation in accordance with section 15 (3) of the Act No.115 of 1990 in support of, or in position, an application, should reach the Air Service Licensing Council. Private Box X 193, Pretoria, 0001, within 21 days of date of the publication thereof.

APPENDIX I

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

(A) Eskom Holdings SOC Ltd; Eskom Holdings SOC Ltd. (B) 311 New Road, Grand Central Airport, Halfway House. (C) Class II & III. (D) Type N1, N2, G7, G8 & G16 (Live line). (E) Category A3, A4, H1 & H2.

(A) Unmanned Airborne Vehicles Africa; UAV Africa. (B) 16 Birkett Road, Rondebosch, Cape Town, 7700. (C) Class III. (D) Type G3, G4, G8, G10 and G16 (RPAS Operations). (E) Category A4, H1 and H2.

(A) Banzoflash (Pty) Ltd. (B) 86 Bland Street, Mossel Bay, 6500. (C) Class III. (D) Type G3, G4 & G16 (RPAS Operations). (E) Category H1.

APPENDIX II

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

(A) Eltes Traiding 17 CC; Archipelago Charters. (B) Hangar 70, Wonderboom Airport, Pretoria. (C) Class II and III; N1096D and G1097D. (D) Type N1, N2, G2, G3 and G10. € Category H2. **Changes to the Management Plan:** Heath John de Bruyn replaces Nicolaas Johannes Ehlers as the Responsible Person: Flight Operations, Schalk Willem Theron replaces Nicolaas Johannes Ehtlers as the Responsible Person: Aircraft and Stacey-Lee de Bruyn replaces Clinton Wyness as the Air Service Safety Officer.

(A) John Bassi Helicopters CC; Bassair Aviation. (B) Hangar #B6, New Tempe Airport, Bloemfontein. (C) Class II and III; N685D and G534D. (D) Type N1, N2, G3, G10 and G15. (E) Category H2. **Changes to the Management Plan:** Ms LJ Bennetts replaces Ms CHM Moulex as the Air Service Safety Officer.

(A) S. A. Airways (SOC) Ltd; S. A. Airways. (B) Airways Park, Jones Road, OR Tambo International Airport. (C) Class I, II & III; S552D, N553D & G554D. (D) Type S1, S2, N1, N2 & G2. (E) Category A1, A2 & A3. **Changes to the Management Plan:** Captain P. E. Manetsa is appointed as Acting Responsible Person: Flight Operations & Mr B. Tshabalala is appointed as Responsible Person: Aircraft.

DEPARTMENT OF TRANSPORT

NOTICE 694 OF 2016

transport

Department:
Transport
REPUBLIC OF SOUTH AFRICA

DRAFT LANGUAGE POLICY OF THE DEPARTMENT OF TRANSPORT

FILE NAME	Draft Language Policy of the Department of Transport
ORIGINAL AUTHOR/S	Directorate: Internal Communication
EFFECTIVE DATE	
NEXT REVIEW DATE	
Approved by Delegated Authority	
Director-General:	Signed:

Approval of Policy

Please note that the implementation of the policy contained in this document is subject to approval and signature of the delegated authority.

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1. INTRODUCTION

1.1 South Africa is a multicultural society that is characterised by its rich linguistic diversity. Language is an indispensable tool that can be used to deepen our democracy and also contribute to the social, cultural, intellectual, economic and political life of South African society.

1.2 The country's linguistic landscape changed dramatically after the advent of democracy in 1994, when the constitution provided a legal and regulatory framework for the former recognition and promotion of linguistic diversity. The current multilingualism dispensation allows for the former marginalised languages to flourish.

1.3 Section 6 of the Constitution guarantess equal status to 11 official languages, namely Afrikaans; English; isiNdebele; isiXhosa; isiZulu; Sepedi; Sesotho; Setswana; Siswati; Tshivenda and Xitsonga.

1.4 By fostering equitable access to government services, knowledge and information as part of its constitutional and moral obligation, the Department of Transport actually ensures redress for the previously marginalised languages, which have since been given an official status.

1.5 Section 4 (1) of the Use of Official Languages Act 2012, (Act no 12 of 2012) provides that every national department, national public entity and national public enterprise must adopt a language policy on its use of official languages.

2. ACRONYMS

Term	Definition
Department	Department of Transport
DG	Director-General of the Department of Transport
Minister	Minister of Transport
PSP	Professional Service Provider
PRASA	Passenger Rail Agency of South Africa
RSR	Rail Safety Regulation
SANRAL	South African National Roads Agency Limited
RAF	Road Accident Fund
CBRTA	Cross Border Road Transport Agency
RTMC	Road Traffic Management Corporation
RTIA	Road Traffic Infringement Agency
SACAA	South African Civil Aviation Authority
ATNS	Air Traffic and Navigation Systems
ACSA	Airports Company of South Africa
SAMSA	South African Maritime Safety Authority
PORTS	Ports Regulator of South Africa

3. PURPOSE

The purpose of this policy is intended to set out how the Department will use the official languages of South Africa to communicate effectively with the public and other stakeholders.

4. LEGISLATIVE MANDATE

4.1 Constitution of the Republic of South Africa, 1996

4.2 The Use of Official Languages Act, 2012 (Act No. 12 of 2012)

4.3 Regulations in terms of section 13 of the Use of Official Languages Act, 2012

4.4 National Language Policy Framework, 2003

5. Regulatory context of the Policy

5.1 This policy has been developed to comply with section 4 (1) of the Use of Official Languages Act, 2012 (Act No. 12 of 2012). The section 4(1) requires every national department, national public entity and national public enterprise to have a language policy on its use of official languages.

5.2 It is important to note that this policy is part of a process of working towards multilingualism. While the Department is in favour of encouraging linguistic diversity, this is not its core business, and financial constraints will mean that it will have to find a balance between the language preferences and needs of its target audiences (internally and externally) and financial considerations. However, it is hoped that the departmental financial conditions will in the future make it possible for the Department to make more funds available and make a bigger contribution to the national effort.

6. Mandate of the Department of Transport

6.1 The Department of Transport's vision is to position transport as the heartbeat of economic growth and social development in the country. Its mission is to lead the development of efficient integrated transport systems by creating a framework of sustainable policies, regulations and implementable models to support government strategies for economic, social and international development.

6.2 The Department is a national department that has public entities which are a critical pillar in the Department's service delivery agenda.

6.3 The Department of Transport's direct communication with the general members of the public is limited. Most of its communication is with the public entities, the provincial government departments responsible for transport functions and municipalities, where English is accepted as the language of common usage. However, the Department is still working towards broader engagement with the general members of the public.

6.4 Most of the Department of Transport's work is implemented through the public entities that report to the Minister of Transport, namely, the Passenger Rail Agency of South Africa (PRASA), the Railway Safety Regulator (RSR), the South African National Roads Agency Limited (SANRAL), the Road Accident Fund (RAF), the Cross Border Road Transport Agency (CBRTA), the Road Traffic Management Corporation (RTMC), the Road Traffic Infringement Agency (RTIA), the South African Civil Aviation Authority (SACAA), the Airports Company of South Africa (ACSA), the Air Traffic Navigation Services (ATNS), and the South African Maritime Safety Authority (SAMSA).

6.5 As far as multilingualism is concerned, the PRASA, RSR, RTMC, RAF, and RTIA are the public entities that do the most important work in raising public awareness of safety in rail and road transport, and should therefore be

encouraged to increase its communications in all official languages other than English.

7. Official Languages of the Department of Transport

7.1 Owing to the mandate of the Department, and the public entities reporting to the Minister of Transport, the official language of the Department is English, and is to be used in all official correspondence.

7.2 The five other languages selected for official use are Afrikaans, isiZulu, Sepedi, Tshivenda and Xitsonga. According to the 2011 census the isiZulu and Sepedi are the widely spoken languages in the two biggest language groups (Nguni and Sotho) and Afrikaans is the language of the majority in provinces such as the Northern Cape and Western Cape whilst Tshivenda and Xitsonga are severely marginalised languages as they do not fall within language groupings.

8. Use of the Official Languages Selected by the Department of Transport

8.1 Owing to financial constraints, the Department's language policy will focus on functional multilingualism, i.e. finding a balance between financial considerations and the need to ensure effective communication of particular messages to particular target audiences.

8.2 For inter and intra-governmental communication, the Department of Transport will use English as the official language of business.

8.3 If a member of the public communicates in writing with the Department, in a specific language, then they will be answered in that language. However, the human and financial resources will be taken into consideration.

8.4 Official publications intended for public distribution (notices, advertisements, forms and other documents) will be translated into other official languages (Afrikaans, isiZulu, Sepedi, Tshivenda and Xitsonga) of the Department.

However this will also depend on availability of human and financial resources.

8.5 Calls for nominations for the boards of the Department's public entities will be published in English, as the operations of the boards will be conducted in English, and the members (e.g. engineers, etc.) serving on the boards will be familiar with English.

8.6 Reports and/or publications such as the annual report will be published in English, owing to the cost of translations, additional layout and printing. Executive summaries will be made available in other official languages such as Afrikaans, isiZulu, Sepedi, Tshivenda and Xitsonga.

8.7 The Promotion of Access to Information Manual will be translated into the selected official languages of the Department and Braille.

8.8 Members of the public whose language of choice is South African Sign Language will be accommodated by hiring a professional service provider (PSP) that renders interpreting services, as most of the Department's communications with the public are written. However, this will depend on the availability of the budget to do so.

8.9 Signage and branding will be produced in English only.

9. Complaints Mechanism

9.1 Anyone who is aggrieved or dissatisfied with an aspect of the language policy may lodge a complaint, which will be dealt with in terms of Regulation 2(2) and 2(3) of the Use of Official Languages Regulations.

9.2 The complaint must be lodged in writing, within three months of the complaint arising, and provide the name, address and contact information of the person who lodged the complaint.

9.3 The complaint may be delivered to the Director-General of the Department of Transport in any of the following ways-

9.3.1 hand delivery to 159 Struben Street, Forum Building, Department of Transport, Pretoria;

9.3.2 via registered post to Private Bag X193, Pretoria, 0001; and

9.3.3 via email to: ……..

9.4 The Director-General or his/her delegate may request additional information from the complainant or a meeting to discuss the complaint.

9.5 The Director-General will consider the complaint, make a decision and inform the complainant of the decision in writing no later than three months after receipt of the complaint.

9.6 Should the complainant not be satisfied with this decision, he/she may lodge an appeal with the Minister. This must be done within one month of the decision referred to in par. 8.5, and the Minister will make a decision no later than three months after receipt of the complaint, and inform the complainant of the decision in writing.

10. Access to the Department of Transport Language Policy

The language policy will be published in the *Government Gazette* in English, and translations will be made available on the Department's website in Afrikaans, isiZulu, Sepedi, Tshivenda and Xitsonga.

11. Review of Policy

This policy will be reviewed whenever the need to do so arises. However, it will be appropriate to review it at least every five years of the new administration.

12. Deviation from the policy

There is no official who has been nominated to approve deviations from this policy hence there will be no deviations allowed.

13. Record Keeping

All official documents of the department shall be placed on record in English and where applicable filed with it's translated and/or adapted version.

BOARD NOTICE 166 OF 2016

GENERAL EXPLANATORY NOTE:

[ ] Words in square brackets indicate omissions from existing enactments.

___ words underlined with a solid line indicate insertions in existing enactments.

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RULES FOR THE PROPERTY VALUERS PROFESSION, 2008, SIXTH AMENDMENT

The South African Council for the Property Valuers Profession, under section 37 of the Property Valuers Profession Act, 2000, hereby makes the rules in the Schedule.

SCHEDULE

Definitions

1. In these rules any word or expression to which a meaning has been assigned to in the Act shall bear that meaning, and-
   (i) "the Act" means the Property Valuers Profession Act, 2000 (Act No. 47 of 2000); and
   (ii) "the Rules" means the Rules for the Property Valuers Profession, 2008.

Amendment of Part 1 of the Rules

2. Part 1 of the Rules is hereby amended by the substitution for the definitions of the following definitions:

"Definitions

1. In these rules any word or expression to which a meaning has been assigned to in the Act shall bear the meaning, and unless the context otherwise indicates –

   (i) "business property cluster" means the various types of properties referred to in paragraph (b) of item 3 of Annexure C.1;
   (ii) "cluster" means the same types of properties (as defined);
   (iii) "farm or agricultural property cluster" means the various types of properties as defined in paragraph (b) of item 3 of Annexure C.1;
   (iv) "restricted" means to be permitted or registered to perform property valuation work in respect of only a specified field of property valuation, and "restriction" has a corresponding meaning;
   (v) "single residential property cluster" means the various types of properties referred to in paragraph (b) of item 3 of Annexure C.1;
   (vi) "special type or miscellaneous property cluster" means the various types of properties referred to in paragraph (b) of item 3 of Annexure C.1;

(vii) "types of properties" means the various types comprising a cluster referred to (and listed) in paragraph (b) of item 3 of Annexure C.1; and

(viii) "the Act" means the Property Valuers Profession Act, 2000 (Act No. 47 of 2000),"

Repeal of Part II of the Rules

3. Part II of the Rules is hereby repealed.

Amendment of Part IV of Rules

4. Part IV of the Rules is hereby amended by the insertion after rule 7 of the following rule:

"Abbreviations or acronyms

7A. A registered person may use the following abbreviations or acronyms for the following titles, respectively-

(a) professional valuer: Pr Val;
(b) professional associated valuer : Pr AVal;
(c) candidate valuer: Ca Val;
(d) single residential property assessor: SRPA;
(e) candidate single residential property assessor: CSRPA; or

5. The following Part is hereby inserted after Part VIII of the Rules:

"PART VIIIA
VALUATION REPORTS

International valuation standards

15A. Without derogating from any provision contained in the Rules, the Code of Conduct for Registered Persons or any other determination or resolution made or adopted by the council with regard to property valuation reports, the following minimum requirements extracted from the International Valuation Standards endorsed by the council, must also be included in all motivated property valuation reports prepared by registered persons –

(a) Instruction, including the name and postal and e-mail addresses of the person requesting the valuation.
(b) Property description as per title deed, including type of property and physical description.
(c) Purpose of valuation.
(d) Date of inspection of property including the effective date of valuation.
(e) Town planning information.
(f) Method of valuation (including where applicable, market research and comparables).
(g) Assumptions and special assumptions that are reasonable and relevant to the valuation.
(h) Any other relevant information of particulars having a bearing on the property concerned.
(i) Determination of values, including motivation thereof and certificate of value.
(j) Signature of professional concerned, including his or her category of registration (title), registration number, business, email and postal addresses as well as telephone and fax numbers.
(k) In the case of a candidate valuer, the counter-signature of the supervising professional, including all the particulars set out in paragraph (j) in respect of the said persons.
(l) Caveats or qualifications for the report".

Amendment of Annexure C.1 to Rules

6. Annexure C.1 to the Rules is hereby amended -

(a) by the substitution for item A2 of the following item:

"A2. With effect from [1 April 2019] 21 November 2016, a professional associated valuer registered with restrictions may not apply to have [his or her] the restrictions lifted. A professional associated valuer who qualifies may sit for a professional valuer admission examination and passing the examination will obviate the restrictions".

(b) by the substitution for paragraph (a) of item 3 of the following paragraph:

"Purposes of property valuations:

(i) Expropriation;
(ii) Insurance ;
(iii) Investment and financial statements;
(iv) Land reform (restitution, development tenure and redistribution);
(v) Mortgage bond and security;
(vi) Municipal rating (mass valuations) and endowments;
(vii) Purchase, sale, estate and municipal objection; and
(viii) Rental determination."

(c) by the substitution for paragraph (b) of item 3 of the following paragraph:

"Types of properties:
(i) Business property cluster, comprising –

(aa) Blocks of flats;
(bb) commercial and office land;
(cc) commercial and office buildings;
(dd) Industrial buildings;
(ee) industrial land;
(ff) general residential land (for flats);
(gg) leasehold;
(hh) partially developed townships;
(ii) potential township land;
(jj) sectional title schemes and share block schemes;
(kk) small holdings (commercial and industrial uses); and
(ll) timeshare scheme.

(ii) Farm or agricultural property cluster, comprising-

(aa) Farms (including forests);
(bb) Agricultural small holdings
(cc) land on which mines are situated; and
(dd) servitudes.

(iii) Single residential property cluster, comprising –

(aa) Individual single residential units;
(bb) sectional title & share block;

(cc) single dwellings;
(dd) single residential land (including land for special type properties); and
(ee) small holding/ (plots); (residential use)

(iv) Special type or miscellaneous property cluster, e.g., museums, public schools, public health facilities and any other properties of a specific or special nature."; and

(d) by the substitution for item 5 of the following item:

"Application of assessment outcome

5. As a general norm, the minimum outcome reached in the assessment referred to in item 4, shall -

(a) in the case of registration as a single residential property assessor, be a weight of 40 and one type of property valued for one purpose of property valuation; and

(b) in the case of registration as a professional associated valuer (restricted/ registered with conditions) permitted to performing valuation for single residential property cluster or valuations for one purpose, be a weight of 80 and three types of properties valued for one purpose of property valuation; and

(c) in the case of registration as a professional associated valuer (restricted/ registered with conditions) permitted to performing valuations other than those referred to in paragraph (b) above, be a weight of 130 and four types of properties valued for three purposes of property valuation; and

(d) in the case of registration as a professional valuer, be a weight of 190, and nine types of properties valued for four purposes of property valuation;".

Amendment of Annexure C.2 to Rules

7. Annexure C.2 to the Rules is hereby amended –

(a) by the substitution for item 1 of the following item:

"Academic requirements

1.(1) Without derogating from anything contained in the Rules, a person wishing to be registered in terms of this Annexure shall submit written proof –

(a) in the case of a candidate single residential property assessor, that he/she is enrolled for at least two of the following subjects of the National Diploma in Real Estate (Property Valuation), namely Property Valuation 1; Property Economics and Finance 1; Property Practice 1; Law of Property Valuation; or Principles of Property Law; or

(b) in the case of a single residential property assessor, that he/she is in possession of the five subjects or similar subjects referred to in paragraph (a) or any other academic qualification recognised by the council; and

(2) The following minimum periods of registration apply to a person registered in terms of this Annexure wishing to be admitted to the examination referred to in paragraph (a) of sub-item (1)-

(a) three years from the date of his/her registration if he/she was registered without the academic requirement referred to in paragraph (a) of sub-item 1 –

(b) two years from the date of his/her registration if he/she was registered with the academic requirement referred to in paragraph (a) of sub-item (1); or

(3) subject in general to Part IV of the Rules, the period of validity of the registration of a candidate single residential property assessor shall be valid for a period of five years from the date of registration.".

(b) by the substitution for the heading of item 2 of the following heading:

"[Prescribed] Examinations and requirements";

(c) by the substitution for paragraph (b) of item 4 of the following paragraph:

"(b) Types of properties: The single residential cluster referred to in paragraph (c)(iii) of item 3 of Annexure C.1.";

(d) by the substitution for sub-item (1) of item 8 of the following sub-item:

"(1) A person registered in the category of single residential property assessor or candidate single residential property assessor, shall be permitted to performing property valuation work in respect of only the single residential property cluster referred to in paragraph (c)(iii) of item 3 of Annexure C.1; and

(e) by the repeal of item 10.".

Short title and commencement

8. These rules shall be called the Rules for the Property Valuers Profession 2008, Sixth Amendment, and shall commence on **21 November 2016**.

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