



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 670

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No. 44427

PART 1 OF 3

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

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

IMPORTANT NOTICE:

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

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government
printing

Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICA

HIGH ALERT: SCAM WARNING!!!

TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

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

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

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

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

Example of e-mails these fraudsters are using:

PROCUREMENT@GPW-GOV.ORG

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

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

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

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

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

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

Fake Tenders

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

How tender scams work

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

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

OR

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

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

Protect yourself from being scammed

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

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

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

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

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

Closing times for **ORDINARY WEEKLY** **2021** **GOVERNMENT GAZETTE**

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

- **24 December 2020**, Thursday for the issue of Thursday **31 December 2020**
- **31 December 2020**, Thursday for the issue of Friday **08 January 2021**
- **08 January**, Friday for the issue of Friday **15 January 2021**
- **15 January**, Friday for the issue of Friday **22 January 2021**
- **22 January**, Friday for the issue of Friday **29 January 2021**
- **29 January**, Friday for the issue of Friday **05 February 2021**
- **05 February**, Friday for the issue of Friday **12 February 2021**
- **12 February**, Friday for the issue of Friday **19 February 2021**
- **19 February**, Friday for the issue of Friday **26 February 2021**
- **26 February**, Friday for the issue of Friday **05 March 2021**
- **05 March**, Friday for the issue of Friday **12 March 2021**
- **12 March**, Friday for the issue of Friday **19 March 2021**
- **18 March**, Thursday for the issue of Friday **26 March 2021**
- **25 March**, Thursday for the issue of Thursday **01 April 2021**
- **31 March**, Wednesday for the issue of Friday **09 April 2021**
- **09 April**, Friday for the issue of Friday **16 April 2021**
- **16 April**, Friday for the issue of Friday **23 April 2021**
- **22 April**, Thursday for the issue of Friday **30 April 2021**
- **30 April**, Friday for the issue of Friday **07 May 2021**
- **07 May**, Friday for the issue of Friday **14 May 2021**
- **14 May**, Friday for the issue of Friday **21 May 2021**
- **21 May**, Friday for the issue of Friday **28 May 2021**
- **28 May**, Friday for the issue of Friday **04 June 2021**
- **04 June**, Friday for the issue of Friday **11 June 2021**
- **10 June**, Thursday for the issue of Friday **18 June 2021**
- **18 June**, Friday for the issue of Friday **25 June 2021**
- **25 June**, Friday for the issue of Friday **02 July 2021**
- **02 July**, Friday for the issue of Friday **09 July 2021**
- **09 July**, Friday for the issue of Friday **16 July 2021**
- **16 July**, Friday for the issue of Friday **23 July 2021**
- **23 July**, Friday for the issue of Friday **30 July 2021**
- **30 July**, Friday for the issue of Friday **06 August 2021**
- **05 August**, Thursday for the issue of Friday **13 August 2021**
- **13 August**, Friday for the issue of Friday **20 August 2021**
- **20 August**, Friday for the issue of Friday **27 August 2021**
- **27 August**, Friday for the issue of Friday **03 September 2021**
- **03 September**, Friday for the issue of Friday **10 September 2021**
- **10 September**, Friday for the issue of Friday **17 September 2021**
- **16 September**, Thursday for the issue of Thursday **23 September 2021**
- **23 September**, Thursday for the issue of Friday **01 October 2021**
- **01 October**, Friday for the issue of Friday **08 October 2021**
- **08 October**, Friday for the issue of Friday **15 October 2021**
- **15 October**, Friday for the issue of Friday **22 October 2021**
- **22 October**, Friday for the issue of Friday **29 October 2021**
- **29 October**, Friday for the issue of Friday **05 November 2021**
- **05 November**, Friday for the issue of Friday **12 November 2021**
- **12 November**, Friday for the issue of Friday **19 November 2021**
- **19 November**, Friday for the issue of Friday **26 November 2021**
- **26 November**, Friday for the issue of Friday **03 December 2021**
- **03 December**, Friday for the issue of Friday **10 December 2021**
- **09 December**, Thursday for the issue of Friday **17 December 2021**
- **17 December**, Friday for the issue of Friday **24 December 2021**
- **23 December**, Thursday for the issue of Friday **31 December 2021**

LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2018

NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1008.80 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	252.20
Ordinary National, Provincial	2/4 - Half Page	504.40
Ordinary National, Provincial	3/4 - Three Quarter Page	756.60
Ordinary National, Provincial	4/4 - Full Page	1008.80

EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3026.32** per page.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

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

CLOSING TIMES FOR ACCEPTANCE OF NOTICES

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.
2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website www.gpwonline.co.za

All re-submissions will be subject to the standard cut-off times.

All notices received after the closing time will be rejected.

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

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

EXTRAORDINARY GAZETTES

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

NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website www.gpwonline.co.za.
5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
6. The completed electronic *Adobe* form has to be submitted via email to submit.egazette@gpw.gov.za. The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.
8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.
 - 8.1. Each of the following documents must be attached to the email as a separate attachment:
 - 8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.
 - 8.1.1.1. For National *Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
 - 8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.
 - 8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice. (*Please see Quotation section below for further details*)
 - 8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
 - 8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. (*Please see the Copy Section below, for the specifications*).
 - 8.1.5. Any additional notice information if applicable.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
11. Notices brought to **GPW** by “walk-in” customers on electronic media can only be submitted in *Adobe* electronic form format. All “walk-in” customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

QUOTATIONS

13. Quotations are valid until the next tariff change.
 - 13.1. **Take note:** **GPW**'s annual tariff increase takes place on **1 April** therefore any quotations issued, accepted and submitted for publication up to **31 March** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.
14. Each quotation has a unique number.
15. Form Content notices must be emailed to the *eGazette* Contact Centre for a quotation.
 - 15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.
 - 15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.
16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS:**
 - 16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.
 - 16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.
 - 16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).
17. **APPLICABLE ONLY TO CASH CUSTOMERS:**
 - 17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.
18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).
19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.
 - 19.1. This means that **the quotation number can only be used once to make a payment.**

GOVERNMENT PRINTING WORKS - BUSINESS RULES**COPY (SEPARATE NOTICE CONTENT DOCUMENT)**

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03
- 20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.
- The content document should contain only one notice. (You may include the different translations of the same notice in the same document).
- 20.2. The notice should be set on an A4 page, with margins and fonts set as follows:
- Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;
- Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

CANCELLATIONS

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.
22. Requests for cancellation must be sent by the original sender of the notice and must be accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

REJECTIONS

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za). Reasons for rejections include the following:
- 24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.
- 24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.
- 24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.
- 24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

GOVERNMENT PRINTING WORKS - BUSINESS RULES**APPROVAL OF NOTICES**

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.
26. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

27. The Government Printer will assume no liability in respect of—
 - 27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
 - 27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;
 - 27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

LIABILITY OF ADVERTISER

28. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

CUSTOMER INQUIRIES

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

GPW has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

PAYMENT OF COST

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.
32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.
33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.
34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: info.egazette@gpw.gov.za before publication.
35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.
36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.
37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

PROOF OF PUBLICATION

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website www.gpwonline.co.za free of charge, should a proof of publication be required.
39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette*(s)

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:
Government Printing Works

149 Bosman Street

Pretoria

Postal Address:

Private Bag X85

Pretoria

0001

GPW Banking Details:
Bank: ABSA Bosman Street

Account No.: 405 7114 016

Branch Code: 632-005

For Gazette and Notice submissions: Gazette Submissions:

For queries and quotations, contact: Gazette Contact Centre:

E-mail: submit.egazette@gpw.gov.za
E-mail: info.egazette@gpw.gov.za
Tel: 012-748 6200

Contact person for subscribers: Mrs M. Toka:

E-mail: subscriptions@gpw.gov.za
Tel: 012-748-6066 / 6060 / 6058

Fax: 012-323-9574

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

LEGAL PRACTICE COUNCIL**NOTICE 191 OF 2021**

NATIONAL OFFICE
Thornhill Office Park
Building 20
94 Bekker Road
Vorna Valley, Midrand
Tel: 010 001 8500




THE SOUTH AFRICAN LEGAL PRACTICE COUNCIL**NOTICE IN TERMS OF SECTION 95(1) & (4) OF THE LEGAL PRACTICE ACT, 28 OF 2014**

Notice is hereby given that the Council amends the Rules of the Council made under the authority of sections 95(1), 95(3) and 109(2) of the Legal Practice Act, 28 of 2014 (as amended) by the inclusion of rule 54.9.2.1:

54.9.2.1 “in the case of electronic accounting records or files hosted offsite, such records or files shall always be kept confidential, shall be reasonably secured and shall remain immediately accessible to authorised persons from the office of the firm, [and] to the Council, and to all persons entitled to access thereto by law. Where the firm engages a service provider to provide offsite storage facilities for the records and files of the firm, the firm shall procure that the contractual arrangements with the service provider shall bind the service provider to ensure compliance with the foregoing provisions”.

Signed at Midrand on the 29th day of March 2021

Ms K Matolo – Dlepu



Chairperson: Legal Practice Council

Executive Committee: Ms. Kathleen Matolo - Dlepu – Chairperson, Adv Anthea Platt SC - Deputy Chairperson, Adv. Greg Harpur SC, Ms. Trudie Nichols, Mr Lutendo Sigogo, Mr Jan Stemmett, Adv. Ghandi Badela, Executive Officer: Ms. Charity Nzuza

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 192 OF 2021

STANDARDS ACT, 2008
STANDARDS MATTERS

In terms of the Standards Act, 2008 (Act No. 8 of 2008), the Board of the South African Bureau of Standards has acted in regard to standards in the manner set out in the Schedules to this notice.

SECTION A: DRAFTS FOR COMMENTS

The following draft standards are hereby issued for public comments in compliance with the norm for the development of the South Africa National standards in terms of section 23(2)(a) (ii) of the Standards Act.

Draft Standard No. and Edition	Title, scope and purport	Closing Date
SANS 50004 Ed 2	<i>Energy management systems – Guidance for the implementation, maintenance and improvement of an energy management system.</i> Gives practical guidelines and examples for establishing, implementing, maintaining and improving an energy management system (EnMS) in accordance with the systematic approach of ISO 50001:2018.	2021-05-11
SANS 62282-6-200 Ed 2	<i>Fuel cell technologies – Part 6-200: Micro fuel cell power systems – Performance test methods.</i> Specifies test methods for the performance evaluation of micro fuel cell power systems for laptop computers, mobile phones, personal digital assistants (PDAs), cordless home appliances, TV broadcast cameras, autonomous robots, etc.	2021-05-11
SANS 62386-216 Ed 1	<i>Digital addressable lighting interface – Part 216: Particular requirements for control gear – Load referencing (device type 15).</i> Specifies methods for determining the thickness of impregnated paper insulation, the tensile strength of impregnated paper and of unimpregnated paper, the ash content of insulating paper, the hydrogen ion concentration (pH value) and conductivity of water extracted from insulating paper and from semi-conducting paper.	2021-05-11
SANS 60335-2-27 Ed 5	<i>Household and similar electrical appliances – Safety – Part 2-27: Particular requirements for appliances for skin exposure to optical radiation.</i> Deals with the safety of electrical appliances incorporating emitters for exposing the skin to optical radiation (wavelength 100 nm to 1 mm), for household and similar use, their rated voltage being not more than 250 V for single-phase appliances and 480 V for other appliances.	2021-05-11
SANS 61439-2 Ed 3	<i>Low-voltage switchgear and controlgear assemblies – Part 2: Power switchgear and controlgear assemblies.</i> Defines the specific requirements of power switchgear assembly.	2021-05-11
SANS 62386-222 Ed 1	<i>Digital addressable lighting interface – Part 222: Particular requirements for control gear – Thermal lamp protection (device type 21).</i> Specifies a bus system for control by digital signals of electronic lighting equipment which is in line with the requirements of IEC 61347 (all parts), with the addition of DC supplies.	2021-05-11

SCHEDULE A.1: AMENDMENT OF EXISTING STANDARDS

The following draft amendments are hereby issued for public comments in compliance with the norm for the development of the South African National Standards in terms of section 23(2)(a) (ii) of the Standards Act.

Draft Standard No. and Edition	Title	Scope of amendment	Closing Date
SANS 60270 Ed 1.1	<i>High-voltage test techniques – Partial discharge measurements</i>	Corrected to delete the sign X for the determination of Z (f) in table 3 - Test required for measuring systems.	2021-05-11
SANS 10198-2 Ed 2.1	<i>The selection, handling and installation of electric power cables of rating not exceeding 33 kV – Part 2: Selection of cable type and methods of installation.</i>	Amended to delete reference to legislation, to change reference from "Telkom" to "telecommunications company", and to update referenced standards.	2021-05-11
SANS 60076-10-1 Ed 2.1	<i>Power transformers Part 10-1: Determination of sound levels - Application guide</i>	Amended to update requirements for converter transformers with saturable reactors (transducers), and the bibliography.	2021-05-11

SCHEDULE A.2: WITHDRAWAL OF THE SOUTH AFRICAN NATIONAL STANDARDS

In terms of section 24(1)(C) of the Standards Act, the following published standards are issued for comments with regard to the intention by the South African Bureau of Standards to withdraw them.

Draft Standard No. and Edition	Title	Reason for withdrawal	Closing Date

SCHEDULE A.3: WITHDRAWAL OF INFORMATIVE AND NORMATIVE DOCUMENTS

In terms of section 24(5) of the Standards Act, the following documents are being considered for withdrawal.

Draft Standard No. and Edition	Title	Reason for withdrawal	Closing Date

SECTION B: ISSUING OF THE SOUTH AFRICAN NATIONAL STANDARDS**SCHEDULE B.1: NEW STANDARDS**

The following standards have been issued in terms of section 24(1)(a) of the Standards Act.

Standard No. and year	Title, scope and purport
SANS 62052-31:2021 Ed 1	<i>Electricity metering equipment (AC) – General requirements, tests and test conditions – Part 31: Product safety requirements and tests.</i> Specifies product safety requirements for equipment for electrical energy measurement and control, and applies to newly manufactured metering equipment designed to measure and control electrical energy on 50 Hz or 60 Hz networks with a voltage up to 600 V, where all functional elements, including add-on modules are enclosed in or form a single case.

Standard No. and year	Title, scope and purport
SANS 62386-221:2021 Ed 1	<i>Digital addressable lighting interface – Part 221: Particular requirements for control gear – Demand response (device type 20)</i> . Specifies the methodology of demand response which focuses on the curtailment of electric loads during peak demand times thus avoiding the requirement to find new sources of generation capacity.
SANS 62386-224:2021 Ed 1	<i>Digital addressable lighting interface –Part 224: Particular requirements for control gear – Non-replaceable light source (device type 23)</i> . Specifies a bus system for control by digital signals of electronic lighting equipment which is in line with the requirements of IEC 61347 (all parts), with the addition of DC supplies.
SANS 52791:2021 Ed 1	<i>Chemical disinfectants and antiseptics - Surgical hand disinfection - Test method and requirements (phase 2, step 2)</i> . Specifies a test method simulating practical conditions for establishing whether a product for surgical handrub and handwash reduces the release of resident and eventually present transient microbial flora on hands when used for the treatment of clean hands of volunteers.

SCHEDULE B.2: AMENDED STANDARDS

The following standards have been amended in terms of section 24(1)(a) of the Standards Act.

Standard No. and year	Title, scope and purport
SANS 61347-1:2021 Ed 3.1	<i>Lamp controlgear – Part 1: General and safety requirements. Consolidated edition incorporating amendment No.1</i> . Amended to update the scope and terms and definitions, to update the clauses on marking, terminals, moisture resistance and insulation, fault conditions, creepage distances and clearances, to update the annexes on particular additional requirements for controlgears providing SELV, additional requirements for built in electronic controlgear with double or reinforced insulation, creepage distances and clearances for controlgear with a higher degree of availability (impulse withstand category III), and to update referenced standards.
SANS 1170:2021 Ed 1.5	<i>Linear alkylbenzenesulphonic acid. Consolidated edition incorporating amendment No.5</i> . Amended to delete the annex on notes to purchasers.
SANS 1319:2021 Ed 3.2	<i>Zinc phosphate primer for steel. Consolidated edition incorporating amendment No.2</i> . Amended to update referenced standards, and to delete the annex on notes to purchasers.
SANS 10004:2021 Ed 4.2	<i>Terms and definitions for textiles and textile merchandise. Consolidated edition incorporating amendment No.2</i> . Amended to update the scope and referenced standards.
SANS 11108:2021 Ed 3.1	<i>Washing pretreatment of textile fabrics. Consolidated edition incorporating amendment No.1</i> . Amended to delete reference to organizations.
SANS 11166:2021 Ed 3.1	<i>Textiles – Colour fastness to domestic washing procedures. Consolidated edition incorporating amendment No.1</i> . Amended to delete reference to organizations.
SANS 1718-5:2021 Ed 1.1	<i>Gambling equipment – Part 5: Local area and wide area jackpot and progressive jackpot equipment. Consolidated edition incorporating amendment No.1</i> . Amended to delete reference to legislation in the foreword, to update the introduction, the scope, referenced standards, to update and renumber the definitions and abbreviations accordingly, the functional requirements, the software requirements, the clause on communication, the sub-clause on preservation of RAM, the sub-clause on enclosure construction, the clause on electrical requirements, the clause on significance events, to delete the annex on recommended implementation of requirements, to add the annex on guidelines for submission and scope of testing, and to add a bibliography.
SANS 284:2021 Ed 2.6	<i>Spades and shovels. Consolidated edition incorporating amendment No.6</i> . Amended to delete the appendix on notes to purchasers.

SCHEDULE B.3: WITHDRAWN STANDARDS

In terms of section 24(1)(C) of the Standards Act, the following standards have been withdrawn.

Standard No. and year	Title
SANS 555:2007	<i>Unused and reclaimed mineral insulating oils for transformers and switchgear.</i>

SCHEDULE B4 ESTABLISHMENT OF TECHNICAL COMMITTEES

Committee No	Title	Scope

If your organization is interested in participating in these committees, please send an e-mail to Dsscomments@sabs.co.za for more information.

SCHEDULE 5: ADDRESS OF THE SOUTH AFRICAN BUREAU OF STANDARDS HEAD OFFICE

Copies of the standards mentioned in this notice can be obtained from the Head Office of the South African Bureau of Standards at 1 Dr Lategan Road, Groenkloof, Private Bag X191, Pretoria 0001.

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 193 OF 2021

**INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF
SOUTH AFRICA (ITAC)****SUNSET REVIEW OF THE ANTI-DUMPING DUTIES ON CLEAR FLOAT AND
DRAWN GLASS OF A THICKNESS OF 3MM, 4MM, 5MM AND 6MM ORIGINATING
IN OR IMPORTED FROM INDIA AND THE PEOPLE'S REPUBLIC OF CHINA:
FINAL DETERMINATION**

In accordance with the provisions in the Anti-Dumping Regulations (ADR), any definitive anti-dumping duty shall be terminated on a date not later than five years from the date of imposition, unless the authorities determine, in a review initiated before that date on their own initiative or upon a duly substantiated request made by or on behalf of the domestic industry, that the expiry of the duty would likely lead to the continuation and/or recurrence of dumping and injury.

On 24 May 2019, the International Trade Administration Commission of South Africa (the Commission) notified interested parties through Notice No. 284 of 2019 in *Government Gazette* No. 42472, that unless a substantiated request is made indicating that the expiry of the anti-dumping duties against imports of clear float and drawn glass originating in or imported from The People's Republic of China (China) and India would likely lead to the continuation or recurrence of dumping and injury, the anti-dumping duties on clear drawn and float glass originating in or imported from China and India will expire on 30 July 2020.

A detailed response to the Commission's sunset review questionnaire was received from PFG Building Glass, a division of PG Group (Pty) Ltd (the Applicant) on 04 February 2020. After all deficiencies were identified and addressed, an updated final application was received on 21 February 2020.

The sunset review investigation was initiated pursuant to Notice No: 336 of 2020 in *Government Gazette* No. 43447, published on 19 June 2020. Initiation letters to interested parties were sent on 19 June 2020. The due date for responses was 29 July 2020.

The investigation was initiated after the Commission considered that the expiry of the anti-dumping duties on clear float and drawn glass originating in or imported from China and India would likely lead to the continuation or recurrence of dumping and the recurrence of material injury.

No responses were received from any exporter/manufacturer in China and India nor from any importer in the SACU.

On 11 September 2020, the Commission issued essential facts letters indicating that it was considering making a final determination that the expiry of the anti-dumping duties on clear float and drawn glass originating in or imported from China and India would likely lead to the continuation or recurrence of dumping and the recurrence of injury.

Comments to the “Essential facts” letters were received from the Applicant only.

After considering the comments received, the Commission made a final determination that the expiry of the anti-dumping duties on clear float and drawn glass would likely lead to the continuation or recurrence of dumping and the recurrence of material injury.

The Commission recommended to the Minister of Trade, Industry and Competition that the current anti-dumping duties on clear float and drawn glass originating in or imported from China and India be maintained.

The Minister approved the Commission’s recommendation. The Commission’s detailed reasons for its decision are set out in Commission’s Report No. 645 (Final determination report).

Enquiries may be directed to the investigating officers Mr Busman Makakola at telephone number +27 12 394 3380/ Bmakakola@itac.org.za or Mr Emmanuel Manamela at telephone number +27 12 394 3632/ Emanamela@itac.org.za.

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 194 OF 2021

STANDARDS ACT, 2008
STANDARDS MATTERS

In terms of the Standards Act, 2008 (Act No. 8 of 2008), the Board of the South African Bureau of Standards has acted in regard to standards in the manner set out in the Schedules to this notice.

SECTION A: DRAFTS FOR COMMENTS

The following draft standards are hereby issued for public comments in compliance with the norm for the development of the South Africa National standards in terms of section 23(2)(a) (ii) of the Standards Act.

Draft Standard No. and Edition	Title, scope and purport	Closing Date
SANS 952-1 Ed 3	<i>Polymer film for damp-proofing and waterproofing in buildings Part 1: Monofilament and co-extruded products.</i> Covers the requirements for five types of monofilament polyolefin film and four types of co-extruded polyolefin film, for use as a damp-proofing material in walls, under concrete and under roofing tiles, and for the waterproofing of basements.	2021-05-18
SANS 15874-2 Ed 2	<i>Plastics piping systems for hot and cold water installations - Polypropylene (PP) Part 2: Pipes.</i> This part ISO 15874 specifies the requirements of pipes made from polypropylene (PP) for piping systems intended to be used for hot and cold water installations within buildings for the conveyance of water whether or not intended for human consumption (domestic systems) and for heating systems under operating pressures and temperatures appropriate to the class of application (see ISO 15874-1:2013, Table 1). This part of ISO 15874 covers a range of service conditions (application classes), design pressures and pipe dimension classes. For values of TD, Tmax and Tmal in excess of those in Table 1 of ISO 15874-1:2013 do not apply. NOTE 1 It is the responsibility of the purchaser or specifier to make the appropriate selections from these aspects, taking into account their particular requirements and any relevant national regulations and installation practices or codes. It also specifies the test parameters for the test methods referred to in this part of ISO 15874. In conjunction with the other parts of ISO 15874, this part of ISO 15874 is applicable to PP pipes, their joints and to joints with components of PP, other plastics and non-plastics materials intended to be used for hot and cold water installations. It is applicable to pipes with or without (a) barrier layer(s).	2021-05-18
SANS 15874-1 Ed 2	<i>Plastics piping systems for hot and cold water installations - Polypropylene (PP) Part 1: General.</i> This part of ISO 15874 specifies the general aspects of polypropylene (PP) piping systems intended to be used for hot and cold water installations within buildings for the conveyance of water whether or not intended for human consumption (domestic systems), and for heating systems, under design pressures and temperatures according to the class of application (see Table 1). It covers a range of service conditions (classes of application), design pressures and pipe dimension classes. Values of TD, Tmax and Tmal in excess of those in Table 1 of this part of ISO 15874 do not apply.	2021-05-18
SANS 10287 Ed 2	<i>Automatic sprinkler installations for fire-fighting purposes.</i> Establishes general principles for the design, installation and maintenance of automatic sprinkler installations for fire-fighting purposes in buildings and industrial plants.	2021-05-25
SANS 21102 Ed 1	<i>Adventure tourism - Leaders - Personnel competence.</i> Establishes the requirements and recommendations of competencies and the related expected results of competencies for adventure tourism activity leaders common to any adventure tourism activity, which can affect the quality and safety of the services provided	2021-05-28
SANS 68 Ed 2	<i>Single-use sterile rubber surgical gloves – Specification.</i> Specifies requirements for packaged sterile rubber gloves intended for use in surgical procedures to protect the patient and the user from cross-contamination. Applicable to single-use rubber gloves as reference for the performance and safety of rubber surgical gloves.	2021-05-28

SANS 4731 Ed 1	<i>Essential Oil of geranium (Pelargonium x spp.)</i> . Specifies certain characteristics of essential oil of geranium (<i>Pelargonium × spp.</i>) coming from different <i>Pelargonium</i> species commonly known as <i>Pelargonium graveolens</i> , in order to facilitate assessment of its quality.	2021-05-28
SANS 53727 Ed 2	<i>Chemical disinfectants and antiseptics - Quantitative suspension test for the evaluation of bactericidal activity in the medical area - Test method and requirements (phase 2, step 1)</i> . This Standard specifies a test method and the minimum requirements for bactericidal activity of chemical disinfectant and antiseptic products that form a homogeneous, physically stable preparation when diluted with hard water, or - in the case of ready-to-use products - with water. Products can only be tested at a concentration of 80 % or less (97 % with a modified method for special cases) as some dilution is always produced by adding the test organisms and interfering substance. This Standard applies to products that are used in the medical area in the fields of hygienic handrub, hygienic handwash, surgical handrub, surgical handwash, instrument disinfection by immersion, and surface disinfection by wiping, spraying, flooding or other means. This Standard applies to areas and situations where disinfection or antiseptics is medically indicated.	2021-05-28
SANS 12174 Ed 3	<i>Chemicals used for treatment of water intended for human consumption - Sodium hexafluorosilicate. Applicable to sodium hexafluorosilicate used for treatment of water intended for human consumption</i> . Describes the characteristics of sodium hexafluorosilicate and specifies the requirements and the corresponding test methods for sodium hexafluorosilicate. Gives information on its use in water treatment and also determines the rules relating to the safe handling and use of sodium hexafluorosilicate.	2021-05-28
SANS 53624 Ed 2	<i>Chemical disinfectants and antiseptics - Quantitative suspension test for the evaluation of fungicidal activity of chemical disinfectants for instruments used in the medical area - Test method and requirements (phase 2, step 1)</i> . This Standard specifies a test method and the minimum requirements for fungicidal or yeasticidal activity of chemical disinfectant and antiseptic products that form a homogeneous, physically stable preparation when diluted with hard water, or - in the case of ready-to-use products - with water. Products can only be tested at a concentration of 80 % or less (97 % with a modified method for special cases) as some dilution is always produced by adding the test organisms and interfering substance. This Standard applies to products that are used in the medical area in the fields of hygienic handrub, hygienic handwash, surgical handrub, surgical handwash, instrument disinfection by immersion, and surface disinfection by wiping, spraying, flooding or other means.	2021-05-28
SANS 22059 Ed 1	<i>Guidelines on consumer warranties/guarantees</i> . Specifies the form and content of warranties/guarantees that a manufacturer and/or supplier can use to address reasonable expectations of products by consumers. It is also applicable to transactions between businesses and consumers of new and used products, including online transactions. This document is also applicable to products associated with services to complete a transaction (such as, buying clothes that need alteration).	2021-05-28
SANS 53704 Ed 2	<i>Chemical disinfectants - Quantitative suspension test for the evaluation of sporicidal activity of chemical disinfectants used in food, industrial, domestic, and institutional areas - Test method and requirements (phase 2, step 1)</i> . This document specifies a test method (phase 2/step 1) and the minimum requirements for sporicidal activity of chemical disinfectant products that form a homogeneous, physically stable preparation in hardwater and that are used in food, industrial, domestic and institutional areas, excluding areas and situations where disinfection is medically indicated and excluding products used on living tissues except those for hand hygiene in the above considered areas.	2021-05-28
SANS 3657 Ed 2	<i>Animal and vegetable fats and oils - Determination of saponification value</i> . Specifies a method for the determination of the saponification value of animal and vegetable fats and oils. The saponification value is a measure of the free and esterified acids present in fats and fatty acids. The method is applicable to refined and crude vegetable and animal fats.	2021-05-28

SCHEDULE A.1: AMENDMENT OF EXISTING STANDARDS

The following draft amendments are hereby issued for public comments in compliance with the norm for the development of the South African National Standards in terms of section 23(2)(a) (ii) of the Standards Act.

Draft Standard No. and Edition	Title	Scope of amendment	Closing Date
SANS 10331 Ed 1.1	<i>Translocation of certain species of wild herbivores.</i>	Amended to move reference to legislation to the foreword and to have organizations and province names that are acknowledged in the standard removed.	2021-05-28
SANS 1875 Ed 1.2	<i>Edible oils</i>	Amended to update referenced standards, to move references to legislation to the foreword, to update the requirements for the product, and to delete the annex on notes to purchasers.	2021-05-28
SANS 585 Ed 4.2	<i>The production of frozen fish, marine molluscs, and products derived therefrom.</i>	Amended to update the requirements for abalone that is to be frozen in the shell, to add the notes on tables on microbiological requirements, and to delete the annex on notes to purchasers.	2021-05-28

SCHEDULE A.2: WITHDRAWAL OF THE SOUTH AFRICAN NATIONAL STANDARDS

In terms of section 24(1)(C) of the Standards Act, the following published standards are issued for comments with regard to the intention by the South African Bureau of Standards to withdraw them.

Draft Standard No. and Edition	Title	Reason for withdrawal	Closing Date

SECTION B: ISSUING OF THE SOUTH AFRICAN NATIONAL STANDARDS**SCHEDULE B.1: NEW STANDARDS**

The following standards have been issued in terms of section 24(1)(a) of the Standards Act.

Standard No. and year	Title, scope and purport
SANS 12715:2021 Ed 2	<i>Ultrasonic non-destructive testing - Reference blocks and test procedures for the characterization of contact search unit beam profiles.</i> Introduces two metal reference blocks, the hemicylindrical-stepped (HS) block and the side-drilled-hole (SDH) block, and establishes procedures for measuring the sound beam profiles generated by probes in contact with the test object.
SANS 4701:2021 Ed 2	<i>Iron ores and direct reduced iron - Determination of size distribution by sieving.</i> Specifies the methods to be employed for determination of size distributions by sieving of iron ore and direct reduced iron (excluding briquetted iron), utilizing sieves having aperture sizes of 36 μm or larger.
SANS 52386:2021 Ed 2	<i>Chemicals used for treatment of water intended for human consumption - Copper sulfate.</i> Applies to copper (II) sulfate pentahydrate used for treatment of water intended for human consumption.
SANS 4309:2021 Ed 3	<i>Cranes - Wire ropes - Care and maintenance, inspection and discard.</i> Establishes general principles for the care and maintenance, and inspection and discard of steel wire ropes used on cranes and hoists.

Standard No. and year	Title, scope and purport
SANS 3082:2021 Ed 2	<i>Iron ores - Sampling and sample preparation procedures.</i> Provides the underlying theory, the basic principles for sampling and preparation of samples, and the basic requirements for the design, installation and operation of sampling systems for mechanical sampling, manual sampling and preparation of samples taken from a lot under transfer in order to determine the chemical composition, moisture content, size distribution and other physical and metallurgical properties of the lot using ISO 3852:2007 (Method 2).
SANS 15504-2:2021 Ed 2	<i>Information technology - Process assessment Part 2: Performing an assessment.</i> Defines the requirements for performing process assessment as a basis for use in process improvement and capability determination. Also defines the minimum set of requirements for performing an assessment that will ensure assessment results are objective, impartial, consistent, repeatable and representative of the assessed processes.
SANS 60895:2021 Ed 1	<i>Live working - Conductive clothing.</i> Applies to conductive clothing, worn during live working (especially bare-hand working) on AC and DC electrical installations, to provide electrical continuity between all parts of the clothing and a reduction of electric field inside the clothing.
SANS 61511-2:2021 Ed 2	<i>Functional safety - Safety instrumented systems for the process industry sector - Part 2: Guidelines for the application of IEC 61511-1: 2016.</i> Provides guidance on the specification, design, installation, operation and maintenance of SIFs and related SIS as defined in IEC 61511-1:2016 (published in South Africa as an identical adoption under the designation SANS 61511-1).
SANS 3059:2021 Ed 2	<i>Non-destructive testing - Penetrant testing and magnetic particle testing - Viewing conditions.</i> Specifies the control of the viewing conditions for magnetic particle and penetrant testing.
SANS 10313:2021 Ed 4	<i>Protection against lightning - Physical damage to structures and life hazard.</i> Provides requirements for protection of a structure against physical damage by means of a lightning protection system (LPS), and for protection against injury to living beings due to touch and step voltages in the vicinity of an LPS, with the inclusion of thatched roof structures and buildings with explosive or flammable substances.
SANS 9994:2021 Ed 4	<i>Lighters - Safety specification.</i> Specifies requirements for lighters to ensure a reasonable degree of safety for normal use or reasonably foreseeable misuse of such lighters by users.
SANS 10019:2021 Ed 9	<i>Transportable pressure receptacles for compressed, dissolved and liquefied gases - Basic design, manufacture, use and maintenance.</i> Covers the minimum requirements for the design, manufacture, use and maintenance of refillable and non-refillable pressure receptacles of water capacity 0,5 L to 3 000 L and cartridges of water capacity greater than 0,5 L, and includes requirements over and above those contained in the pressure receptacles design and manufacturing standards (see table 1 and annex A).
SANS 39002:2021 Ed 1	<i>Road traffic safety - Good practices for implementing commuting safety management.</i> Provides guidelines for good practices that can be adopted by organizations for the implementation of commuting safety management.
SATR 21506:2021 Ed 1	<i>Project, programme and portfolio management – Vocabulary.</i> Defines terms used in the field of project, programme and portfolio management.
SANS 10019:2021 Ed 9	<i>Transportable pressure receptacles for compressed, dissolved and liquefied gases - Basic design, manufacture, use and maintenance.</i> Covers the minimum requirements for the design, manufacture, use and maintenance of refillable and non-refillable pressure receptacles of water capacity 0,5 L to 3 000 L and cartridges of water capacity greater than 0,5 L, and includes requirements over and above those contained in the pressure receptacles design and manufacturing standards (see table 1 and annex A).
SANS 52672:2021 Ed 2	<i>Chemicals used for treatment of water intended for human consumption - Potassium permanganate.</i> Applies to potassium permanganate used for treatment of water intended for human consumption.

SCHEDULE B.2: AMENDED STANDARDS

The following standards have been amended in terms of section 24(1)(a) of the Standards Act.

Standard No. and year	Title, scope and purport
SANS 1718-5:2021 Ed 1.1	<i>Gambling equipment Part 5: Local area and wide area jackpot and progressive jackpot equipment. Consolidated edition incorporating amendment No.1.</i> Amended to delete reference to legislation in the foreword, to update the introduction, the scope, referenced standards, to update and renumber the definitions and abbreviations accordingly, the functional requirements, the software requirements, the clause on communication, the sub-clause on preservation of RAM, the sub-clause on enclosure construction, the clause on electrical requirements, the clause on significance events, to delete the annex on recommended implementation of requirements, to add the annex on guidelines for submission and scope of testing, and to add a bibliography.
SANS 60335-2-48:2021 Ed 4.2	<i>Household and similar electrical appliances - Safety Part 2-48: Particular requirements for commercial electric grillers and toasters. Consolidated edition incorporating amendment No.2.</i> Amended to update Scope, Normative references, Classification, Marking and instructions, Heating, Leakage current and electric strength at operating temperature, Leakage current and electric strength, Abnormal operation, Construction, Supply connection and external flexible cords, Screws and connections, add annex P on Guidance for the application of this standard to appliances used in tropical climates
SANS 61347-1:2021 Ed 3.1	<i>Lamp controlgear Part 1: General and safety requirements. Consolidated edition incorporating amendment No.1.</i> Amended to update the scope and terms and definitions, to update the clauses on marking, terminals, moisture resistance and insulation, fault conditions, creepage distances and clearances, to update the annexes on particular additional requirements for controlgears providing SELV, additional requirements for built in electronic controlgear with double or reinforced insulation, creepage distances and clearances for controlgear with a higher degree of availability (impulse withstand category III), and to update referenced standards.
SANS 1209:2021 Ed 2.1	<i>Pipe holderbats. Consolidated edition incorporating amendment No.1.</i> Amended to delete the appendix on notes to purchasers.
SANS 60335-2-31:2021 Ed 4,1	<i>Household and similar electrical appliances - Safety Part 2-31: Particular requirements for range hoods and other cooking fume extractors. Consolidated edition incorporating amendment No.1.</i> Amended to update referenced standards, and to update the clauses on marking and instructions, heating, construction and on resistance to heat and fire.
SANS 5125:2021 Ed 3.2	<i>Paints and varnishes - Determination of viscosity by means of an efflux cup. Consolidated edition incorporating amendment No.2.</i> Amended to update the annex on calibration.
SANS 10076-1:2021 Ed 4.2	The assessment of defects in textile piece-goods and made-up articles Part 1: Defects in woven piece-goods (cellulosic and cellulosic blends). <i>Consolidated edition incorporating amendment No.2.</i> Amended to delete the note on the sub-clause on permissible number of defects, the sub-clause on general, and the notes to purchasers.
SANS 1467:2021 Ed 1.3	<i>Narrow bandsaw blades. Consolidated edition incorporating amendment No.3.</i> Amended to delete the appendix on notes to purchasers.
SANS 802:2021 Ed 2.6	<i>Bituminous aluminium paint. Consolidated edition incorporating amendment No.6.</i> Amended to update the sub-clause on exposure stations, and the applicable standards.
SANS 10076-2:2021 Ed 2.2	<i>The assessment of defects in textile piece-goods and made-up articles Part 2: Defects in woven terry towelling. Consolidated edition incorporating amendment No.2.</i> Amended to delete the note on the sub-clause on permissible number of defects, the sub-clause on general, and the annex on notes to purchasers and suppliers.
SANS 6103:2021 Ed 2.1	<i>Linear density of yarns in weft-knitted fabrics. Consolidated edition incorporating amendment No.1.</i> Amended to update the clause on sampling and preparation of test specimens, and to update referenced standards.
SANS 1170:2021 Ed 1.5	<i>Linear alkylbenzenesulphonic acid. Consolidated edition incorporating amendment No.1.</i> Amended to delete the annex on notes to purchasers.
SANS 680:2021 Ed 3.1	<i>Glazing putty for wooden and metal window frames. Consolidated edition incorporating amendment No.1.</i> Amended to update referenced standards, and to delete the annex on notes to purchasers.

SANS 10368:2021 Ed 2.1	<i>Transport of low-hazard goods in bulk - Emergency information for road vehicles. Consolidated edition incorporating amendment No.1. Amended to update referenced standards, the requirements for emergency instructions, and the annex on placard hazard diamonds.</i>
SANS 1017:2021 Ed 1.6	<i>Electric cables for motor vehicles - Low-voltage cables and flexible earthing straps for motor vehicles. Consolidated edition incorporating amendment No.1. Amended to update the definitions and the clause on requirements for the finished product, and to delete the appendix on notes to purchasers.</i>
SANS 1357:2021 Ed 1.2	<i>Granite surface plates and tables. Consolidated edition incorporating amendment No.2. Amended to delete the appendix on notes to purchasers.</i>

SCHEDULE B.3: WITHDRAWN STANDARDS

In terms of section 24(1)(C) of the Standards Act, the following standards have been withdrawn.

Standard No. and year	Title
SANS 1448:2014	<i>Wax emulsion for coating citrus fruit.</i>
SANS 722:1982	<i>The production of infants' and children's shoes (stuck-on and stitch-down construction)</i>

SCHEDULE B4 ESTABLISHMENT OF TECHNICAL COMMITTEES

Committee No	Title	Scope

If your organization is interested in participating in these committees, please send an e-mail to Dsscomments@sabs.co.za for more information.

SCHEDULE 5: ADDRESS OF THE SOUTH AFRICAN BUREAU OF STANDARDS HEAD OFFICE

Copies of the standards mentioned in this notice can be obtained from the Head Office of the South African Bureau of Standards at 1 Dr Lategan Road, Groenkloof, Private Bag X191, Pretoria 0001.

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 323

9 April 2021

**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 : 6/2/3/D/54/797/1158/56

CLAIMANT : Nombulelo Theodora Ncapai (On behalf of Ncapai Family)

PROPERTY DESCRIPTION : Erf 1498 Korsten in Port Elizabeth, Nelson Mandela Metro, Eastern Cape

EXTENT OF LAND : 261 m²

TITLE DEED : T 2495/1996

CURRENT OWNER : Jantjies James & Jantjies Anestene

DATE SUBMITTED : 22 January 1997

Has been submitted to the Regional Land Claims Commissioner for the Eastern Cape 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 fourteen (14) 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 HIGHER EDUCATION AND TRAINING

NO. 324

9 April 2021

CONTINUING EDUCATION AND TRAINING ACT, 2006**(Act No. 16 of 2006)****CALL FOR COMMENTS ON THE DRAFT NATIONAL POLICY PERTAINING TO THE CONDUCT, ADMINISTRATION AND MANAGEMENT OF THE EXAMINATIONS OF COLLEGES, ESTABLISHED, DECLARED OR REGISTERED IN TERMS OF THE CONTINUING EDUCATION AND TRAINING ACT, 2006 (ACT NO 16 OF 2006)**

I, Bonginkosi Emmanuel Nzimande, Minister of Higher Education, Science and Innovation, hereby intend to make national policy on the conduct, administration and management of the examinations for colleges, established, declared or registered in terms of section 41B of the Continuing Education and Training Act, 2006 (Act No 16 of 2006).

The policy aims to provide a direction regarding the conduct, administration and management of the examinations for colleges. Specifically, it intends to deal with matters related to the preparation and the conduct of examinations, the marking and other related processes, irregularities, security and confidentiality relating to the examination, access to examination and certification information including historical records.

All persons and organisations are invited to comment on the draft national policy in writing, and direct their comments to – The Director-General, Private Bag X174, Pretoria, 0001 for attention of Ms VM Tshetlo, email Tshetlo.V@dbe.gov.za, Telephone: 012 357 3892/3.

Kindly provide the name, address, telephone number, fax number and email address of the persons or organisation submitting the comments.

Due to the Covid 19 protocols under the Disaster Management Act No 57 of 2002, copies of the policy may only be downloaded from the website of the Department at www.dhet.gov.za.



Dr BE Nzimande, MP

Minister of Higher Education, Science and Innovation

Date: 15/03/2021



higher education
& training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

**NATIONAL POLICY PERTAINING TO THE CONDUCT, ADMINISTRATION AND
MANAGEMENT OF THE EXAMINATIONS OF COLLEGES, ESTABLISHED,
DECLARED OR REGISTERED IN TERMS OF THE CONTINUING EDUCATION AND
TRAINING ACT, 2006(ACT NO 16 OF 2006)**

LEGISLATIVE FRAMEWORK

- (a) The *Constitution of the Republic of South Africa, Act 108 of 1996*, Chapter 10, prescribes the basic values and principles governing public administration.
- (b) The *Continuing Education and Training Act, 2006 (Act No. 16 of 2006)* relating to the planning, co-ordination, management, monitoring, evaluation and the well-being of the continuing education and training management system, including the provision of data, examinations and certification.
- (c) The *General and Further Education and Training Quality Assurance Act, 2001 (Act No 58 of 2001)* to the extent of policies and directives issued by the General and Further Education and Training Quality Assurance Council established in terms of section 4 of this Act relating to external assessment, internal assessment and irregularities.
- (d) *Education White Paper 6 on Special Needs Education: Building an Inclusive Education and Training System* provides a policy framework that guides the transformation of practices related to examinations and assessment in general with a view to achieving enabling mechanisms to support students who experience barriers to learning.
- (e) *The Skills Development Act, 1998 (Act No. 97 of 1998)*, and the *Skills Development Amended Act, 2008 (Act No. 37 of 2008)*.

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CHAPTER 1

DEFINITIONS, OBJECTIVES, SCOPE AND APPLICATION

1. Definitions

‘act of dishonesty’ means a student or students engaging in dishonest acts during the examination process, including acts that are identified before the examination commences, as well as acts that are identified while the examination question paper is written or after the examination has been written.

‘act of misconduct’ means misbehaving, creating a disturbance or wilfully disobeying legitimate instructions that may have an adverse effect on other students, the examination process or the outcome of the examination;

‘Act’ means the *Continuing Education and Training (CET) Act, 2006 (Act No. 16 of 2006)*

‘Adult Education and Training’ means all learning and training programmes leading to a qualification on the level 1 of the National Qualifications Framework, which level is below further education;

‘administrative error or omission’ means an examination error of a technical nature where the student or an examination official unintentionally fails to follow the prescribed administrative procedure with the result that information is omitted, something is not done or is neglected in any way that may cause the student to be advantaged or disadvantaged as a result of this error or omission;

‘assessment body’ means an assessment body as defined in the *General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001)*;

‘assessment irregularity’ means any error, act or omission, or any alleged event, act or omission that may undermine or threaten to undermine the integrity, credibility, security or fairness of the examination and assessment process;

'assessment task' means evidence of a structured assessment activity designed by the lecturer/teacher or the assessment body, and that is used by lecturers/teachers and students to determine the performance of students in a learning area/subject, grade or in specific content area;

'candidate' means a citizen student who resides in the Republic of South Africa or such foreign student who has been permitted by law to undertake studies in the Republic;

'centre' means a centre under the control, supervision and administration of another state department that is responsible for the conduct, administration and management of examinations governed by this policy;

'certification' means the formal recognition of a qualification or part qualification awarded to a successful student on meeting the set requirements or standards;

'chief examiner' means a person who manages the process of setting the examination question paper and who takes responsibility for the quality and standard of the examination question paper;

'chief executive officer' means the Chief Executive Officer, as contemplated in the relevant legislation of the respective Quality Council appointed by the Minister.

'chief marker' means a person in charge of a marking team of a subject/learning area of an external examination question paper written under the auspices of an assessment body accredited by THE Quality Council;

'Community Learning Centre' (CLC) and **'Satellite Learning Centre' (SLC)** means a public centre that is under the control, supervision and authority of a Community Education and Training College established, declared or merged in terms of the CET Act, 2006 (Act No. 16 of 2006);

'continuous assessment' means a component of assessment that is ongoing and is used to determine a student's achievement on a particular level;

'Department' means the department responsible for continuing education and training;

‘deputy chief marker’ means a person who assists the chief marker with the final marking of an external examination question paper;

‘director-general’ means the accounting officer of the department responsible for continuing education and training;

‘evidence of student performance’ means the student's work that constitutes the internal assessment contributing to the final promotion mark;

‘examination centre’ means a centre registered by an assessment body;

‘examination irregularity’ means any error, act or omission, or any alleged event, act or omission that may undermine or threaten to undermine the integrity, credibility, security or fairness of the examination process;

‘examination process’ means, but is not limited to the complete process relating to the registration of students, the setting and moderation of the examination question papers, the transportation and storage of examination material, the security of all examination material, the marking of examination answer scripts, the processing of results, the issuing of results and the certification of these results or such process related to the examination process;

‘external assessment’ means any task(s)/examination set and marked at a level outside the centre by the external assessment body separate to the organisation or institution providing learning such as the Department of Higher Education and Training;

‘examination sitting’ means a main examination sitting or a subsequent sitting of the examination including a supplementary examination;

‘formative assessment’ means a component of assessment used to support student development and to feed back into teaching/lecturing and learning;

‘general education and training certificate’ means a qualification on Level 01 of the National Qualification Framework awarded to a student on completion of such a level;

'head of an assessment body' means the Director-General of the Department responsible for the continuing education and training;

'Head of Department'—means the accounting officer of the Department responsible for continuing education and training;

'immediate family' means father, mother, brother, sister, grandparents, husband, wife, legal partner, children, guardians, main care-givers and foster parent;

'Implementation Protocol' means in terms of the *Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005)*, the agreement between the Department of Higher Education and Training and the Provincial Education Departments regarding the provisioning of the GETC examination;

'imposter' means any person who writes or attempts to write the examination on behalf of a registered student at any college;

'independent examination centre' means a centre registered in terms of *the Continuing Education and Training Act, 2011 (Act No. 16 of 2006)*;

'internal continuous assessment' means any internal assessment which counts towards the achievement of a qualification and contained in a portfolio of evidence in accordance with the requirements as specified in the subject assessment guideline;

'integrated summative assessment task' means an integrated summative assessment task that draws on the skills and practices of cumulative learning achieved throughout the year and is conducted according to the requirements specified in the subject assessment guidelines.

'investigation' means all activities relating to the collection of evidence in respect of a reported irregularity or any conduct in connection with the examinations;

'invigilator' means any person appointed to assist the chief invigilator in conducting an examination-related activity at the examination centre;

'lecturer/teacher portfolio of assessment' means the full and final record of all the assessment tasks completed by the student and kept by the lecturer as evidence of the internal assessment mark for a particular learning area/subject;

'marker' means a person who has been appointed to mark an examination answer script;

'marking centre manager' means a person appointed to be responsible for the management and administration of a marking centre;

'minister' means the Minister responsible for continuing education and training;

'moderation' means moderation, as defined in section 1 of the *General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001)*;

'moderator' means a person, as defined in section 1 of the *General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001)*;

'NQF level 01' means a sub-level determined by the South African Qualifications Authority;

'parent' - as defined in the *South African Schools Act, 1996 (Act No. 84 of 1996)*;

'part qualification' means an assessed unit registered as part of a qualification;

'processes and procedures for the assessment of student achievement' means the conduct, administration and management of internal assessment, end-of-year examination, and the final examination;

'progression' means the advancement of a student from one level to the next;

'promotion' means the movement of a student from one level to the next if the student meets the minimum required level of achievement;

'qualification' means the formal recognition of a student's achievement of the required number and range of credits and such other requirements at specific levels

of the National Qualifications Framework as may be determined by the relevant bodies registered for such purpose by the South African Qualification Authority; **'QCTO'** means the Quality Council for Trades and Occupations, as contemplated in the *National Qualifications Framework Act, 2008 (Act No. 67 of 2008)*;

'repeat student' means a student who failed the examination and who wants to satisfy the outstanding requirements for the examination or any level to obtain a certificate

'SAQA' means the South African Qualifications Authority, as contemplated in the *National Qualifications Framework Act, 2008 (Act No. 67 of 2008)*;

'SBA' means site-based assessment, a series of various tasks as determined by the assessment body intended to obtain a student's demonstrated achievement that contributes to the final mark and the achievement of the qualifications.

'senior marker' means a person who assists the chief marker in the marking process, and who takes responsibility for a group of markers at the marking centre;

'subject assessment guidelines' mean documents that specify the internal and external assessment requirements for each of the listed subjects in accordance with any policy or directives;

'Student Portfolio of Evidence' means the collection of the student's assessment evidence used to compile his or her integrated summative assessment task mark;

UMALUSI means the Council, as contemplated in section 1 of the *General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001)*;

'unit standard' means registered statements of desired education and training outcomes and their associated assessment criteria.

2. Objectives, scope and application

- (1) To provide a policy directive regarding the policy, control, administration, management and conduct of the examinations and assessment process for colleges.

2.1 Application

- (1) The policy applies to all colleges established, declared or registered in terms of the *Continuing Education and Training Act, 2006 (Act No. 16 of 2006)*; and
- (2) any centres administered or under the control of other departments of the state in connection with the conduct, administration and management of examinations under this policy, or as may be prescribed; and
- (3) any centres under the control of a foreign country in terms of a memorandum of understanding between the RSA and a foreign country and such centres accredited by the Quality Councils and duly registered under this policy as an examination centre.

CHAPTER 2

CONDUCT OF SITE-BASED/INTERNAL CONTINUOUS ASSESSMENT, PRACTICAL AND LANGUAGE ORAL ASSESSMENT TASKS

3. Requirements for site-based /internal continuous assessment

- (1) Site-based/internal continuous assessment set at national level and implemented by colleges will be a compulsory component of the final promotion mark for all students registered for a particular qualification or part qualification.
- (2) All students presenting any learning area/subject for a particular qualification or part qualification will fulfil all the requirements in respect of site-based/internal continuous assessment, as reflected in the learning area/subject examinations and assessment guideline.
- (3) The centre manager or such appointed person of a college will be responsible for ensuring that the site-based assessments (SBAs)/internal continuous assessment (ICASSs) are conducted and recorded for moderation.
- (4) The regional official will be responsible for reporting the site-based/internal continuous assessment mark of the student to the Department of Higher Education and Training.
- (5) The site-based/continuous assessment mark will count a percentage towards the final promotion mark as stipulated in the examination and assessment guidelines and the other percentage will consist of the marks of an externally set national examination.
- (6) The absence of an internal assessment mark in any learning area/subject will result in the student registered for that particular learning area/subject receiving an incomplete result for the particular learning area/subject.
- (7) During the moderation process of an internal site-based/continuous assessment mark, a Portfolios of Evidence (PoEs) as well as a Portfolio of Assessment (PoA) will be submitted per learning area/subject.

4. Compiling the site-based assessment/continuous assessment mark: norms and standards

- (1) The college will compile the site-based/continuous assessment mark in accordance with the requirements of the applicable learning area/subject specified in the examinations and assessment guidelines.
- (2) The college will adhere strictly to all directives issued by a Quality Council in respect of internal assessment.
- (3) The national internal assessment policy document for each learning area/subject will contain an explanation of the different components comprising the internal site-based/continuous assessment mark, minimum requirements for each component in terms of frequency and nature, and the relative weighting of each component. In relation to the final internal assessment mark.
- (4) Student's Portfolio of Evidence (PoE):
 - (a) The portfolio of evidence will be a collection of the student's work used to compile his or her internal site-based/continuous assessment mark.
 - (b) Each student will submit a portfolio of evidence of internal site-based/continuous assessment for each learning area/subject she/he has registered for.
 - (c) The portfolio will contain all evidence used to calculate the student's internal site-based/continuous assessment mark for the particular learning area/subject.
 - (d) A student's portfolio will comply with the following requirements, namely it must
 - consist of a minimum assessment tasks. The mark for each task will derive from one assessment task unless otherwise specified in the examinations and assessment guidelines.
 - provide evidence for moderation.
 - contain a range of suitable assessment methods, tools and techniques.

- use methods chosen to accommodate the assessment of unit standards and to show competency.
 - show progression, in other words, the assessment must provide evidence of the teaching/lecturing and learning towards the attainment of the unit standards/minimum requirements throughout the year.
- (e) All the work a student presented will be evaluated, checked and authenticated by the learning area/subject lecturer/teacher before it is added to the student's PoE.
- (f) A student who fails an examination will be allowed to resubmit internal site-based/continuous assessment marks within six (6) months, accompanied by the relevant PoEs.
- (g) The lifespan of a portfolio mark will be limit unless in the system although the student's portfolio should be kept physically for six (6) months.
- (5) Lecturer's/Teacher's Portfolio of Assessment (PoA)
- (a) The lecturer's/teacher's portfolio of assessment will be a full and complete record of the interaction on assessment between the lecturer/teacher and students in the particular learning area/subject, and should include all formal assessment tasks given to students as well as all assessment tools to do the particular assessment.
- (b) The lecturer/teacher will submit a PoA for every learning area/subject taught in respect of the qualification.
- (c) The lecturer's/teacher's portfolio will include the assessment plan for the specific learning area/subject indicating the assessment tasks, forms of assessment, unit standards, assessment tools and dates for completion.
- (d) Should the lecturer/teacher fail to submit a PoA, this will constitute an act of misconduct.
- (e) If two or more lecturers/teachers are responsible for teaching/lecturing the same learning area/subject, each lecturer/teacher will present a separate PoA.
- (f) The lecturer's/teacher's PoA will be available when monitoring and moderation, at whatever level, take place.

- (6) Should a student fail to comply with the minimum requirements of any component of the internal site-based/continuous assessment mark, the following will apply:
- If a student supplies a valid reason for failing to comply, the Department will give the student an opportunity to redo the task or if this is impractical, the Department will not take the mark for that particular component of the internal site-based/continuous assessment mark into consideration.
- (7) "Valid reason", in this context, will constitute the following:
- (i) medical reasons, supported by a valid medical certificate issued by a registered medical practitioner;
 - (ii) humanitarian reasons, e.g., the death of an immediate family member, supported by valid written evidence;
 - (iii) appearance at a court hearing, supported by written evidence;
 - (iv) any other reason the Director-General or his or her representative may declare valid or reasonable.
- (8) Should a student fabricate evidence, this will constitute fraud.
- (9) Should a student fail to comply with the internal site-based/continuous assessment requirements of a particular learning area/subject and supply valid reasons, the student will include evidence of such valid reasons in his/her student PoE for the particular learning area/subject.
- (10) Should a student not comply with the minimum requirements of internal site-based/continuous assessment for a learning area/subject without providing a valid reason, the lecturer/teacher will record "0" (nought) and he/she will use "0" to compile the mark for the particular component of internal assessment as a whole. If an internal site-based/internal continuous assessment mark is pending, the lecturer/teacher will enter **"999"** on the mark sheet instead of **"0"**.
- (11) The lecturer/teacher will distinguish between a **"0"** if a student did not comply with the minimum requirements of internal site-based/internal continuous assessment for a learning area/subject without a valid reason, and if a student did not comply with the minimum requirements of internal site-based/continuous assessment for a learning area/subject with a valid reason. This distinction will be important when the student's final mark in respect of internal site-based assessment/continuous assessment is calculated.
- (12) If a learning area/subject lecturer/teacher does not comply with the minimum requirements for internal site-based/internal continuous assessment in the

learning area/subject for which he or she is responsible, causing students to be disadvantaged through no fault of their own; this will constitute an act of misconduct. Any student(s) disadvantaged as a result of such action will be accommodated in terms of fair administrative practice, and their marks will be adjusted appropriately.

5. Monitoring and moderation of site-based assessment/internal continuous assessment, practical assessment: norms and standards

- (1) Lecturers/Teachers will submit all internal site-based/internal continuous assessment marks for internal and external monitoring and moderation.
- (2) Lecturers/Teachers will undertake monitoring as it refers to the process to determine whether the minimum requirements for internal site-based/internal continuous assessment in a particular learning area/subject in terms of tasks and their frequency have been met adequately.
- (3) Private centres, learning centres/campuses and distance/satellite learning centres or centres that prepare students for the colleges examination administered by the Department of Higher Education and Training shall register as examination centres with the Department of Higher Education and Training and shall adhere to all monitoring and moderation procedures, policies or other requirements for internal site-based/continuous assessment.
- (4) Private centres, learning centres/campuses and distance/satellite learning centres shall adhere strictly to all directives issued by a Quality Council in respect of monitoring or moderation.
- (5) The Department of Higher Education and Training or Department responsible for continuing education and training may issue directives aimed at providing assistance to lecturers/teachers in ensuring greater authenticity to internal site-based/continuous assessment.

6. The moderation process

- (1) The moderation/verification process should take place at the following levels:
 - (a) learning site;
 - (b) district/cluster;
 - (c) regional/provincial; and

- (d) national (by Department responsible for continuing education and training and/or Quality Council in accordance with their roles and responsibilities).
- (2) The moderators will be expected to acquire the relevant SAQA assessor and moderator unit standards and be registered as assessors and moderators.
- (3) Moderation at learning-site level. At learning-site level, the college will assign a lecturer/teacher to moderate all site-based/continuous assessment of learning that will lead to promotion and certification. The moderator will ensure that appropriate standards are maintained in the assessment process, i.e. assessment task, process of assessment and marking/evaluation of the task. The moderator at learning-site level will support, guide and develop the lecturer/teacher to ensure that the student's assessment is done fairly, validly, reliably and is of high quality.
- (4) Moderation at college/cluster level. Colleges will establish clusters of learning sites based on proximity and will incorporate a range of clusters. Clusters will be formed in terms of learning areas/subjects. These learning area clusters will meet three times a year to set appropriate standards, to monitor and to moderate assessment of student performance at learning sites in the relevant cluster. The cluster will be coordinated either by the relevant college official or the cluster may nominate a cluster leader. Lecturers/Teachers from centres in the particular cluster will bring samples of student evidence to the cluster meeting and cluster leaders will ensure that a common standard of assessment is applied, but they will not adjust students' marks. The cluster leader will provide a written report to the relevant learning area/subject official in the particular district.
- (5) Moderation at regional level. Officials will compare standards of assessment across the college/clusters and make appropriate recommendations to the national learning area/subject official who will be deemed the national moderator for internal site-based/continuous assessment in that region. Learning area/subject lecturers/teachers/advisors/coordinators and/or education specialists will perform moderation functions at regional level. They will moderate a sample of student evidence from each of the CLCs/campuses in the region to ensure the application of a common standard across all

CLCs/campuse in the region. The regions will request experienced lecturers/teachers to assist with moderation at regional level, and the region will be responsible for these lecturers'/teachers' subsistence and travel costs.

- (6) Moderation/Verification at national level by Department of Higher Education and Training or such Department responsible for the continuing education and training and Quality Councils jointly as external verifiers will sample portfolios of evidence (PoEs) and portfolios of assessment (PoAs) from different sites in each region for verification. The findings of the national verification team will be fed back into the assessment process at national level to be implemented in the current year or in subsequent years.

CHAPTER 3

STUDENT-RELATED MATTERS

7. Admission: general

The Department of Higher Education and Training or the Department responsible for continuing education and training and private colleges will ensure that students are admitted and prepared for the final examination or for any other continuing education and training examination leading to a qualification or part-qualification.

8. Admission requirements

A student who enters for the final examination will comply with the following requirements:

- (1) The student must enrol for tuition as a student at a public/private college/centre offering a course of study.
- (2) The student must have passed the previous level of the qualification. (Adult Education and Training (AET) Sub-Level 3.)
- (3) A registered institution/centre must issue an official learning area/subject statement at the previous level of the qualification. (AET Sub-Level 3 for the Fundamentals component.)
- (4) A registered institution/centre must issue an report card indicating the following;
 - (a) proof of previous level of achievement (equivalent to AET Sub-Level 3);
 - (b) the results of placement assessment, administered by the centre, indicating readiness to enter the learning programme;
 - (c) enrolment for a course of study that will be completed prior to the commencement date of the external examination.
 - (d) admission to an examination for a particular qualification should adhere strictly to the requirements as per the examination and assessment guidelines.

9. Registration of students

- (1) To write the examination, a student must register with the Department before the prescribed date.
- (2) All students attending public colleges/centres will be obliged to write the examination.

- (3) The Department must determine the common deadline for the registration of students and must issue management plans in this regard.
- (4) The Department must make entry forms for the examinations available to students. The Department will not accept registration after the set common deadline dates unless there are exceptional circumstances and the Director-General or his or her representative approves such registration based on the exceptional circumstances.
- (5) The Department will ensure that the registration details of all students are accurately captured as this is fundamental to processing a student's final results. The Department will therefore process and send the information provided on the student's entry forms to examination centres to be checked prior to the assessment date. At this stage, only corrections will be made. The Department will determine the format of the entry form and a detailed procedure to be followed to register students.
- (6) The regions will agree mutually on the transfer of students from one region to the other. If the respective regions cannot reach a mutual agreement in this regard, they must refer the matter to the Head of Examination of the Department for his/her intervention.
- (7) The following will apply in respect of unregistered students who present themselves for an examination:
 - (a) The Department will inform students well in advance that it will not assess unregistered students internally nor will they allow unregistered students to write the final examination. However, if the candidate claims that he/she did register, the student will be allowed to write and will complete a proforma affidavit form indicating that , after an investigation it turned out that it was the fault the Department he/she scripts will be marked and results will be released. If it is proofed that the error was on the side of the candidate his/her scripts will not be marked and results will not be released,
 - (b) If an error or omission by the head of the institution or any other official caused the non-registration of a student, the Department will allow the student to write the examination, and thereafter the case will be handled as a technical irregularity.
 - (c) If a student committed a serious misdemeanour, the head of the institution may recommend to the Director-General or his/her representative that the student's entry be cancelled after the entry has been accepted. The Director-General or his/her representative of the

Department will apply his/her mind to the circumstances of each case and his or her decision will be final.

(8) Entries for distance-education candidates

Any candidate who would like to pursue a qualification offered by the Department may do so by enrolling at an accredited learning institution of his or her choice. Such a person will be regarded as a part-time candidate and will comply with this policy. The following procedure will apply to candidates who register to sit for the external examinations:

- (a) The distance-education college will ensure that it receives the candidate's registration form by the prescribed date.
- (b) The distance-education college will ensure that all their candidates are registered on or before the closing date for registration.
- (c) The distance-education college will ensure that candidates' information are complete and accurately captured on the prelim;
- (d) The distance-education college will send prelims to the Department on or before the prescribed date.
- (e) Distance-education colleges must identify and consult with an appropriate public college in consultation with the Department where their candidates will sit for the examinations;
- (f) Distance-education colleges will enter into a memorandum of understanding (MoU) with the relevant public college and take responsibility for any fees payable to the public college.
- (g) The memorandum of understanding must be submitted to the NEA Chief Directorate for examination monitoring purposes (to be filed with their registration documents.)
- (h) Distance-education colleges will inform the public college by sending entries as soon as they have entered into the MoU to prepare for such candidates.
- (i) The Department will register the candidate accordingly and will send the examinations permit, the mark sheets and question papers to the relevant college together with the public college's own candidates.

- (j) The public college will accommodate the distance-education candidate together with their own candidates in the same examination room and such candidates will adhere to all policies, rules and procedures for the conduct of the examinations.
- (k) The distance-education college will comply with all SBA/ICASS/ISAT practical examinations and oral examination requirements for their candidates and will submit the above to the Department of Higher Education and Training by the required date for moderation.
- (l) Should the Department reject such marks; the distance-education college will correct the marks by a date stipulated by the Department.
- (m) The Department reserves the right to adjust SBA/ICASS marks upwards or downwards during the moderation process.
Quality Councils may adjust distance-education candidates' SBA/ICASS marks statistically and the final results will be standardised by the Quality Councils.
- (n) The Department will send the final results to the distance-education college for release to their respective candidates;
- (o) No public college will be obliged to allow distance-education candidates to write examinations at their centre. Should there, however, be any dispute in this regard, the relevant Distance Education College must make alternative arrangements in the best interest of the candidates.

10. Fees

- (1) The Minister may levy fees for the assessment process, in particular with regard to students at private institutions. In such cases, the private institution will be responsible for paying such fees to the examining body.
- (2) The Minister may also levy fees for viewing and re-marking of scripts. If the viewing and/or re-marking process results in an improved symbol for a student, he or she will be refunded.

11. Assessment policies

The Department will develop an examinations and assessment manual on conducting the assessment processes, and this must be approved by the Director-

General or such delegated official. The manual will at least address the following issues:

- (1) learning areas/subjects to be examined;
- (2) number of question papers to be written per learning area/subject;
- (3) weighting of unit standards and formative and summative assessment components
- (4) format of question papers;
- (5) duration of question papers;
- (6) mark allocation;
- (7) setting processes and procedures; and
- (8) security of question papers.
- (9) minimum promotion and certification requirements

12. Language related to examination question paper

Question papers will be set in the language of learning and teaching/lecturing. Unless otherwise directed in the question paper, students must answer all questions in the language of instruction.

13. Concessions

The following concessions may be made, provided the necessary professional expertise in the related field agrees with such requests for concessions:

- (1) In respect of languages, concessions may be granted to students who experience barriers related to aural impairment, aphasia and dyslexia.
- (2) In respect of Mathematics, Mathematical Literacy, Mathematical Science, Natural Sciences, et cetera, concessions may be granted to students who experience barriers related to dyscalculia.
- (3) Further concessions related to reading and writing may be granted in accordance with *White Paper 6*.
- (4) Other concessions may be granted such as where there is a learning area/subject clash on the timetable. These concessions must to be approved by the CD: NEA.

14. Absentees

A student who is unable to write (or complete) the examination for any reason will register for the next examination cycle of that particular year.

If an irregularity is under investigation, the Department may grant provisional entry to the student concerned, pending the outcome of the investigation.

15. Supplementary examination

- (1) If a candidate did not register for a subject in the main examination, he or she shall not receive permission to write the examination in that subject in the supplementary examination.
- (2) A supplementary examination will be granted under the following conditions:
 - (a) If a full-time or part-time candidate did not meet the minimum programme and certification requirements, as stipulated in the promotion requirements of the particular qualification, and therefore requires to obtain a Certificate, he or she may register on condition that he or she has met the minimum percentage of learning areas/subjects as stipulated in the examination and assessment guideline.
 - (b) In exceptional cases, candidates who are medically unfit, and as a result, are absent from one or more external examinations, may write the supplementary examination regarded as part of the same sitting.
 - (c) A candidate who provides documentary evidence that he or she qualifies for admission to a learnership, apprenticeship or higher education institution, but does not satisfy the requirements yet, and therefore wishes to improve his or her performance in the end-of-year examination, may register for the supplementary examination.
 - (d) Admission for a candidate to the supplementary examination in the case of death in the immediate family or other special reasons is at the discretion of the Department.

- (e) In the case of sub-paragraphs (a) to (d) above, the Internal Continuous Assessment and Integrated Summative Assessment marks obtained during the year of study will be used.
- (f) Should an irregularity at the centre be investigated, provisional entry may be granted to the candidate/s concerned, pending the outcome of the investigation.
- (g) Should it be necessary to support the reason for admission to the supplementary examination with documentary evidence, the Department shall request the manager of the institution to recommend or not recommend the admission of the candidate concerned.

CHAPTER 4

PREPARATION FOR THE COLLEGE EXAMINATION

16. Management plan relating to the examination

- (1) Assessment bodies will establish a clear and detailed management plan that covers the entire examination cycle that will include the following:
 - (a) Objectives or targets to be achieved pertaining to the examination process
 - (b) Steps and processes that will result in achieving said targets
 - (c) Appointment of responsible and accountable persons
 - (d) Time-frame
 - (e) A monitoring process
 - (f) A process to moderate and verify internal site-based assessment
 - (g) A process to identify report and deal with irregularities
- (2) Assessment bodies will develop a management plan in conjunction with key persons involved in the examination process.

17. Advance examination planning

- (1) Preparation for the final examination by the Department will commence no later than twelve (12) months prior to the examination, where possible.
- (2) Question papers will cover the curriculum adequately, as spelt out in the learning area/subject examinations and assessment guidelines, and the standard of the question papers will be acceptable to the Quality Councils.
- (3) The Department will determine the instructions and procedures to which the panel of examiners must adhere to.

18. The examination cycle

- (1) The examination cycle will commence with the appointment of examiners and internal moderators to set and moderate the examination question papers for the scheduled examination and conclude with certification.

- (2) The Department, the assessment bodies and Quality Councils will monitor the entire examination cycle in order to ensure that credible examinations will be delivered.

19. Examination timetable

- (1) The Department will develop an examination timetable for the examination that will be written in the learning areas/subjects registered by the South African Qualification Authority (SAQA).
- (2) The examination will be conducted in a particular year according to the examination cycle of a particular qualification.

20. Appointing examiners and internal moderators

- (1) The Department will appoint lecturers or other learning-area/subject experts as examiners in terms of Annexure B.
- (2) An assessment body will appoint an examiner or internal moderator for a maximum short-term contractual period of three years with an option to extend/renew the contract for another term. After the extension/renewal period the Department must advertise the examiner/internal moderator positions.
- (3) The Department will remunerate examiners and internal moderators for performing examination-related duties and compensate them for travel and subsistence expenses in accordance with the tariff determined by the Minister.
- (4) *Subsection 3* above will not apply to an independent assessment body.

A person appointed as an examiner or internal moderator shall declare whether his or her son, daughter, brother, sister or next of kin will be sitting for the examination during his or her period of appointment. If this is the case, such an examiner or internal moderator will be relieved of the responsibility to set or moderate examination question papers for that particular period.

- (6) The Director-General or his/her representative of the Department or the head of the independent assessment body will ensure that examiners or moderators do not participate in any activity that may compromise the confidentiality of the examination.
- (7) The examiner will perform the following duties:
- (a) Ensure that the examination question paper, SBA/ICASS/ISAT and corresponding marking guidelines are of the appropriate standard and quality
 - (b) Ascertain that an examination question paper and the Assessment Tasks
 - (i) conform to the Learning Area/Subject Examination and Assessment Guidelines for the various learning area/subjects in the particular qualification regarding the programme and promotion requirements
 - (ii) provide adequately for differentiation
 - (iii) includes questions addressing different cognitive levels
 - (c) Liaise with the Chief Examiner
 - (d) Submit a report to the Chief Examiner
- (8) The Chief Examiner will perform the following duties:
- (a) Give advice, support and guidance to Examiners.
 - (b) Moderate the examination question paper, Assessment Tasks and corresponding marking guidelines to ensure they are of an appropriate standard and quality.
 - (c) Ascertain that a question paper and the assessment Tasks
 - (i) conform to the learning Area/Subject Examination and Assessment Guidelines for the particular qualification regarding the programme and promotion requirements
 - (ii) provide adequately for differentiation
 - (iii) include questions addressing different cognitive levels

- (d) Recommend the necessary changes to the examination question paper, Integrated Summative Assessment Task and corresponding marking memorandum to the Department.
 - (e) Approve and sign off the finally agreed upon examination question paper, Integrated Summative Assessment Task and corresponding marking guidelines.
 - (f) Liaise with the External Moderator.
 - (g) Submit a report to Department.
- (9) The Internal Moderator will perform the following duties:
- (a) Moderate the examination question paper, Assessment Tasks and corresponding marking guidelines to ensure they are of an appropriate standard and quality.
 - (b) Ascertain that an examination question paper and the Assessment Tasks
 - (i) conform to the Learning Area/Subject Examination and Assessment Guidelines for the various Learning Areas/subjects listed in the particular qualification regarding the programme and promotion requirements
 - (ii) provide adequately for differentiation
 - (iii) include questions addressing different cognitive levels
 - (c) Recommend the necessary changes to the examination question paper, Assessment Tasks and corresponding marking guideline to the Department.
 - (d) Approve and sign off the finally agreed upon question paper, Assessment Tasks and corresponding marking guidelines.
 - (e) Submit a report to the Quality Councils.
 - (f) Chair the marking guideline discussions.

The assessment body and a Quality Council will have a clear programme relating to monitoring the national examination that will cover all stages of the examination process.

21. Responsibilities of chief examiners, examiners and internal moderators

- (1) The assessment body will ensure that

- (a) examiners set site-based/internal continuous assessment tasks and tools as well as the examination question papers with matching marking guidelines for all examination cycles and assessment processes, as well as an additional examination question paper that will serve as a backup examination question paper.
 - (b) the actual and back-up examination question papers are set at the same time in order to ensure that the standards across all three examination question papers are comparable.
 - (c) examination question papers conform to the unit standards and syllabi as spelt out in the learning area/subject examinations and assessment guidelines.
 - (d) an examiner or internal moderator complies with all instructions and deadlines issued by the assessment body and Quality Council.
- (2) Should a Quality Council rejects an examination question paper or SBAs/ICASSs, the assessment body may terminate the services of the internal moderator and/or the examiner responsible for the rejected question paper or SBAs/ICASSs.
- (3) An internal moderator or examiner appointed to a national panel of the Department may not serve on the examination panel of any independent assessment body.
- (4) The assessment body will ensure that the internal and external moderators approve all examination question papers.
- (5) Should a disagreement arise between the examiner and the moderator, the following procedure will be followed:
- (a) Should a disagreement arise between the internal moderator and the examiner
 - (i) the assessment body must attempt to mediate between the examiner and the internal moderator and
 - (ii) if consensus cannot be reached, the assessment body will make the final determination.
 - (b) Should a disagreement arise between the internal moderator and the external moderator, the Chief Executive Officer of a Quality Council must

- (i) mediate between the internal and external moderators and
 - (ii) if consensus cannot be reached, the Chief Executive Officer of a Quality Council will make the final determination.

- (6) The assessment body will comply with the requirements of a Quality Council with regard to the external moderation of examination question papers and SBAs/ICASSs.

- (7) The assessment body will provide examiners and internal moderators with guidelines for setting examination question papers or SBAs/ICASSs including the following:
 - (a) duration of the examination question paper or SBAs/ICASSs;
 - (b) maximum marks;
 - (c) number of examination question papers or SBAs/ICASSs;
 - (d) weighting of unit standards and taxonomies
 - (e) format of the examination question paper or SBAs/ICASSs;
 - (f) number of marks for a particular learning area/subject or sections of the examination question papers or SBAs/ICASSs; and
 - (g) checklist to complete after setting SBAs/ICASSs or question papers.
 - (h) monitor the conduct of the examinations and assessment.

- (8) Internal moderators will perform the following functions to:
 - (a) ensure that the standard and quality of the examination question paper or SBAs/ICASSs is appropriate and that the correct and accessible language is used.
 - (b) ascertain that an examination question paper
 - (i) conforms to the curriculum spelt out in the learning area/subject examinations and assessment guidelines.
 - (ii) provides adequately for differentiation.
 - (iii) includes questions addressing different cognitive levels.
 - (c) recommend the necessary changes to the examination question papers.
 - (d) approve and sign off the examination question papers or SBAs/ICASSs prior to printing.
 - (e) attend the marking standardisation meeting.

- (f) approve and sign off the finally agreed-upon marking guidelines, following the marking guidelines discussion (standardisation) meeting.
 - (g) moderate/verify the marked examination answer scripts.
 - (h) liaise with external moderators.
 - (i) provide examiners with advice, support and guidance.
 - (j) complete an internal moderation report for each SBA/ICASS or question paper moderated; and
 - (k) submit a report to the external moderator.
 - (l) monitor the conduct of the examinations and assessment.
- (9) The assessment body may appoint an internal moderator specifically to moderate examination answer scripts during the marking process. If the assessment body appoints an internal moderator, his or her functions may include the following:
- (a) moderating marked examination answer scripts to ensure compliance with the marking guidelines
 - (b) analysing students' responses to identify areas of weakness and areas of good performance
 - (c) compiling a composite report on the marking of examination answer scripts

22. Processing examination question papers

- (1) The assessment body will ensure that clear structures and procedures are in place regarding the typing, editing, translation, formatting, adaptation and printing of examination question papers.
- (2) Examination question papers will be submitted timeously to the external moderator to allow for
 - (a) thorough moderation
 - (b) changes
 - (c) adaptations
 - (d) the final duplication of the examination question papers

- (3) Examination question papers will be ready for external moderation at least three (3) to six (6) months prior to the commencement of the external examination.
- (4) The assessment body will process the examination question papers for the public examination in terms of Annexure D, and independent assessment bodies will comply with Quality Council requirements.

23. Printing, storage and distribution of examination question papers

- (1) The assessment body will ensure strict security with regard to the printing, storage and distribution of examination question papers at all times. Assessment bodies making use of external printing facilities or agents will do a detailed audit of such facilities and signed a detailed contract and Service Delivery Agreement (SDA) in order to protect the integrity of all examinations under its jurisdiction.
- (2) Each assessment body will select the distribution mechanism best suited to the college/centre examinations under its jurisdiction.
- (3) The assessment body will adhere, irrespective of the mechanism adopted, at all times to the following principles:
 - (a) The distribution chain must be as short as possible.
 - (b) The number of persons involved in the distribution process must be restricted to a minimum.
 - (c) The responsible officials must check the transfer of the examination question papers from one official to another carefully and sign upon receipt thereof.
 - (d) Should any discrepancies be detected during the transfer process, the responsible official must report this immediately to the head of the assessment body.
 - (e) All persons involved in the distribution process must sign a contract of confidentiality.
- (4) The assessment body will store and distribute question papers for the public examination in terms of Annexure F and independent assessment bodies will comply with Quality Council requirements.

CHAPTER 5

CONDUCTING THE EXAMINATION

24. Requirements for the registration of independent examination centres

- (1) Before an accredited private assessment body or the state may register an independent college as an examination centre, the college must be registered as a learning institution by the Department and will also be accredited by the relevant Quality Council.
- (2) A private college that has complied with the registration requirement set by the Department for registration as a college and accreditation by a Quality Council will apply to the relevant assessment body for registration as an examination centre under its own name.
- (3) The registration of private colleges as examination centres will also be determined by ascertaining whether the independent college fulfilled the requirements of either a public or a private assessment body accredited by a Quality Council.
- (4) The assessment body will register examination centres that have complied with all the requirements in accordance with the criteria stipulated in *this policy*.

25. Establishing and registering examination centres

- (1) The assessment body will register examination centres in accordance with the availability of the following:
 - (a) a suitable venue to accommodate students, that is, sufficient space and appropriate furniture to be used by students;
 - (b) a secure venue;
 - (c) proper lighting;
 - (d) water and toilet facilities;
 - (e) suitably qualified teaching/lecturing staff or members of the community who can be trained as invigilators;

- (f) a strong room or safe for the safekeeping of examinations and assessment materials;
 - (g) capacity to assess students experiencing barriers to learning;
 - (h) capacity to complete SBA/ICASS requirements, practical assessment tasks, and language oral assessment;
 - (i) reporting previous irregularities at the centre with specific reference to the nature and outcome of these irregularities.
- (2) An official from the assessment body will evaluate all examination centres to verify that the necessary facilities required to conduct the examination are available at these centres.
- (3) The following institutions will apply to the relevant assessment body for registration as examination centres under their own names:
- (a) private colleges; and
 - (b) the Department of Correctional Services.
- (4) The institutions contemplated in *subsection (3)* above will comply with these policies and the assessment body will apply the relevant monitoring and moderation procedures.
- (5) If the assessment body has approved the centre, institution or venue as an examination centre, the assessment body will issue a centre number to that effect.
- (6) Centres will apply and register as examination centres annually in October of the year prior to the examination.
- (7) The assessment body will ensure that strict security is in place with regard to the storage of examinations and assessment question papers and SBAs/ICASSs at all times.

26. Agreement between the Department and a private college

- (1) All private institutions who intend to offer the public examination will enter into a contractual agreement with the Department.

- (2) A *pro forma* contract between the Department of Higher Education and Training and an independent college is attached hereto as Annexure U.

27. Deregistering an examination centre

- (1) The assessment body will deregister an examination centre if the examination centre relocates from the premises approved by the assessment body to other premises.
- (2) When an examination centre relocates to new premises, it must follow the following procedure:
- (a) The onus is on the owner or management of the examination centre to inform the head of the assessment body timeously of the intention to relocate.
 - (b) The head of the assessment body or his or her representative shall inform the owner or management of the examination centre in writing of the procedure the owner or management must follow.
 - (c) If the application for the registration of the examination centre at the new premises is unsuccessful, the head of the assessment body or his or her representative will give notice to the owner or management of the centre of his or her intention to deregister the centre.
 - (d) The owner or management of the examination centre will respond to the notice given by the assessment body within 14 days from the date of issue and furnish reasons why the centre should not be deregistered.
 - (e) The head of the assessment body will consider such representation and make a final decision on whether the examination centre should be closed down or not.
 - (f) The head of the assessment body will convey this decision in writing to the owner or management of the examination centre.
- (3) The assessment body may also deregister an examination centre if there is evidence that the integrity of the examination has been undermined at the centre.
- (a) The assessment body will deregister an examination centre if
 - (i) examination question papers and SBAs/ICASSs in the care of the centre are compromised.

- (ii) examination question papers are opened prior to the examination time or date.
 - (iii) internal SBA/ICASS marks are fabricated.
 - (iv) the centre allows imposters to write the examination.
 - (v) if there is evidence of any other serious irregularity that warrants deregistration.
- (b) The assessment body will implement the following procedure if it finds evidence that irregular practices have occurred at an examination centre:
- (i) Officials of the assessment body must investigate reported irregularities.
 - (ii) If clear evidence of an irregularity emerges from an investigation, the assessment body must institute disciplinary action and take steps to deregister the centre.
 - (iii) The assessment body must inform the owner or management of the examination centre in writing of the intention of the head of the assessment body to close down the centre due to the irregularities.
 - (iv) The owner or management of the examination centre must respond to the notice received from the assessment body within 14 days from the date of issue and must furnish reasons why the examination centre should not be closed down.
 - (v) The head of the assessment body must consider such representation before making a final decision whether or not to close the examination centre down.
 - (vi) The assessment body's decision to close the examination centre down must be communicated in writing to the owner or management of the examination centre.
- (4) Maladministration
- (a) An assessment body may deregister an examination centre if maladministration at the centre results in any advantage or disadvantage to students, affects the integrity of the examination, or impacts negatively on the ability of the centre to render an examination service.

- (b) The assessment body will implement the following procedure if maladministration occurs at an examination centre:
- (i) The owner or management of the relevant examination centre will be informed within a specified period in writing of the situation and will be given an opportunity within two (2) months to rectify the matter.
 - (ii) If maladministration at the centre continues, the assessment body may place the centre on probation for a period not exceeding one academic year.
 - (iii) If the owner or management of the examination centre once again demonstrates an inability to administer the examination process adequately during the probation period, the assessment body may deregister the centre at the end of that academic year.
 - (iv) If maladministration takes place during an examination, the assessment body may place the examination centre under the administration of the assessment body until further notice.

28. Appointment and duties of chief invigilators and invigilators

- (1) Assessment bodies will ensure that they appoint all chief invigilators and invigilators in writing and that they receive the appropriate training, as set out in Annexure H.
- (2) Everyone involved in conducting, administrating and managing the examination will sign the declaration of confidentiality form, as contemplated in Annexure H.
- (3) Chief invigilators will perform specific examination duties, as contemplated in Annexure H.
- (4) Each student will show proof of identity and produce a letter of admission/examination permit before entering the examination room, as contemplated in *paragraph 9* of Annexure H.

- (5) Invigilators will ensure that each student produces his or her letter of admission as well as proof of his or her identity upon admission to the examination room.
- (6) A student who fails to produce the required documents, that is a letter of admission and proof of identity
 - (a) will be allowed to sit for the examination but will have to present such document/s to the invigilator after the examination, as contemplated in Annexure H.
 - (b) Should the student fail to provide the required documents, the normal procedure pertaining to irregularities will be followed, as contemplated in Annexure H.
- (7) Each student who has registered for the examination will sign an attendance register for each learning area/subject written, as contemplated in *paragraph 7* of Annexure H.
- (8) The Department will deal with a student who does not present himself or herself on time for an examination in terms of Annexure H.
- (9) Late arrival will **not** be permitted once the examination has commenced. Candidates must be seated 30 minutes before the commencement of the examination and doors will be closed 15 minutes prior to the examination session to allow invigilators to read the rules and 10 minutes for reading time. Candidates who arrive 15 minutes before the start of the examination may be accommodated outside where the rules are read to them and may be permitted to enter at the **start** of the examination, in other words, at 09:00. Or 14:00 for an afternoon session.

29. Information to students

- (1) The Department will provide general examination instructions to students in writing at the commencement of the examination, and all students will sign to confirm that they received and accepted these instructions.

- (2) The chief invigilator and/or invigilator will ensure that the examination question papers and examination scripts are handled in terms of the requirements contemplated in Annexure H.
- (3) The Department will also provide students with clear written instructions regarding specific examination question papers, where necessary.
- (4) All examination question papers that are not in English will include an instruction page in English as well as in the language of the particular examination question paper.
- (5) The invigilators will allow a period of ten minutes before the official commencement of the examination to enable students to read the examination question paper in addition to the time allocated for reading any instructions that may be necessary.
- (6) No student will be allowed to start writing during this initial reading period.
- (7) If students are required to answer only a selected number of questions from those included in an examination question paper, and the students answer more than the required number of questions, only the first required number of questions will be marked. This stipulation will apply provided the instructions on the relevant examination question paper in this regard were explained clearly.
- (8) Invigilation during the public examination will be conducted in accordance with the requirements contemplated in Annexure H.
- (9) Invigilators may make concessions to students who experience barriers related to deafness, aphasia and dyslexia in terms of Annexure H.
- (10) The chief invigilator will be responsible for packaging the examination answer scripts and the completed mark sheets, and public assessment bodies will adhere to this in terms of Annexure H. Independent assessment bodies will have similar procedures in place.

- (11) The chief invigilators will handle the return of examination answer scripts to the assessment body or any other collection point with the same care and security they used to handle the examination question papers (Annexure J).

30. Monitoring the national examination

- (1) The main function of monitoring will be to ensure that assessment is fair, valid and reliable and complies with directives issued by The Department and the Quality Council in terms of these Regulations and sections (17) and (18) of the *General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001)*.
- (2) It will be the responsibility of Regional Offices/DHET to develop and implement monitoring guidelines and to implement such a process.
- (3) All Regional Offices will establish a structure to monitor the National examinations under the jurisdiction of the Department.
- (4) The Department will determine the composition of monitoring teams.
- (5) Monitoring will cover all stages of the examination, commencing with the preparatory phase and concluding with the release of the results.
- (6) The monitoring team will visit examination centres while the examination is in progress and will report on, amongst others, the following:
- (a) Security
 - (b) General management of the examination
 - (c) Invigilation
 - (d) Condition of examination rooms
 - (e) Identification of candidates
 - (f) Seating of candidates
 - (g) Ten (10) minutes reading time
 - (h) Return of examination answer scripts

- (7) The monitoring team will also monitor the marking process, including the memorandum discussion, and will also visit the marking centres to observe the marking process.
- (8) The Department will monitor the implementation of internal and external assessment practices at regional and college level.

31. Visits by monitoring teams to examination centres

Monitoring teams such as those from the Department, Quality Councils, colleges and the regions will coordinate their visits to ensure that monitors do not overwhelm some centres while other centres are not monitored at all.

Examination centres that were flagged in the past as problematic compared to those with a good track record should receive more visits.

CHAPTER 6

RECORDING AND REPORTING ASSESSMENT FOR A PARTICULAR QUALIFICATION

32. Scale of achievement

- (1) When preparing an assessment task/question paper, an examiner/assessor will ensure that the task/question paper addresses all aspects related to the curriculum.
- (2) The Examination and Assessment Guidelines for the various qualifications describe the levels of competence for each learning area/subject. These descriptions will assist lecturers to assess candidates and place them at the correct level. Lecturer/Examiners may work from mark allocation/percentages to rating codes, or from rating codes to percentages. However, the final mark on the official Department of Higher Education and Training mark sheet will be reflected as an exact percentage.

CHAPTER 7

THE MARKING PROCESS

33. Appointment of marking officials

- (1) The head of the assessment body or his/her representative will be responsible for appointing markers.
- (2) The head of the assessment body or his or her representative will determine and approve the appointment of markers at public marking centres in terms of the criteria determined by the Minister and any other additional criteria.
- (3) The process of appointing markers will commence at least three (3) months prior to the commencement of the specific marking session to allow for verification of markers' credentials and training for markers, should the latter be necessary.
- (4) The Department of Higher Education and Training and the employers of persons applying for the position of markers will verify the information provided by applicants in writing.
- (5) Any person appointed as a marking official will provide a written declaration to the head of the assessment body or his or her representative stating whether he or she has an immediate relative sitting for a particular examination in his or her examination cycle. After providing such a declaration, the assessment body will allow the specific official to mark examination question papers but will not allow him or her to mark the examination answer script of the College where he/she is employed.
- (6) An assessment body will select an additional marker if an appointed marker fails to report for duty. The Department of Higher Education and Training will ensure that there is a reserve list of markers selected in each learning area/subject.
- (7) The DHET will appoint markers for each examination cycle

- (8) The relevant head of the assessment body or his or her representative will chair panels to recommend for appointment of markers.
- (9) The assessment body will issue circulars, directives and guidelines from time to time regarding the appointment of marking personnel and the marking process.

34. Establishing and managing marking centres

Each assessment body will have criteria pertaining to the establishment and management of marking centres.

35. Marking centres

- (1) Before selecting a marking venue, an assessment body will consider the following aspects:
 - (a) marking space
 - (b) catering facilities
 - (c) overnight accommodation (if required)
 - (d) security
 - (e) a suitable scripts storage and control centre
 - (f) ICT facilities
 - (g) water, electricity and other basic facilities available
 - (h) parking space
- (2) Should the number of officials exceed six hundred (600), the assessment body may adopt a decentralised approach to marking.
- (3) Marking may be decentralised in terms of geographic regions or in terms of groups of learning areas/subjects.
- (4) If an assessment body determines that a learning area/subject should be marked at more than one venue, it will establish special measures to ensure that a common standard of marking is applied.

- (5) The control centre will form the heart of operations at the marking centre and may divide the control of mark sheets and examination answer scripts at the control centre into three phases, namely:
- (a) Phase one
 - (i) This phase will entail an audit of all mark sheets and their respective examination answer scripts at the marking centre.
 - (ii) The control centre will manually generate mark sheets in a case where marksheet is missing

 - (b) Phase two
 - (i) Chief markers will sign a control list when the control centre issue examination answer scripts to them, and again when they return the examination answer scripts to the control centre
 - (ii) The control centre will check control lists to establish whether the chief markers have returned all the examination answer scripts

 - (c) Phase three

The control centre will:

 - i. make copies of the completed mark sheets that have been returned by the chief markers.
 - ii. send the original mark sheets for data capturing
 - iii. scan all mark sheets.
 - iv. capture the marks from the examination answer scripts if they got lost
 - v. do not use mark sheets. (manually generated mark sheets must be created in phase one)

36. Marking procedures

- (1) The public assessment body will formulate marking procedures clearly, as contemplated in Annexure L.

- (2) The assessment body may release the marking guidelines and examination question papers of a particular examination to interested parties at the end of three months after the examination was written on the Department of Higher Education and Training's website.

- (3) Markers may commence marking in one learning area/subject or in selected learning areas/subjects while the examination is still in progress or may commence marking at the end of the examination.

CHAPTER 8

PROCESSING MARKS

37. Processing marks

The assessment bodies will establish or will have access to a fully-fledged and compatible information technology system/unit.

38. Capturing marks by trained staff

- (1) Specially trained staff will capture the marks obtained by students as reflected on the mark sheets or on the examination answer scripts.
- (2) Trained staff will verify all data by following the double capture method.

39. Standardisation

- (1) A Quality Council will be responsible for mark adjustments in conjunction with the assessment bodies.
- (2) A Quality Council will determine the data and evidence required for standardising results.
- (3) Assessment bodies will present recommendations regarding the standardisation of marks, together with clear motivations to a Quality Council for consideration.
- (4) A Quality Council will be responsible for standardising marks and its decision in this regard will be final in all cases.

40. Release of results and confidentiality

- (1) The Minister will decide on the date for the release of the results of the national examination.

- (2) The date contemplated in *subsection (1)* above will be subject to a Quality Council's approval of the results.
- (3) All parties involved in the release of the results of public and private colleges will comply with the directives regarding the release of examinations determined by the Department.
- (4) The data of the examination results of public and private colleges that wrote the public examination will remain the property of the Department, and these data results will be given solely for the purpose of informing students of their achieved examination results.
- (5) Researchers, individuals and non-governmental organisations may receive information regarding examination results on approval of the Director-General of the Department.
 - (a) Each person or organisation who receives examination result data will
 - (i) keep all information (written, electronic format and oral) confidential.
 - (ii) not disclose, without the written consent of the Department any information in whole or in part to any person.
 - (iii) use examination results data solely for the purpose stated in the relevant agreement with the Department.
 - (iv) comply with the provisions of the *Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)* and the *Protection of Personal Information Act, 2013 (Act No. 4 of 2013)*.
 - (b) All electronic examination result data provided to a third party will be destroyed after a six-week period.
 - (c) The Department will monitor compliance

40. Recording and reporting

- (1) The lecturers who assess learning for promotion or certification (summative assessment) will record the two "components of assessment", that is, the portfolio of evidence (site-based/continuous assessment) and the examination

(external assessment), and each component will be allocated a weighting as stipulated in the promotion and certification requirements of the particular qualification. The lecturers will record these two components separately and will aggregate them to a percentage.

- (2) The lecturers responsible for marking will record the marks of the individual components of the student portfolio and will check these marks to ensure that the totals of all learning areas/subjects are correct.
- (3) Each student will have a record of learning.
- (4) These files will be maintained in a secure and safe location.
- (5) The Minister may release a comprehensive report after the release of the examination results.
- (6) The Department will issue students with a learning area/subject certificate in cases where they have not fully satisfied all the requirements for an examination. After a student has satisfied all the requirements for a particular qualification, the Department will issue him or her with the relevant certificate.

CHAPTER 9

RE-MARKING, RE-CHECKING AND VIEWING EXAMINATION ANSWER SCRIPTS

41. Viewing, re-marking and re-checking examination answer scripts

- (1) The following will be applicable with regard to the re-marking and re-checking of examination answer scripts:
 - (a) A student may apply for the re-marking or re-checking of his or her examination answer scripts within fourteen (14) calendar days of the official release of the examination results.
 - (b) This will apply to all examination cycles.
 - (c) A student may obtain an application form or directives for re-marking or re-checking of an examination answer script from any examination centre.
- (2) The Department may prescribe a non-refundable fee for re-marking and re-checking.
- (3) The Department will communicate the prescribed fee on the statement of results.

42. Viewing examination answer scripts

- (1) Subject to the provisions of the *Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)*, the student, the student's parent/s, guardian/s or his/her/their representative will be allowed to view the examination answer script of such student.
- (3) Should a student not be satisfied with his or her results obtained in a particular learning area/subject, the Department of Higher Education and Training will allow him or her to view the relevant examination answer script in order to satisfy him- or herself that marking was done.
- (4) Viewing of scripts will be done under the following conditions:
 - (a) The candidate or his or her parents or legal guardian/s may request in writing providing clear reasons for the request to view an examination

answer script after the release of the re-marking process if the student is still not satisfied with the results.

- (b) The student or his or her parents will apply to view the examination answer script within seven (7) days of the release of the re-marked results and will provide clear reasons for this request.
- (c) The student or his or her parents may view the examination answer script in the presence of an examination official appointed by the Department of Higher Education and Training and he/she may not remove the examination answer script from the viewing room.
- (d) The examination official appointed by the the Department will not allow any other documents, except the student's examination answer into the room where the viewing is to take place.
- (e) The examination official will not allow anyone to write on the examination answer script during the viewing process.
- (f) A student who wrote the public examination and viewed his or her examination script may apply to the Minister or his/her nominee for a final re-mark.
- (g) The decision of the Minister or his/her representative or a Quality Council will be final.
- (h) For externally marked subjects/learning areas the viewing of scripts is conducted at the Department of Higher Education and Training head office and for internally marked subjects/learning area at the examination centre where the candidat wrote.

CHAPTER 10

IRREGULARITIES

43. Dealing with irregularities

- (1) The Minister will establish a National Examination and Assessment Irregularities Committee to maintain the credibility of the examination.
- (2) The Head of a Region may establish a College Examinations and Assessment Irregularities Committee to investigate irregularities and to make recommendations to the Head of Department.
- (3) Regions must establish Centre/Campus Examination and Assessment Irregularities Committees whose function will be to support and co-ordinate the management of irregularities at campus/centre level.
- (4) Independent assessment bodies will establish appropriate structures to manage irregularities.
- (5) The various Examination Assessment and Irregularities Committees will take the following steps regarding a student who wrote the public examination and who is suspected of committing an irregularity:
 - (a) The Examination and Assessment Irregularities Committees will establish whether the irregularity was caused by the conduct of the relevant student or by that of another person.
 - (b) If the irregularity pertains to one of the examination question papers of a specific learning area/subject, the results of that learning area/subject as a whole will not be released but this will not affect the release of the results of other learning areas/subjects.
 - (c) If the irregularity had not been caused by the student's actions and the student did not gain any advantage as a result of the irregularity, the examination answer script will be marked and marks will be allocated, as set out in the marking guideline, and the results will be released.
- (6) A student who attends an irregularity hearing may choose to be represented by a legal practitioner.

- (7) Should a student decide to be represented by a legal practitioner, the Department will be informed of this intention ten (10) working days before the hearing to allow the Department of Higher Education and Training to ensure that the Department is appropriately represented at the hearing.
- (8) If the Department requires that an official represents himself or herself at a disciplinary or an irregularity hearing, a union representative may attend such hearing as an observer.

44. Release of results under investigation

- (1) Assessment bodies will ensure that all irregularities are finalised before the release of the results, where possible.
- (2) If the nature of an irregularity is such that it will not be finalised before the results are released, the results of the relevant student/s will be withheld, pending further investigation.
- (3) If an Examination and Assessment Irregularities Committee should find a student guilty of an irregularity in one learning area/subject, it will withhold only the results of that learning area/subject.
- (4) Should an Examination and Assessment Irregularities Committee find a student guilty of an irregularity, the relevant Committee will have the irregularity recorded on the computer system, and the Committee will make such information available to all assessment bodies.

45. Details: dealing with irregularities

See Annexure N for details on managing irregularities committed by candidates and officials in public and independent colleges opting to write the public examination. Independent assessment bodies will establish appropriate procedures, as contemplated in Annexure N and aligned with Quality Council directives, to manage irregularities pertaining to the alleged irregular conduct, administration and management of the internal assessment and external examination components of the Qualification.

CHAPTER 11**SECURITY AND CONFIDENTIALITY****46. Security and confidentiality**

- (1) Assessment bodies will take every reasonable step to ensure the security and confidentiality of the following:
 - (a) examination question papers
 - (b) examination answer books
 - (c) examination answer scripts
 - (d) mark sheets
 - (e) other assessment documents
 - (f) the IT system and database

- (2) Assessment bodies will take effective security and confidentiality measures regarding the following areas of the examination process:
 - (a) setting and moderating examination question papers
 - (b) printing examination question papers
 - (c) storing the final printed examination question papers, as well as the printed back-up examination question papers
 - (d) persons entering or exiting restricted examination administrative areas
 - (e) the assessment bodies handing over examination question papers
 - (f) distribution of examination question papers and transfer of examination answer scripts to and from examination centres
 - (g) marking processes
 - (h) storing examination answer scripts of students under investigation
 - (i) maintenance of the IT system

- (3) All officials involved in managing and administering the examination process will sign the security and confidentiality agreement relating to examination matters.

- (4) Employees involved in the examination, and who have immediate relatives in that particular examination, will disclose such information to the relevant assessment body within a period of 12 months before the examination commences.

- (5) The head of the assessment body will make a decision with regard to the involvement of an official referred to in *subsection (4)* above in the examination for that particular year.

47. Outside agencies or institutions

It is the responsibility of the assessment body to decide whether to use an outside agency or institution in the examination process, and they will take issues related to security, cost-effectiveness and capacity building into consideration before they decide to engage an outside agency or institution.

CHAPTER 12

ACCESS TO EXAMINATION AND CERTIFICATION INFORMATION

48. Access to examination information

- (1) The Minister will be the custodian of examination data, and the Director-General or his/her representative will approve access to examination data by members of the public.
- (2) Assessment bodies will ensure that all examination material is archived properly to allow for easy retrieval of such material for at least six (6) months after the relevant examination.
- (3) Assessment bodies will keep all examination answer scripts and other examination-related documentation for at least six (6) months from the date of the release of the relevant examination results.
- (4) Public assessment bodies may shred examination answer scripts after this period of six (6) months unless litigation is still pending or if an investigation into examination irregularities has not been finalised.
- (5) Marksheets to be kept for at least 24 months from the release of the results

49. Access to certification information

- (1) The assessment body will submit approved student records for certification to a Quality Councils, subject to the directives issued by a Quality Councils.
- (2) The assessment body will manage the certified certification records and transfer these records to the historical certification records of the Department and SAQA.
- (3) The Department will ensure that back-up copies of the historical certification records of public assessment bodies are available.
- (4) The assessment body will ensure stringent security measures when

- (a) queries are submitted
 - (b) results are compiled
 - (c) results are verified
- (5) The assessment body will establish secure methods, measures and procedures to ensure safekeeping of examination records.

50. Accessibility of examination and certification information

Assessment bodies will ensure the filing of examination answer scripts according to learning area/subject examination question papers, and in centre order for the purposes of re-checking, re-marking, viewing or the resolution of queries.

CHAPTER 13

HISTORICAL RECORDS (ARCHIVING) AND DATA RETENTION

51. Historical certification records and data retention

- (1) Copies of historical certification records of students who wrote the public examinations are a national asset and are the responsibility of the Department of Higher Education and Training.
- (2) In terms of the *National Archives of South Africa Act, 1996 (Act No. 43 of 1996)*, the original documents of the assessment and certification process will form part of the national filing system.

52. Access to historical records

- (1) Access to historical records will form an integral part of the functions of any examination section.
- (2) Assessment bodies will provide a computer infrastructure to enable access to the centralised historical database.
- (3) Assessment bodies will use the historical records in case of queries, to compile results, and to prepare data for verification by SAQA/Quality Councils with respect to the issuance of replacement certificates.

CHAPTER 14**MINIMUM REQUIREMENTS FOR AN EXAMINATION COMPUTER SYSTEM, AND
DOCUMENTS AND DOCUMENT CONTROL PERTAINING TO THE
EXAMINATION SYSTEM****53. Minimum requirements for an examination computer system**

- (1) The Department or the accredited independent assessment body will establish minimum requirements for a computer programme to be used for the examination process.
- (2) Annexure T will contain a guideline for establishing such minimum requirements.
- (3) The Department or the accredited independent assessment body will develop user requirement specifications that must be in line with Quality Council specifications in order to facilitate certification.

54. Documents and document control pertaining to the examination system

- (1) Documents and reports printed by the computer system relating to the examination will be the responsibility of the assessment bodies.
- (2) The head of the assessment body or his or her representatives will check all signatures and information on documents printed by the computer system for correctness.
- (3) The computer system's documentation will be the property of the relevant assessment bodies and will be available to them.
- (4) The assessment bodies will use documentation information for reference purposes and to maintain and further develop the computer system.

CHAPTER 15

EXAMINATION BOARDS

55. Establishing examination boards

The following examination boards may be established on a date determined by the Minister:

- (1) National Examination Board to advise the Minister on all matters relating to the national examination and assessment

CHAPTER 16**AMENDMENT OF THE NATIONAL POLICY ON THE CONDUCT OF ADULT EDUCATION AND TRAINING (AET) LEVEL 4 EXAMINATIONS, NATED REPORT 190/191 AND NATIONAL CERTIFICATE (VOCATIONAL) SHORT TITLE AND COMMENCEMENT****56. Amendment of policy on the conduct of Adult Education and Training (AET) Level 4 examination, Nated Report 190/191 and National Certificate (Vocational) (NCV)**

- (1) On the date of publication of this policy in the Gazette, all policies relating to the national policy on the conduct, administration and management of the
- (2) Adult Education and Training (AET) Level 4 examination, Nated Report 190/191 and the National Certificate (Vocational) (NCV) will be repealed and substituted by this policy.

57. Short title and commencement

- (1) This Policy shall be called a Policy pertaining to the Conduct, Administration and Management of the Examinations of Colleges, Established, Declared or Registered in terms of the Continuing Education and Training Act, 2006 (Act no 16 of 2006) and shall come into operation on publication in the Gazette.

ANNEXURE A

ADMINISTRATIVE ISSUES RELATING TO SITE-BASED ASSESSMENT (SBA)/INTERNAL CONTINUOUS ASSESSMENT (ICASS), PRACTICAL ASSESSMENT TASKS (PAT) AND LANGUAGE ORAL MARKS

1. PRESENTING SITE-BASED ASSESSMENT (SBA)/INTERNAL CONTINUOUS ASSESSMENT (ICASS)

- (1) All students will have a site-based assessment (SBA)/internal continuous assessment (ICASS) mark for each learning area/subject presented for the examination.

2. INCOMPLETE RESULTS

- (1) The Department will regard a student's results as incomplete if he or she did not submit any assessment tasks of the site-based/internal continuous assessment and/or a practical assessment task, a practical assessment or a language oral mark without providing a valid reason, implying that the student did not submit any assessment tasks specified for site-based/internal continuous assessment, practical assessment task, practical assessment or language oral requirements. In this case, the Department will indicate a code "444" on the mark sheet.
- (2) The student will therefore not receive results in the relevant learning area/subject since he or she did not satisfy the requirements of the particular qualification or part qualification, and will therefore not qualify for a certificate or diploma. In this case, the mark sheet will indicate code "444".
- (3) In this case, the student must repeat the learning area/subject in the subsequent examination, but not in the supplementary examination. Should a student fail to repeat the relevant learning area/subject in a subsequent examination, he or she will not qualify for a certificate until he or she meets the outstanding requirements for the qualification.

3. OUTSTANDING MARKS

- (1) The Department will regard a mark as outstanding if it did not establish a reason for the outstanding mark during the capturing process. The mark sheet

will indicate a code “777”, meaning an outstanding mark. The Department will finalise an outstanding mark as soon as possible, and will replace the “777” code with either a mark, a “444” code (absent) or a “999” code.

- (2) If the student was absent at the examination based on valid reasons, the Department will indicate a code “999”. The student will submit the outstanding site-based/internal continuous assessment, practical assessment tasks, practical assessment or language oral marks within the stipulated three-month period to the Department, and the results for the learning area/subject will be regarded as incomplete. In such an event, the student will not receive a result since he or she did not satisfy the requirements of the qualification. Should the student not submit the site-based/internal continuous assessment tasks and/or practical assessment tasks/language oral marks within the stipulated period, the Department will change the code “777” to “444”.

4. STATISTICAL MODERATION OF SITE-BASED/INTERNAL CONTINUOUS ASSESSMENT MARKS

- (1) The Department will moderate all site-based assessment/internal continuous assessment and practical assessment tasks/language oral marks statistically, based on the norm determined by the Quality Councils. The Quality Councils will articulate this norm as a formula for the statistical moderation process. The Department will ensure that the computer system is programmed to process the marks in accordance with this formula. The final responsibility, however, rests with Quality Councils to verify the accuracy of the statistical moderation process on the IT system.
- (2) The Department will remove those students' site-based/internal continuous assessment marks and/or practical assessment task/language oral marks from the moderation process that is outstanding, absent or have not been finalised when statistical moderation takes place. The Department will leave the examination results of these students initially out of the moderation process, and the Department will calculate moderated marks at a later stage, using information from the rest of the group.

ANNEXURE B**CRITERIA FOR THE APPOINTMENT OF EXAMINERS AND INTERNAL MODERATORS:**

The following minimum criteria shall apply with regard to the selection and appointment of examiners (for setting and moderating examination question papers and accompanying marking guidelines/memoranda) and internal moderators:

- (1) The Department will include advertisements for the posts of examiners and internal moderators for the public examination in a departmental circular.
- (2) The Department will appoint a selection panel for the examination, and will allow lecturer/teacher unions who are members of the Education Labour Relations Council (ELRC) or such applicable Council observer status on such a panel.
- (3) The following minimum criteria will apply in respect of the selection and appointment of Examiners and Moderators:

The appointee must

- (a) be in possession of at least a recognised three-year post-matric qualification that must include the relevant learning area/subject at second or third-year level.
- (b) have extensive experience as a lecturer/teacher in the particular learning area/subject or in a related area/subject, and at least five (5) years lecturing/teaching experience at the appropriate level.
- (c) have experience as a marker.

ANNEXURE C

EXAMINATION PANELS

1. The Department will recommend the appointment of two to four examiners to set an examination question paper to maintain the appropriate standard for a specific learning area/subject, and to allow the inclusion two to four experts' perspectives in the particular learning area/subject when examiners set the examination question paper.
2. A panel system will have the following advantages:
 - (a) It will provide for capacity building by including one or two persons lacking prior experience in setting examination question papers.
 - (b) A chief examiner will be appointed to a panel of examiners.
 - (c) The chief examiner will take final responsibility for the quality and standard of the examination question paper.
3. Binding contracts will be signed between the examiners and the Department or the assessment body.

ANNEXURE D

PROCESSING EXAMINATION QUESTION PAPERS

1. Typing examination question papers

- (1) A team of selected staff members, consisting of not more than four to five typists and supervised by a chief typist, will type examination question papers.
- (2) The typists will type on their personal computers, not linked to an external network, and will type all the examination question papers in a restricted area.
- (3) A senior staff member will supervise the typists typing the examination question papers. The typists will clear the hard disks and transfer the content on the hard disks to other relevant media, such as compact discs (CDs). The senior staff member will then lock away the compact discs daily.
- (4) Typists will type examination question papers in terms of the security measures, as contemplated in this policy.

2. Editing examination question papers

- (1) Language editors, appointed specifically by the Department for this purpose will edit the examination question papers.
- (2) Alternatively, a select group of learning-area specialists will carry out this function and they will complete and sign the contract of confidentiality.
- (3) The chief examiner and editors will be responsible for final editing, and he or she, together with the internal moderator, will sign it off, certifying that he or she has checked the relevant examination question paper in every respect, and that the examination question paper is ready for printing.
- (4) Language editors will edit examination question papers in terms of the security measures, as contemplated in Section 46.

ANNEXURE E**PRINTING, PACKING AND PACKAGING EXAMINATION QUESTION PAPERS**

Should external agencies be used for printing, the agency concerned will be fully investigated/evaluated by the assessment body to ensure that strict security is in place and high quality printing is guaranteed. A detailed contract and service-level agreement will be signed between the Department and the printing provider.

ANNEXURE F

DISTRIBUTION OF QUESTION PAPERS

1. DELIVERY OF QUESTION PAPERS AND RETRIEVAL OF SCRIPTS

- (1) A Delivery Point (DP) model for the delivery of question papers and script retrieval for public college examinations will be followed.
- (2) Question papers will be delivered in two weekly consignments to the designated delivery points established at public colleges **only**.
- (3) Identified and designated examination centre officials from public and private colleges as well as Department of Correctional Services (DCS) centres will collect question papers daily for their centre/s from the specified delivery point within ninety (90) minutes of the commencement of the first examination written at that particular examination centre.
- (4) Identified and designated examination centre officials will hand over all the question papers written at that particular examination centre on that day at that point.
- (5) Identified and designated examination centre officials will sign a Daily Handover Register will be signed for the daily handover of question papers.
- (6) A thorough verification of the identification and appointment documents of the identified and designated examination centre officials will be conducted at the delivery point prior to the handover of any question papers.
- (7) The question papers received from the delivery point will be transported securely, for example, in the boot of a sedan vehicle or inside the lockable canopy of a van.
- (8) Question papers will not be visible through the windows of a vehicle. The question paper package will be transported directly to the examination venue and locked in the strong room until they are taken into the examination venue.
- (9) The examination centre officials entrusted with the collection of question papers may not take any detours to run errands en route to and from the examination centre.
- (10) Question papers secured in the strong room of an examination centre will be the direct responsibility of the Chief Invigilator who must ensure that they are secure and that no unauthorised person has access to the strong room while the examinations are written.

- (11) The strong room manager will maintain a register of all the question papers stored in the strong room, and if any question paper package is removed from the strong room, both the Chief Invigilator and the recipient of the question papers will sign for the package.
- (12) It is important that the strong room manager maintain a paper trail regarding the movement of all question papers prior to and during the writing session.

2. Establishment of Delivery Point (DPs)

- (1) DPs will be approved and introduced at the public TVET Colleges only.
- (2) DPs will cater for all qualifications, whether semester, trimester or year courses.
- (3) DPs will be assigned to either the central office or campus (es) of the college.
- (4) The geographical location, traffic congestion and rural/urban factors will determine the number of DPs per TVET College.
- (5) All private colleges and Department of Correctional Services centres will be linked to a Distribution Point at a public college.

3. Delivery Model

- (1) The current model will provide for dispatching only three/four consecutive examination dates at a time.
- (2) The courier will receive a maximum of three (3) days to deliver a consignment to all the DPs throughout the provinces.
- (3) Dedicated full-time TVET College staff will take responsibility for the question papers at DPs.
- (4) All private colleges and other public campuses as well as DCS centres will be linked to DPs to collect their question papers daily during examinations (within 90 minutes prior to the commencement of the writing session).
- (5) All answer scripts will be returned daily to the DPs (within 60 minutes after completion of the last session on that day).
- (6) The service provider has undertaken to ensure that question papers are on time when they deliver twice a week, meaning that they will deliver question papers for three/four consecutive days to DPs one day before the first of the three days' papers are written.

4. NON-DELIVERY OF QUESTION PAPERS

- (1) Should an examination centre that requires question papers not receive them in time for a subject(s) examination to be written, the examination centre manager will immediately contact the responsible official at the Chief Directorate: National Examination and Assessment directly. Examination centre managers will refer to the Chief Directorate: National Examination and Assessment directory to identify the official they should contact in this regard.
- (2) The assessment body will follow strict control measures before the release of a question paper to a centre that has not received the question paper/s on the day of an examination, in other words, the assessment body will verify the Examinations IT system to determine whether candidates at the examination centre registered legitimately for the subject.
- (3) Once the assessment body confirms this, it will dispatch an electronic copy of the question paper to the examination centre.
- (4) The affected examination centres will then have to print the required number of question papers in accordance with the enrolment statistics for the subject concerned.
- (5) The time allocation for writing the subject will be adjusted accordingly so that no candidate is disadvantaged because of the late commencement of writing the examination.
- (6) The Chief Invigilator will record such an incident and report it in both the Daily Conduct Report and the Irregularity Register.
- (7) Should there be an insufficient number of question papers in the satchel for a subject, examination centres will have to print the additional copies required after the commencement of the examination session, in other words, the Chief Invigilator will first open question papers in front of the candidates.
- (8) Where necessary, the Chief Invigilator will allow additional time to make up for time missed to ensure that no candidate is disadvantaged due to the delay in starting the examination session.
- (9) The Chief Invigilator will record such incidents in both the Daily Conduct Report and the Irregularity Register.

5. RELEASE OF MARKING GUIDELINES

- (1) All college examination centres on the mailing list will receive the marking guidelines for learning areas/ subjects that are marked internal within 72 hours after the writing session of a question paper has elapsed.
- (2) For question papers written on a Friday, the marking guidelines will be released on the following Tuesday.
- (3) It will be the responsibility of the college examination centre to ensure that all markers receive the marking guidelines.
- (4) Queries regarding marking guidelines not received will be directed via the Deputy Principal: Academic or College Examination Officer, and not via individual examination officers at centre level to the responsible official at the Chief Directorate: National Examination and Assessment for assistance (CD: NEA Directory).
- (5) Should any centre commence with marking scripts without having received the officially approved national version of the marking guideline from the Chief Directorate: National Examination and Assessment, the marking process will be declared an irregularity and due process will be followed.
- (6) The centre will then have to explain to the candidates why their results are not released.

ANNEXURE G

ERRORS IN QUESTION PAPERS

1. ERRORS IN QUESTION PAPERS

- (1) In all instances of errors detected, either technical or conceptual, the examination centre will allow the candidates to continue with the examination.
- (2) A technical error may include instances of incorrect numbering of the questions in the question paper, the omission of numbering of questions, a minor spelling error that does not alter the meaning of a question, pages incorrectly numbered, et cetera.
- (3) A conceptual error deals with the content and context of the curriculum, where a question was incorrectly phrased and candidates are not able to work out the answer or where a question is based on an aspect that is not covered in the curriculum.
- (4) The Daily Conduct Report to be submitted to Chief Directorate: National Examination and Assessment will indicate that there was an error in the question paper.
- (5) A separate detailed report on the error itself and a recommendation on how it should be managed during the marking process will be forwarded on the report template provided to the responsible official at the Chief Directorate: National Examination and Assessment on the day the paper is written.
- (6) A copy of the report will be submitted with the scripts to the marking centre to ensure that no candidate is disadvantaged.

- (7) It is important that invigilators check at the start of an examination writing session whether all the relevant parts of the question paper were provided.
- (8) Should a diagram, formulae sheet/table or an annexure be missing and not be included with a question paper, the examinations officer/Chief Invigilator will contact the responsible official at the Chief Directorate: National Examination and Assessment (CDNEA Directory) for assistance.
- (9) Chief Invigilators will attend to such requests within the first 15 minutes of the start of a writing session.
- (10) The Chief Directorate: National Examination and Assessment experiences great difficulty in ensuring that errata sheets reach every examination centre throughout the country and even beyond the borders of the country.
- (11) The Chief Directorate: National Examination and Assessment will therefore issue no errata sheets.
- (12) Any errors identified in the question paper will be addressed during the marking process in such a manner that no candidate will be disadvantaged.

2. ERRORS IN MARKING GUIDELINES

- (1) Should markers pick up an error in a marking guideline during the marking process, this error will be reported to the responsible official of the Chief Directorate: National Examination and Assessment (CD: NEA) on the report template provided for this purpose, and the marker will request approval to deviate from the marking guideline before he or she finalises marking the affected subject.
- (2) The request will indicate the affected question/s, the mark allocation and a recommendation on how markers should address the error in case the error affects the outcome of candidates' performance.

- (3) Where necessary, the Chief Directorate: National Examination and Assessment will report the error to the Quality Council and request a concession to resolve the matter.

ANNEXURE H

APPOINTMENT AND DUTIES OF CHIEF INVIGILATORS AND INVIGILATORS

1. Chief invigilators

- (1) The head of the assessment body or his/her representative will appoint the principal of a centre as chief invigilator. However, the head of the assessment body reserves the right to appoint any competent centre or office-based lecturer/teacher as chief invigilator should the principal of the centre be deemed incapable to protect the integrity of the external examination.
- (2) Should the chief invigilator be absent for the duration of the examination, he or she may delegate his or her duties in writing to his or her representative, and will inform the assessment body accordingly.
- (3) The chief invigilator will appoint lecturers in writing as invigilators before the start of the examination and will provide the assessment body with a copy of the invigilation timetable.
- (4) The chief invigilator will have a thorough knowledge of the procedures, rules and policies pertaining to the examination.
- (5) The chief invigilator will train the invigilators before the start of the examination.
- (6) If a principal has a child or children or close relative who has/have registered for the particular examination, the head of the assessment body will not appoint him or her as chief invigilator. The principal will inform the Department or the head of an independent assessment body in writing of the above fact, and they will appoint the next most senior official at the institution as chief invigilator.

2. Invigilators

- (1) The chief invigilator may appoint suitably qualified lecturers/teachers from the lecturing/teaching staff at examination centres as invigilators. The head of the assessment body will give instructions to private centres to appoint invigilators.
- (2) The chief invigilator may appoint invigilators in writing before the examination commences. The chief invigilator will inform the relevant head office and regional or district office of all appointments.
- (3) In addition to the chief invigilator, one invigilator per 30 students or part thereof will be appointed for every examination session, for example,

1 - 30 students:	1 invigilator
31 - 60 students:	2 invigilators
61 - 90 students:	3 invigilators
- (4) The chief invigilator may under no circumstances appoint lecturers/teachers to invigilate or even to relieve other invigilators when the learning area/subject at any level these lecturers/teachers teach is written.
- (5) The chief invigilator may appoint relief invigilators for sessions of two hours or longer but the relief period may be only for a maximum of twenty minutes during the session.

3. Briefing chief invigilators and training invigilators

- (1) The assessment body will thoroughly brief all chief invigilators during a meeting with regard to the procedures, rules and policies pertaining to the examination.
- (2) The chief invigilator will fully train invigilators in invigilation and examination administration before they assume duty in the examination room.

4. Contravention of any policy or rule by an official

- (1) All persons involved in the exit examinations will sign the declaration of confidentiality form.

- (2) Should any head of an institution, chief invigilator, invigilator or other official contravene any of the above prohibitions, or contravene any policy or rule, the Department shall declare such act or omission an irregularity and shall take any action permitted in law.
- (3) The Department will institute a departmental inquiry and will simultaneously suspend the suspect from any duty until the inquiry has achieved an outcome. The institution shall be held accountable for any breach of these prohibitions/policies/rules.

5. Invigilation

- (1) The principal of the centre or chief invigilator duties will be as follows:
 - (a) The principal of the centre or chief invigilator will be fully responsible and therefore accountable for the examination conducted at his or her examination centre and will be present at the examination centre for the entire duration of every examination session.
 - (b) The principal of the centre or chief invigilator's specific examination-related duties may include the following:
 - (i) Distributing the individual examination timetables/permits in good time to all the students registered at his or her examination centre
 - (ii) Selecting and appointing invigilators
 - (iii) Arranging an additional examination room in cases where centres have students for whom amanuensis were approved as concessions
 - (iv) Drawing up invigilation and relief invigilation timetables and submitting these to the assessment body for approval
 - (v) Ensuring that the examination rooms are prepared and are ready, by supervising that
 - (aa) students do not sit two to a desk or table.
 - (bb) students are seated at least one metre apart.
 - (cc) all learning area/subject matter, such as drawings, are removed from the walls.

- (dd) chalk-boards are cleared of any writing, formulae or drawings.
- (ee) examination rooms are sufficiently ventilated and illuminated.
- (ff) if the examination venue is sufficiently big to accommodate all the students, students are allocated permanent seats for the duration of the examination
- (vi) Ensuring, with the assistance of the invigilators, that no material and/or equipment not required for writing the examination are present in the examination room, including cell phones.
- (vii) Reading the instructions relating to the examination to students and inform them that they may forfeit their results should they contravene any of the instructions.
- (viii) Pointing out to students before they commence the examination session that they should read all the instructions carefully to ascertain whether they should answer all the questions or only a certain number of questions.
- (ix) Ensuring that students get ten minutes to read each examination question paper during which they may not start answering any examination paper questions. This reading time is allowed over and above the time students will be allowed to read any other instructions that may be necessary.
- (x) Ascertaining, with the assistance of an invigilator, that students received the correct examination question paper before they open the examination question papers in the examination room with regard to the time and date specified on the examination timetable. In the case of a language examination question paper, students have to ascertain whether they received the correct language level examination question paper.
- (xi) Opening the examination question paper envelopes in front of the students and remaining in the examination room until the examination question papers have been issued to students
- (xii) Visiting the examination room frequently during each session and ensuring that the invigilator maintains a high standard of invigilation

- (xiii) Drawing up a seating plan, indicating the examination room with the desk arrangements and the examination numbers of students, and submitting a seating plan for each examination question paper students will be writing. Should the chief invigilator prefer to combine groups in one hall or room, he or she will have to reflect this on the seating plan.
- (xiv) Ensuring that unauthorised persons are not present in and around the examination room
- (xv) Ensuring that he or she timeously advises all students of requisites for the examination question paper such as rulers and drawing instruments students will have to use when they write examination papers in specific learning areas
- (xvi) Ensuring that the invigilators complete the absent and present columns on the mark sheets correctly
- (xvii) Assisting with relief invigilation in centres
- (xviii) Ensuring that no one except the student himself or herself alters the examination number on the answer book, and that the student initials next to these changes
- (xix) Ensuring that invigilators batch and pack the examination answer scripts properly and according to the students' examination numbers at the end of each examination session, and that they include the mark sheet pertaining to a specific batch of examination answer scripts with that batch
- (xx) Sealing examination answer scripts in a special envelope provided for such purpose to prevent anyone tampering with them
- (xxi) Taking responsibility for collecting the examination answer scripts and delivering the examination answer scripts to the regional, district or head office as arranged by the regional, district or head office
- (xxii) Ensuring that all equipment, including computers, printers, and drawing boards that will be used by students are serviced timeously and are in perfect working condition, and that they are available at the examination venue on the day of the examination (See Annexure R.)
- (xxiii) Collecting, checking and signing all invigilation claim forms, if applicable

(xxiv) Submitting, without delay, written reports on all suspected cases of irregularities to the assessment body

(2) Specific duties of invigilators

- (a) Invigilators will be responsible for the admission of students to and their exit from the examination room, and they will also ensure that
- (i) every student produces his or her admission letter/permit, as well as proof of identity.
 - (ii) students are seated at least thirty minutes before the examination session commences.
 - (iii) students have ten minutes reading time per examination question paper.
 - (iv) no student will be allowed to enter the examination room after 09:00 for the morning session and after 14:00 for the afternoon session but have the opportunity to write the examination at the next sitting.
 - (v) a student does not leave the examination room during the first hour of the examination session.
 - (vi) students who have registered for the examination, the invigilators concerned, and the chief invigilator or an authorised representative of the assessment body are the *only* people allowed to be present during an examination session.
 - (vii) a student may leave the examination room temporarily only in an emergency, and then only if the student is supervised. Should this occur, the centre must record it in a register.
 - (viii) he or she moves around the examination room constantly without disturbing the students.
 - (ix) he or she immediately contacts the chief invigilator should a student contravene the rules and policies of the examination.
 - (x) he or she checks whether a student's examination number, which appears on his or her timetable/permit, is written at the top of each examination answer book, and at the top of each loose sheet of paper used by that student during the examination session.

(b) Instructions to students

The invigilator will read the instructions to students during an information session before the examination commences and, if necessary, will read the instructions to students again at the start of each examination session. (See Annexure I.)

- (c) An invigilator **shall not**
- (i) allow students access to any textbook, diagram, summary or any other material that will assist them in answering a question.
 - (ii) answer any question posed by a student that may result in an explanation of an examination question.
 - (iii) provide a student with loose paper for "rough work" or to make any changes in an examination paper without the prior instruction or permission of the Department or act in a way that will disturb or distract a student.
 - (iv) read over the student's shoulder or stand behind the student in such a way that will disturb or distract a student.
 - (v) give a copy of the examination question paper to any person other than a student before the end of the examination.
 - (vi) allow more than the stipulated time for answering each examination question paper, except in cases where students have been granted extra time, as indicated on their individual timetables/permits.
 - (viii) read to students any examination question paper or part of an examination question paper or draw attention to any error he or she may observe in any of the examination question papers or mark allocation unless he or she has been instructed to do so in the errata sheet or by an examination official of the Department.
 - (ix) by his or her conduct create any opportunity that will facilitate a student to contravene any examination instruction.
 - (x) assist a student in any way to answer an examination question paper or allow another person to assist any student in any way whatsoever.
 - (xi) communicate with the media, lecturers' organisations or any other unofficial personnel concerning the administration of the examination or about any problems with examination question

papers, etcetera ,and will raise these issues only with the Chief Directorate: National Examinations and Assessment at Head Office.

- (d) The chief invigilator will also refer students to the last two pages of the examination timetable/permit containing the rules and policies for examinations.

6. Invigilation session

- (1) Invigilators will ensure that students write their correct identity numbers/examination numbers on their examination answer scripts.
- (2) Invigilators will clear chalkboards of all writing and drawings, and will remove all drawings and maps from the walls in the examination room.
- (3) Invigilators will ensure that each session commences and terminates according to the times specified on the examination timetable.
- (4) One or more invigilators shall be present in the examination room at **all times** while the students are writing the examination.
- (5) An invigilator will supervise students attentively and may not knit, read, mark or do any work that will hamper him or her in executing his or her duties as an invigilator, and under no circumstances may he or she use a cell phone or listen to an iPod.
- (6) Invigilators will constantly supervise the students during the entire examination session to preclude the possibility that students avail themselves of unauthorised assistance.
- (7) An invigilator may not sit down but will move around the examination room without disturbing the students.
- (8) An invigilator may not assist a student in answering any examination question and may not explain any "unclear" part of the examination question paper to any student.

- (9) An invigilator may not invigilate a learning area/subject that he or she teaches in any level, except if it is a requirement of the particular learning area/subject, for example, Computer- and Technology-related learning area/subject.
- (10) Invigilators may not cause any disturbance.
- (11) Invigilators may not leave the examination room or leave students unattended.
- (12) An invigilator may not invigilate from outside the examination room by looking through a window.
- (13) Invigilators may not allow students to copy from each other, assist them or allow students to be assisted by anyone during the examination.
- (14) Invigilators may not give copies of examination question papers to anybody outside the examination room, nor may they allow anyone to take examination question papers out of the examination room before the end of the examination session and before students have left the examination room.
- (15) Invigilators will adhere to the special examination requirements of certain learning areas/subjects.

7. Relief invigilation

- (1) All invigilators who invigilate during sessions that are longer than two hours will be relieved for a maximum of 20 minutes.
- (2) The principal of the centre or the chief invigilator will act as relief invigilator for the first six invigilators.
- (3) One (1) relief invigilator for each six invigilators or part thereof will be appointed, for example:
1 - 6 invigilators: principal of the centre head or the chief invigilator

7 - 12 invigilators: principal of the centre or the chief invigilator, +1 relief invigilator

8. Monitoring invigilators

- (1) The Head of the Examination Body may appoint monitoring invigilators at private examination centres for the duration of the examination, in particular in cases where some of these centres are regarded as high-risk centres.
- (2) The monitoring invigilator will be remunerated for the duration of his or her deployment at a private centre even if he or she is not employed by the Department in accordance with the tariff determined by the Minister.
- (3) The monitoring invigilator will be responsible for
 - (a) monitoring the invigilation at a private examination centre or any learning institution that has registered as an examination centre with the Department.
 - (b) monitoring the transport of examination papers and answer scripts to and from the nodal point.
 - (c) performing any other duty assigned to him or her by the Head of Examination.

9. Identification of students

- (1) Full-time students writing an examination at a centre **must** produce their **letter/permit of admission, as well as proof of their identity**, and their individual **examination timetable**. The chief invigilator will check the photograph and date of birth on each student's identity document and compare it with each student's physical appearance.
- (2) Handling students who cannot be identified
 - (a) Heads of institutions and chief invigilators of centres or private examination centres or other venues will ensure that each student produce a valid identity document, for example, a South African identity document, a valid passport (South African or foreign) or a driver's licence.

- (b) If a student has not yet received his or her official identity document from the Department of Home Affairs, the chief invigilator will implement the following procedure:
- (i) Request the student to submit an identity document-size colour photograph of him or herself to the chief invigilator
 - (ii) Ascertain that the person is identical to the person who has registered for the examination
 - (iii) Attach the student's proof of application for an identity document
- (3) Identifying students during the examination by means of a temporary examination identity document form
- (a) The temporary form will remain at the examination centre in the examination file. (If not available, the examination centre will create such a file.)
 - (b) The chief invigilator will hand a temporary form to a student before each examination session commences.
 - (c) The student will place/display the temporary examination identity document form on the left-hand corner of his or her desk.
 - (d) The chief invigilator will collect the temporary document form 45 minutes before the end of each examination session.
- (4) At the end of the examination session
- (a) The chief invigilator will declare an irregularity only if a student writes the examination **without** a valid identity document, for example, a South African identity document, a valid passport (South African or foreign), any other document with a photo affixed to it, for example, a driver's license or the duly completed temporary examination identity document form.
 - (b) Markers will mark the particular examination answer script in such a manner (ID number, date of birth) that they will be able to identify or trace it back to the particular student.
- (5) Chief invigilators will **not allow** students who have not registered for a specific learning area/subject to write the examination. However, if a student **insists** on writing, the chief invigilator will allow the student to write in the

interest of good order. The student will complete a pro-forma affidavit and sign to the effect that if after investigation it is revealed that the mistake is with the Department, his/her script will be marked and the results will be released. However, if the mistake is due to the student, his or her script will NOT be marked, and the results will NOT be released. The chief invigilator will then implement the following procedure:

- (a) He or she will declare an irregularity, according to the procedures.
- (b) The Department will not release the results of these students in accordance with national policy until the irregularity is resolved.

10. Attendance register

- (1) A computer-generated attendance register for each examination centre will accompany the examination question papers and examination answer scripts collected from the distribution points. Each sheet will indicate the names and examination numbers of the students entered for the particular examination in numerical sequence. Each sheet will include a column indicating which students are present/absent and a column for each student's signature. The students will sign the attendance register personally, and sign their names in full as printing only the first letters of their first names and surnames and putting their initials on the register will not be sufficient.
- (2) The invigilator will ensure that once the examination has commenced and all examination material has been issued to students, no student will sign the attendance register and vacate the examination venue as this will constitute an irregularity. The invigilator may take the attendance register on a clipboard from student to student to sign while students are sitting in the room or hall. The invigilator may under no circumstances allow students to pass the register to one another while the examination is in progress.
 - (a) Each student present will sign the attendance register for a specific examination session and will tick (✓) the column marked with an *.
 - (b) The invigilator will indicate absentees by writing the letter "A" alongside the name and examination number of the absent student in the column marked with an *.
 - (c) The invigilator will return the attendance register with the students' examination answer scripts to the distribution point, and will place each attendance register with the names of the students on top of the

- batch of examination answer scripts of these particular students listed on the attendance register with the wrapper around the examination answer scripts and the register of that particular batch.
- (d) The invigilator will indicate the number of examination answer scripts a student used during the specific examination session on the attendance register and the chief invigilator will verify and sign the attendance register.
 - (e) Each student will also verify and sign the attendance register to indicate that he or she agrees with the number of examination answer scripts he or she handed in.
 - (f) The list of absentees the chief invigilator will complete must correspond with the attendance register.
 - (g) Invigilators will ensure that students sign the correct space in the attendance register and that they indicate absentees correctly.
 - (h) Should a student insist on writing a different examination question paper than the one he or she registered for, the student will not sign the attendance register where his or her name appears as the particular student will not be writing the examination question paper for that particular learning area/subject. The invigilator will write **"IRR"** next to the name of the student in the attendance register and will ask the student to sign an attendance register for irregularities indicating the examination question paper he or she will actually be writing.
- (3) The attendance register will contain the names of the students, and will therefore not be available to markers at the marking centres. Markers will use the official mark sheet at the marking centre that will only reflect students' examination numbers. It is therefore imperative that all invigilators at examination centres correctly indicate "✓" or "A" at the examination centre when they receive the examination scripts.

11. Absent students

- (1) The chief invigilator will keep an updated list of each student's contact telephone numbers in the examination room.
- (2) Students may supply reasons for their absence from an examination, supported by documentary evidence, for the following reasons only:

- (a) illness (a valid medical doctor's certificate required)
 - (b) family bereavement (letter required)
 - (c) representing the country or a province in a sporting or cultural event (official letter required)
- (3) The student will hand in a medical doctor's certificate or letter to the chief invigilator within seven (7) days of the conduct of the examination. Any supporting documents the student will hand in must contain the student's examination number and his or her surname. The surname on any supporting documents must correspond with the student's registration details. **The student will ensure that he or she registers for the next examination session.**
- (4) The chief invigilator will implement the following procedures:
- (a) Write the word "Absent" in the attendance register alongside the absent student's name.
 - (b) Fill in the absent student's particulars on the absentee form.
 - (c) Attach the medical certificate or the letter from the family or organisation **AND** a letter from the head of the institution validating the student's absence, and keep and attach a copy of the medical certificate to the supplementary examination entry form.
 - (d) Send the documents to the regional/central office where an official will forward them to the Department of Higher Education and Training.

12. Examination answer scripts

- (1) Candidates will do all work, including rough work, on the examination answer script, answer book or papers provided. Invigilators may not give students additional examination answer scripts for rough work, and will collect all used answer books, including spoiled answer books.
- (2) Students will pay strict attention to the instructions, if any, printed at the top of an examination question paper, on using separate answer sheets for particular sections or parts of an examination question paper.
- (3) Invigilators may not issue a second answer book to a student before they have satisfied themselves that the first answer book is full, except where *subsection (2)* above is applicable. Invigilators will ensure that students do not

receive more examination answer scripts than they require. Should a student use more than one (1) examination answer book, he or she will number every answer book to indicate the number of the answer book and the total number of examination answer scripts he or she hands in, for example, 1 of 1 (only one examination answer book handed in), 2 of 3 (second answer book out of a total of three [3] examination answer books handed in).

- (4) Students may under no circumstances write their names or the names of the institutions where they are enrolled anywhere on their examination answer scripts.
- (5) The chief invigilator may under no circumstances allow a student to remove either a used or an unused examination answer script from the examination room.

13. Handling examination question papers

- (1) The chief invigilator will, before the examination commences, draw all the students' attention to the following:
 - (a) The main instructions on the examination timetable and on the examination answer scripts
 - (b) The fact that the Department will not recognise examination answer scripts or any other answer sheets students omit to hand in immediately upon conclusion of the examination session with regard to the examination question paper concerned
 - (c) The number of questions students has to answer
- (2) After distributing the examination question papers to the students, the invigilator will ask students to go through the examination question paper with him or her, page by page, checking it against the certified copy, in order to ensure that
 - (a) the number on each page is correct.
 - (b) the name of the examination question paper is the same on each page.
 - (c) the frame/border around the printed matter is complete.

- (3) Invigilators will check against a control list (mark sheet) that every student has received the correct examination question paper for the learning area/subject the student entered for. The invigilator will therefore not issue examination question papers simply on a show of hands.
- (4) On no account may invigilators read any question or part of a question aloud to a student or draw attention to any error he or she may have observed in any of the examination questions unless an erratum is included in the examination question paper. Invigilators may not respond to a student's enquiries in a manner that can be regarded as an explanation of the particular question.

14. Students with special concessions

- (1) The following concessions in respect of languages can be applied to students who experience barriers related to deafness, aphasia and dyslexia:
 - (a) Deaf, aphasic or dyslectic students may not offer any language but in lieu any other learning area/learning areas/subject/subjects from the electives provided they meet the minimum number of credits for certification.
 - (b) Students suffering from a mathematical disorder such as dyscalculia may be exempted from offering any form of Mathematics as a learning area/subject but have to offer other learning areas/subjects in lieu of it as described in the relevant learning programmes to satisfy the minimum promotional requirements.
- (2) Students who experience barriers related to deafness, aphasia and dyslexia may direct all applications for concessions to the head of the assessment body when they enter Level 1 of the qualification or immediately after they have been diagnosed with a learning disorder.
- (3) Students will attach to all applications referred to above an evaluation conducted by the structures responsible for students with special educational needs, as well as by external, professionally registered experts in the relevant fields.

- (4) Chief invigilators will take cognisance of students who have been granted special concessions for the examinations in the following manner:
- (a) The concessions granted to students must be clearly indicated at the bottom of the examination timetable of a particular student, and these may differ from the centre's request, for example, the concession approved will appear on the timetable as follows: "Writing problem: Additional Time: 5 minutes per hour."
 - (b) Invigilators may not deviate from these instructions on the admission letter, and may not use this as a guide for a student with a similar problem who did not receive a concession or who did not apply for a concession.
 - (c) The invigilator will complete and attach an examination form of the Department to the student's answer book, together with a copy of the student's admission letter/permit, if a concession was granted to a student, excluding additional time (e.g. language concessions for the deaf, aural impairment, Braille papers, visual impairment, spelling and writing problems, alternative questions, attention deficit problems).
- (5) Should students require sign language when he or she writes an examination question paper,
- (a) the official sign language interpreter will obtain the examination question paper when the box containing the examination question papers is opened and will read through the documents to prepare him- or herself to provide sign language for a student writing the examination question paper.
 - (b) Transcription will take place immediately after the student has completed the examination question paper.
 - (c) The student will be available after the examination to clarify any part of the written record.
 - (d) The scribe will not be the learning area/subject lecturer/teacher or will not be related to the student.
 - (e) The invigilator will attach the original script to the transcription and will submit both.
 - (f) The scribe will not transcribe in the examination room but the examination centre will provide a separate, suitable room for this purpose.

- (g) The scribe and the student will each receive a copy of the examination question paper and the errata sheet, where applicable.
- (6) Chief invigilators who may need clarification concerning special concessions or training on conducting special concessions for students should contact the coordinator of their Region/National Examinations Concessions Committee (R/NECC). Should it be necessary to assess a student in an alternative way owing to an injury sustained before or during the examination, the student will submit an application in this regard, accompanied by a medical report, to the Examination Concession Committee Coordinator.

15. Instructions to invigilators on packaging examination answer scripts after each session

- (1) Invigilators will
 - (a) check that those students who were present and who wrote the examination question paper have been marked present, and that those who were absent have been marked absent.
 - (b) arrange the examination answer scripts that belong to a specific mark sheet in numerical order in accordance with the examination numbers appearing on the mark sheet, for example, if a hundred and fifty (150) students wrote the examination, there should be three (3) mark sheets and three (3) piles of examination answer scripts.
 - (c) place the mark sheet that belongs to a specific pile of examination answer scripts on top of that pile of examination answer scripts.
 - (d) wrap the examination answer scripts and the mark sheets, and write the centre number, the learning area/subject, and the number of examination answer scripts on the wrapper.
 - (e) ensure that all the examination answer scripts are handed in and that each package containing examination answer scripts is accompanied by the relevant mark sheet.
 - (f) deliver the examination answer scripts to the assessment body or the official responsible for collecting the examination answer scripts. The chief invigilator or a designated official will return examination answer scripts daily to the assessment body.

16. Handling mark sheets

- (1) Invigilators on duty in the examination room will complete mark sheets correctly and check the mark sheets with the help of the chief invigilator. They will note the following with regard to the mark sheets:
- (a) At least one mark sheet will accompany each learning area/subject written at a centre.
 - (b) Different mark sheets will be provided for languages.
 - (c) If more students entered for the learning area/subject than appear on one mark sheet, the invigilator will create more mark sheets, each with its own unique number.
 - (d) Students' examination numbers will appear on the mark sheets.
 - (e) Mark sheets shall accompany the correct set of examination answer scripts.
 - (f) Invigilators may "write" on the mark sheet only by completing the "absent or present" columns.
 - (g) Invigilators will return all mark sheets to the Department of Higher Education and Training via the model used by the Department even if none of the students wrote that particular examination question paper.
 - (h) Invigilators shall under no circumstances add any information to the mark sheet.
 - (i) Invigilators may not delete or change information on a mark sheet.
 - (j) If a mark sheet was not included with the examination question papers, the principal of the centre or the chief invigilator will report this to the assessment body.
 - (k) If mark sheets were not included with the examination question papers, invigilators will complete hand-written copies and submit them to the marking manager.

ANNEXURE I

INVIGILATOR'S INSTRUCTIONS TO STUDENTS

1. The invigilator will announce the following: The examination will now be conducted in this room in the following learning areas/subject: (Reading out the actual learning areas/subject, e.g. Art and Culture, Technology, Engineering Science N3, etc.). Any students who have not entered for writing these learning areas/subjects will now leave the examination room.
2. The invigilator may not explain any examination question and neither may any student ask for an explanation.
3. The invigilator will instruct students as follows: As soon as you have handed in your examination script, you will leave the examination room. You may not leave the examination room within the first hour from the start of the session. A student will only be allowed to leave the examination room under supervision in an emergency.
4. Carefully read and comply with the instructions on the front cover of your answer book as well as the instructions on the question paper.
5. You may not assist another student or try to assist him/her to get help or communicate with anyone other than the invigilators. Direct any questions to the invigilator.
6. You may not create a disturbance in the examination room or behave in an improper or unseemly manner.
7. You may not disregard the instructions of the invigilator.
8. Unless a particular examination question paper stipulates otherwise, you may not have any book/s, marking guidelines, notes, maps, photos or other documents or papers (including unused paper), cell phones, electronic devices or other material in your possession that may help you in answering the examination questions other than those the invigilator provided to you and are allowed by the admission letter/permit in your possession while you are in the examination room. The invigilator

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will not accept the excuse that you forgot that you had any of the above in your possession.

9. You may only use non-programmable calculators in answering the examination question paper, except where an examination question paper indicates in certain learning areas/subjects that the use of these calculators are prohibited.
10. If you do not obey these instructions, you may be suspended from future examinations, and the Department may refuse to credit you for other examination papers you have written.
11. You will hand in all aids and examination answer books as well as all answer sheets the invigilator issued to you before you leave the examination room.
12. The invigilator will read any errata on a specific examination question paper to the student(s) concerned.
13. You will be allowed ten minutes to read the examination question paper before the examination commences officially, and during this time you may not start writing.

ANNEXURE J**RETURNING EXAMINATION ANSWER SCRIPTS**

1. An assessment body official will fetch examination answer scripts from the examination centre or the chief invigilator or his or her representative will deliver the examination answer scripts to the assessment body.
2. Officials will keep a register at all points where the transfer of examination answer scripts take place, and all officials involved in the transfer of examination answer scripts will sign this register that will be kept at the nodal point until the end of the examination and will thereafter be transferred to the Department.
3. Officials will under no circumstances keep examination answer scripts overnight at an examination centre.
4. Officials will also seal examination answer scripts in a special envelope provided for this purpose in order to prevent anybody tampering with the examination answer scripts.
5. When officials receive the examination answer scripts at the marking centre /assessment body, they will check the examination answer scripts against the relevant mark sheet before they transfer the examination answer scripts to the marking centre. The officials will also keep a record of all the examination answer scripts they transferred to the marking centre, and the marking centre manager will sign a receipt for these examination answer scripts.
6. The Department recommends the implementation of a bar-code tracking system, using hand-held scanners.

ANNEXURE K

APPOINTING MARKERS

1. Exceptional circumstances for the appointment of examiners moderators and markers

- (1) In respect of setting of an examination question paper and marking of scripts where no suitable lecturer can be recruited with the set minimum qualifications or experience, the Director-General or his or her nominee may approve the appointment of a suitable lecturer with other appropriate post-college qualifications or with less than the required experience. The final decision with regard to the appointment of examiners and internal moderators rests with the Director-General or his/her nominee.
- (2) The Department will appoint markers by applying the following criteria:
 - (a) The criteria to qualify for appointment as markers (including senior markers, deputy chief markers and chief markers) should, in addition to those referred to of this policy, include the following:
 - (b) a recognised three-year post-school/college qualification, which must include the learning area/subject concerned at second or third year level or other appropriate post matric qualifications; (National Diploma will not be accepted as a only post matric qualification to mark TVET college answer books)
 - (c) appropriate lecturing/teaching experience, including lecturing/teaching experience at the appropriate level, in the learning area/subject concerned;
 - (d) language competency; and
 - (e) in addition to the above criteria, preference should be given to serving lecturers who are presently lecturing/teaching the learning area/subject concerned.
 - (f) The provision relating to appointment under exceptional circumstances in respect of qualifications and experience also applies in respect of these appointments.
 - (g) The recommendation of markers for a specific examination question paper should be carried out by a panel comprising:

- (i) chief Marker where possible;
- (ii) relevant departmental officials
- (iii) unions as observers

ANNEXURE L

MARKING PROCEDURES

1. Markers will commence marking at the end of the examination or after a learning area/subject has been written, whatever best suits the examination body.
2. The department will determine the marking procedure in terms of the different learning areas/subjects. Under **NO** circumstances may any marker mark examination answer scripts at home.
3. The Department will submit detailed plans with regard to the marking procedure with special emphasis on the following:
 - (a) flow of examination answer scripts through the marking teams
 - (b) mechanisms to control the flow of examination answer scripts
 - (c) moderating by senior markers
 - (d) checking totals
 - (e) the final mark will be rounded off if the first decimal is less than 5 and rounded up if the decimal is 5 and above, for example, a final mark of 70,3 will be rounded off to 70 and a final mark of 70.6 will be rounded up to 71.
 - (f) completing mark sheets
 - (g) dispatching completed examination answer scripts

ANNEXURE M**ADMISSION REQUIREMENTS FOR THE NATIONAL EXAMINATIONS****ADMISSION TO MAIN EXAMINATIONS**

Admission requirements will be applicable to all the qualifications offered by the Department and will be issued from time to time. Colleges will adhere strictly to the requirements as per the relevant learning area/subject examination and assessment guidelines.

Furthermore, a minimum class attendance of 80% will be required for all full-time students. However, where the class attendance is, e.g. 70%, the ICASS mark should be 10% higher than the subminimum for the particular subject. This will compensate for class attendance in order to qualify to sit the external examination.

1. ADMISSION TO SUPPLEMENTARY EXAMINATIONS

- (1) The Department will conduct only supplementary examinations for NC (V) Level 2-4 programmes.
- (2) The supplementary examinations for an academic year will follow in February/March of the following year immediately after the previous November examinations.
- (3) The following requirements will be applicable to NC (V) candidates who were duly registered for and wrote the subject in the preceding November examinations:

CRITERIA	NC (V) requirements
<i>Pass mark subminimum</i>	Pass mark sub-minimum applicable per NC (V) Level 2-4 subject: <ul style="list-style-type: none"> • Vocational subjects: 45% • Life Orientation and First Additional Languages: 35%

	<ul style="list-style-type: none">• Mathematics / Mathematical Literacy: 25% <p>Implementation dates:</p> <p>NC (V) Level 2 – November 2016 and supplementary 2017</p> <p>NC (V) Level 3 – November 2017 and supplementary 2018</p> <p>NC (V) Level 4 – November 2018 and supplementary 2019</p>
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ANNEXURE N

MANAGING IRREGULARITIES

1. Structures for the management of irregularities

(1) The National Examination and Assessment Irregularities Committee (NEAIC)

The National Examination and Assessment Irregularities Committee (NEAIC) is established by the Minister to promote the integrity of the national examination and to oversee the management of all irregularities relating to the examinations and assessment of said examinations. The National Examination and Assessment Irregularities Committee will support the examination centres to ensure that the credibility of the examination is maintained and will co-ordinate the management of irregularities at a national level to ensure that a consistent approach is implemented in managing all irregularities.

(a) Composition of the NEAIC

- (i) The Director-General will appoint the following persons to the NEAIC who have competencies and expertise in the educational system as a whole, examinations and assessment, education law, labour relations, and in the handling of disciplinary matters:
 - (aa) four representatives from the Department, representing the following sections: National Examination Assessment and Chief Directorate: Legal Services and Labour relations;
 - (bb) one official from each of the regions/provinces, nominated by the regional manager head of examination.
- (ii) The Minister may appoint the following additional members with observer status:
 - (aa) one representative from each of the Quality Councils;
 - (bb) one representative from the South African Qualifications Authority (SAQA)

- (cc) one representative from each of the educator unions recognised by the Education Labour Relations Council (ELRC);
 - (dd) one member from NEHAWU
 - (iii) The Director-General will appoint members of the committee, including the chairperson, who may be independent.
- (b) Jurisdiction of the National Examinations and Assessment Irregularities Committee (NEAIC)
 - (i) The National Examinations and Assessment Irregularities Committee (NEAIC) will have jurisdiction over any alleged examination irregularity relating to or occurring during the various stages of the examination and assessment process, without interfering with the line functions of the various directorates in the CD:NEA, including the following:
 - (aa) registration of candidates;
 - (bb) compilation of SBA/ICASS;
 - (cc) monitoring and moderation of SBA/ ICASS;
 - (dd) setting and moderation and editing of examination question papers;
 - (ee) writing of the examination;
 - (ff) marking of examination answer scripts;
 - (gg) capturing of marks;
 - (hh) the release of examination results;
 - (ii) Certification process.
- (c) Functions of the National Examination and Assessment Irregularities Committee (NEAIC)
 - (i) The National Examination and Assessment Irregularities Committee (NEAIC) will be responsible for actively promoting the integrity of the national examination by ensuring that system security is maintained and inculcating morals and ethical values in students writing the examination and assessment.
 - (ii) The National Examination and Assessment Irregularities committee (NEAIC) will co-ordinate and support the Centre/Campus Examination

and Assessment Irregularities Committees in their initiatives to promote the integrity of the national examination and in managing examination irregularities in their respective centres/campuses.

- (iii) The National Examination and Assessment Irregularities Committee (NEAIC) will review and ratify recommendations by the College/Centre/Campus Examinations and Irregularities Committee, as reported relating to each of the examination and assessment irregularities.
- (iv) The National Examination and Assessment Irregularities Committee (NEAIC) will be responsible for reporting to the Director-General and the Quality Councils on the credibility of the examination and any irregularities that occurred during the examination as a whole.
- (v) The NEAIC will also ensure that all regions/colleges/campuses/centres manage all examination irregularities in a consistent manner by taking responsibility for the following:
 - (aa) supporting the examination centres in developing capacity relating to the identification, investigation and reporting of examination irregularities;
 - (bb) supporting the examination regions/colleges/campuses/centres in establishing appropriate systems and structures for the management of irregularities;
 - (cc) providing time-frames for finalising examination irregularities that occur during the different stages of the examination and assessment process in order to ensure that most examination irregularities, where possible, are finalised prior to the official release of the results;
 - (dd) ensuring that all Examinations and Assessment Irregularities Committees comply with the requirements relating to the submission of irregularity reports to the Department of Higher Education and Training;
 - (ee) evaluating the reports on irregularities received from Examinations and Assessment Irregularities Committees/regions/colleges/campuses/centres to ensure that the irregularities are managed appropriately; and

- (ff) reviewing the sanctions to be imposed to ensure that sanctions are applied consistently.
- (vi) The NEAIC may investigate examination and assessment irregularities as requested by the Director-General or Minister.
- (d) A National Examination and Assessment Irregularities Committee (NEAIC) member shall recuse himself/herself in a case in which he/she has an interest.

(2) Learning Centre/Campus Examination and Assessment Irregularities Committee

The learning centre/campus manager or his/her designee will establish the Learning Centre/Campus Examination and Assessment and Irregularities Committee to promote the credibility of all Site Based Assessment/Continuous Assessment, Practical Assessment, Language Oral Assessment and internal examinations conducted at the learning centre/campus. This committee will take responsibility for the management of all internal examination and assessment irregularities identified at learning centre/campus level, and will ensure the implementation of a consistent approach in managing these irregularities.

- (a) The Learning Centre/Campus Examination and Assessment Irregularities Committee will comprise of the following persons, to be appointed by the learning centre/campus manager or his/her designee:
 - (i) the learning centre/campus manager (Academic) will be appointed chairperson of the Learning Centre/Campus Examination and Assessment Irregularities Committee;
 - (ii) one person from the Learning Centre/Campus Management Team;
 - (iii) one person from the lecturing/teaching staff who is not a member of the Learning Centre/Campus Management Team;
 - (iv) learning area/subject lecturers/teachers from another centre co-opted on a needs basis, based on the nature of the irregularity being managed;
 - (v) one member of the College/Campus/Learning Centre Council.
- (b) Jurisdiction of the Campus/Learning Centre Examination and Assessment Irregularities Committee

The Learning Centre/Campus Examination and Assessment Irregularities Committee will have jurisdiction over any alleged internal examination and site-based assessment/continuous internal assessment irregularities relating to, or occurring during the various stages of the assessment process, including the following:

- (i) compilation of the site-based assessment/internal continuous assessment and the practical assessment task/language oral assessment marks;
 - (ii) administration of the site-based/internal continuous assessment and the practical assessment task/language oral assessment marks;
 - (iii) monitoring and moderation of the site-based assessment/internal continuous assessment and the practical assessment task/language oral assessment;
 - (iv) setting and moderation of internal examination question papers;
 - (v) writing of the internal examination;
 - (vi) marking and moderation of the internal examination answer scripts;
 - (vii) capturing of marks;
 - (viii) resulting processes.
- (c) The functions of the Learning Centre/Campus Examination and Assessment Irregularities Committee

The Learning Centre/Campus Examination and Assessment Irregularities Committee will promote the integrity of all assessment and examinations conducted at the learning centres/campuses and will take responsibility for the management of all site based/internal continuous assessment and internal examinations irregularities detected at the learning centre/campus by:

- (i) investigating all irregularities pertaining to site-based/internal continuous assessment and internal examinations;
- (ii) supporting the lecturers/teachers in developing their capacity relating to the identification, investigation of site-based/internal continuous assessment and internal examinations irregularities;
- (iii) establishing appropriate systems and structures for handle all site-based/internal continuous assessment and internal examinations irregularities;

- (iv) conducting investigations into and hearings of all irregularities relating to continuous assessment;
 - (v) determining the appropriate sanctions to be imposed for all irregularities identified at the learning centre/campus;
 - (vi) submitting irregularity reports to the learning centre/campus manager on a regular basis, as stipulated by the learning centre/campus manager;
- (d) A member of the Learning Centre/Campus Examination and Assessment Irregularities Committee shall recuse himself/herself from a case in which he/she has an interest to prevent a conflict of interests.

3. PRINCIPLES GOVERNING THE MANAGEMENT OF EXAMINATION IRREGULARITIES

- (1) The officials conducting investigations and hearings must adhere to the following principles when conducting investigations and hearings:
- (a) All information relating to examination and assessment irregularities shall be kept confidential and shall be used only for the purpose of investigations and hearings.
 - (b) All parties to the examination and assessment irregularities proceedings shall have the opportunity to be heard, to present evidence, to cross-examine and re-examine witnesses, and to be represented by a legal practitioner or any other person of their choice during a hearing.
 - (c) Examination and assessment irregularity proceedings shall demonstrate substantive and procedural fairness regarding the lawful gathering of information for the purpose of hearings.
 - (d) Examination and assessment irregularity proceedings shall be conducted in an open and transparent manner.
 - (e) Decisions shall be taken based on the facts presented and tested in open and accessible hearings.
 - (f) Decisions taken during the hearings should be lawful, reasonable and justifiable.
 - (g) Examination and assessment irregularity hearings shall be impartial and presiding officers shall act in good faith without malice.
 - (h) Both parties to the hearings must have faith in the proceedings.

- (i) Examination and assessment irregularity proceedings will be concluded within the shortest time possible, taking into account the future prospects of the students, and the effective management of the assessment process.

4. PROCEDURES IN RESPECT OF THE IDENTIFICATION OF IRREGULARITIES

- (1) Procedure in respect of irregularities identified during site-based/internal continuous assessments
 - (a) The Learning Centre/Campus Examination and Assessment Irregularities Committee will deal with internal assessment irregularities involving students at the learning centre/campus or learning institution in accordance with the guidelines provided by the Department of Higher Education and Training.
 - (b) Any irregularity identified by a lecturer/teacher will be reported in writing to the learning centre/campus manager, and a detailed report outlining the nature and extent of the irregularity will be submitted to the learning centre/campus manager.
 - (c) All SBA/ICASS irregularities relating to particular qualification will be managed by the Learning Centre/Campus Examination and Assessment Irregularities Committee and a full report will be submitted to the National Examination and Assessment Irregularities Committee (NEAIC) for final ratification.
 - (d) The learning centre/campus manager shall request the chairperson of the Examination and Assessment Irregularities Committee to convene a meeting of the Examination and Assessment Irregularities Committee to finalise the procedure that will be followed in dealing with the relevant irregularity.
 - (e) The Learning Centre/Campus Examination and Assessment Irregularities Committee will oversee the investigation, and will determine, based on the findings of the investigation, whether a hearing needs to be convened.

- (f) Suspected SBA/ICASS irregularities involving lecturers/teachers constitute acts of misconduct and shall be dealt with in terms of the applicable law.
 - (g) Suspected SBA/ICASS irregularities involving assessment officials employed in terms of the *Public Service Act, 2007 (Act No. 30 of 2007)* constitute acts of misconduct and shall be dealt with in accordance with the relevant Public Service Regulations.
- (2) Procedure in respect of irregularities identified during the planning and preparatory phase of the external examination
- (a) Any examination irregularity identified prior to the writing of the examination question paper shall be reported to the National Head of Examination or his/her representative who will decide on the action to be taken.
 - (b) The following procedure will apply if the examination irregularity is of such a nature that it may result in unauthorised persons gaining access to the relevant question paper:
 - (i) The Director-General of the Department shall be informed immediately.
 - (ii) The Director-General or such delegated official will decide on the action to be taken, and who should undertake this action.
 - (c) All other irregularities shall be reported to the National Head of Examination or his/her representative who will decide, based on the report on the matter, whether the National Examination and Assessment Irregularities Committee (NEAIC) (on request) or the Learning Centre/Campus Examinations and Assessment Irregularities Committee will investigate the matter depending on the severity of the alleged transgression.
- (3) Procedure in respect of irregularities identified during the writing of the examination
- (a) The examining body will manage examination irregularities arising from misconduct or disregard for the policies or instructions issued during an examination as follows:

-
- (i) In all cases, the invigilator will bring the specific examination irregularity immediately to the attention of the chief invigilator.
 - (ii) The chief invigilator will then offer the candidate suspected of committing an examination irregularity the opportunity to make a written representation in the presence of the invigilator.
 - (iii) The invigilator will be given the opportunity to provide a report on his/her version of events.
 - (iv) If a candidate causes a disturbance or disruption during the writing of the examination and refuses to co-operate, the chief invigilator will request the candidate suspected of committing an irregularity to leave the examination room.
 - (v) The invigilator will remove the examination answer script from the candidate's possession, and will make a note of the date and exact time the examination answer is confiscated. Should the candidate refuse to leave the examination room, the chief invigilator may call security or the South African Police Service for assistance to remove the suspected candidate.
 - (vi) If the candidate agrees to co-operate, the chief invigilator will allow him or her to continue answering the examination paper, in which case the chief invigilator will provide a new answer script to the candidate, noting the relevant date and exact time of issue thereof.
 - (vii) In the case of all irregularities, the chief invigilator will forward his or her report, together with a report from the invigilator who was on duty at the time the alleged irregularity was committed, as well as the candidate's representation and any other documentation/statement or exhibit in this respect to the Head of Examination and Assessment at the Department of Higher Education and Training.
- (b) Should the invigilator identify an examination irregularity while the examination question paper is being written, the following procedure should be applied:
- (i) The invigilator will remove the suspected candidate's examination answer script and write the word "IRREGULARITY" on the front outside cover page, as well as

- the kind of alleged irregularity committed, the date, time and place the alleged irregularity occurred.
- (ii) The invigilator will write the words “Examination answer script confiscated on..... (date) at..... (time) hours” in bold print on the outside front cover page.
 - (iii) The invigilator will take possession of any unauthorised or incriminating material, such as unauthorised notes or other object used directly or indirectly, or found in the possession of the candidate, that may have been used to commit the alleged irregularity. The candidate will accept responsibility for the implications attached to taking any unauthorised material into the examination room.
 - (iv) The invigilator will attach such material to the confiscated examination answer script, and this will become the property of the Department Higher Education and Training. Neither the suspected candidate, nor his or her parents, guardians or representative will have the right to demand the return of this material.
 - (v) The invigilator will thereafter hand a new answer script to the suspected candidate and will also endorse this answer script with the words “NEW ANSWER SCRIPT”, together with the date and time of issue. The invigilator will also inform the suspected candidate that he or she should continue answering the examination paper where he/she left off in the confiscated examination paper.
 - (vi) The invigilator will inform the suspected candidate of the fact that although he or she will be allowed to continue with the examination, this neither condones his or her alleged contravention of the examination policies nor declares him or her guilty. However, a written report will be submitted to the chief invigilator at the conclusion of the examination and this incident will be reported to the National Examination and Assessment Irregularities Committee (NEAIC).
 - (vii) The invigilator will not allow the suspected candidate any additional time to compensate for time lost during the detection and processing of the examination irregularity.

- (viii) The invigilator will submit a full written report immediately after conclusion of the examination to the chief invigilator regarding the alleged irregularity.
 - (ix) The chief invigilator will approach the candidate after conclusion of the examination about the alleged irregularity and request him or her to provide a written declaration or response with regard to the alleged offence.
 - (x) Should the suspected candidate refuse to submit the required written declaration or to provide a response, the invigilator will confirm this refusal in writing. The candidate will thereafter sign the invigilator's written statement.
 - (xi) Should the candidate refuse to comply with *subsection (3)(b)(ix)*, another invigilator, attached to the same examination centre, will provide a written statement confirming the candidate's refusal to provide a written declaration.
 - (xii) The chief invigilator will then send the relevant examination answer script, any incriminating material and all applicable statements for marking in the normal way, and subsequently forward them to the Head of Examination at the Department of Higher Education and Training. The examination centre will keep copies of all documents in the appropriate file.
- (4) Procedure in respect of irregularities identified during the marking of examination scripts
- (a) Markers who identify alleged examination irregularities during the marking process will manage the irregularities as follows:
 - (i) Markers will mark examination answer scripts in which alleged examination irregularities are identified as usual. They will write the word "IRREGULARITY" in red ink on the front cover in the margin.
 - (ii) The markers will thereafter hand in these examination answer scripts, together with the other examination answer scripts and completed mark sheets for the attention of the senior marker, the deputy chief marker, or the chief marker. The latter will enter the marks of the suspected candidate on the mark sheet, indicating clearly "IRREGULAR".

- (iii) If the senior marker agrees with the finding of the marker, he or she will clearly indicate the location of the examination irregularity on each examination answer script and hand the whole batch of examination answer scripts over to the relevant deputy chief marker or to the chief marker.
 - (iv) If the senior marker disagrees with the findings of the marker, the senior marker will hand the examination answer script to the deputy chief marker or to the chief marker for a second opinion. If the deputy chief marker or the chief marker concurs with the senior marker, he or she will return the examination answer script to the marker for normal processing.
 - (v) If the deputy chief marker or the chief marker confirms the alleged examination irregularity, he or she will complete and forward the prescribed irregularity report, together with the evidence, to the college/Marking centre manager. The college/marketing centre will then refer the matter to the Head of Examination at the Department of Higher Education and Training.
 - (b) If an administrative error or omission is identified during the marking process, this will be brought to the attention of the chief marker who will, in conjunction with the marking centre manager, agree on how this matter can best be managed.
- (5) Procedure in respect of irregularities that occur during the capturing, processing, standardisation, release of the results and certification processes
 - (a) The relevant official will report all irregularities relating to the above processes immediately to the Head of Examination at the Department.
 - (i) The relevant official will ensure that confidentiality and security of information is enforced at all times, and any breach in this regard will be considered an examination irregularity.
 - (ii) The Director-General of the Department or any delegated official may immediately suspend an examination official, assessment official or a lecturer/teacher from undertaking

examination- or assessment-related activities if he or she contravenes any of these policies, and the matter will be dealt with in terms of the applicable legal prescripts.

5. PROCEDURES GOVERNING THE CONDUCT OF INVESTIGATIONS

(1) Purpose of an investigation

After an alleged irregularity is identified, an investigation will be conducted to collect evidence to establish a prima facie case of examination or assessment irregularity.

(2) Investigation team

- (a) The Head of Examination and Assessment at the Department may appoint two or more persons to conduct the investigation of an alleged examination and assessment irregularity.
- (b) The National Head of Examination and Assessment may request the assistance of a campus/college/learning centre official who is not in any of the examination or assessment units or any other person with specialised skills relevant to the investigation.
- (c) The Head of Examination and Assessment will provide the investigation team with clear terms of reference, and list the timeframes by which the investigation is to be completed.
- (d) The investigators may be called as witnesses during disciplinary hearings.
- (e) No member of the National Examination and Assessment Irregularities Committee (NEAIC) or an investigator may be involved in any examination irregularity investigation or may be allowed access to a hearing or documentation involving a relative or any other person in respect of whom impartiality may be compromised.

(3) Investigation process

The investigation team will follow the following procedure in respect of an investigation:

- (a) The investigation team may call upon any official in the service of the Department or any candidate or candidates to appear before the investigation team, and may also question any candidate accused of an alleged irregularity.
- (b) The investigation team may also call upon any person not in the immediate employ of the Department but who falls under its jurisdiction to appear before the investigation team, and they may also question any such person during the normal course of an investigation.
- (c) The investigation team will have access to any room or place at any centre registered with the Department as an examination centre, and may scrutinise or take possession of any document, article or any other evidence that may, in the opinion of the investigation team, facilitate the investigation.
- (d) In cases of serious irregularities of a criminal nature, the Department shall reserve the right to report such cases to the relevant state security agents with a view to a criminal investigation.
- (e) The investigation team will clearly document and minute all investigations, regardless of the level at which it takes place.
- (f) The investigation team will submit the findings of an investigation to the relevant official who will make a recommendation to the National Head of Examination, who will then make a decision whether a hearing will take place or not.
- (g) Each investigation team will submit a detailed report to the National Head of Examination within timeframes determined by the National Head of Examination. This report will, amongst others, contain the following information:
 - (i) name/s of the investigators;
 - (ii) date of the investigation;
 - (iii) procedural steps taken, including to alert the affected learners/students about their rights during investigations, i.e. the right to remain silent;
 - (iv) witness/witnesses interviewed;
 - (v) material evidence, if relevant; and
 - (vi) names of witnesses to be called to a hearing.
- (h) If the evidence relating to the case is not adequate to support the relevant charge, the National Head of Examination may request that a

further investigation be conducted or recommend to the National Examination and Assessment Irregularities Committee (NEAIC) that the case be withdrawn.

- (i) All the cases the National Examination and Assessment Irregularities Committee (NEAIC) withdraw will be submitted to the Deputy Director-General for final ratification.

(4) Determining whether a hearing is warranted post the investigations

- (a) The National Head of Examination will commission an investigation on behalf of the National Examination and Assessment Irregularities Committee (NEAIC) to establish a *prima facie* case of an examination or assessment irregularity.
- (b) After the investigation, the National Head of Examination will study the report presented by the investigation team, and will make a determination on whether the examination and assessment policies have been violated. A charge will therefore be formulated and a hearing will be convened.
- (c) It will be the responsibility of the chair of the National Examination and Assessment Irregularities Committee (NEAIC) to manage the investigations on behalf of the Head of Examination, and to make a recommendation to the National Head of Examination on whether there is adequate evidence to formulate a charge, and hence to proceed with a hearing.
- (d) In the case of SBA/ICASSS, the manager of the learning centre/campus will oversee the management of the investigation and make a recommendation to the National Head of Examination.

6. INVESTIGATIONS CONDUCTED BY THE DEPARTMENT OF HIGHER EDUCATION AND TRAINING

- (1) Circumstances that warrant the Department of Higher to conduct investigations into examination and assessment irregularities in examination centres, as contemplated in section 20(2) of the *General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001)*.

- (a) The Department shall conduct investigations into examination and assessment irregularities of a very serious nature that are systemic and threaten to undermine the credibility of the examination system as a whole, including irregularities relating to the following:
- (iii) leakage of national question papers at examination centre level;
 - (iv) cases where officials of the regions/colleges/campuses are to be investigated;
 - (v) cases where there is a conflict of interest between the regions/colleges/campuses and the examination centre;
 - (vi) irregularities that are of public interest.
- (b) The following procedure will be followed when the Department conducts these investigations:
- (i) The Director-General or any delegated official will decide to conduct an investigation when the irregularity is identified and becomes evident.
 - (ii) The Director-General or his or her representative will send an official notification to the Head of the college/campus/centre informing him or her of the irregularity that has to be investigated.
 - (iii) The Department will conduct the investigation and will follow the investigation processes as stipulated in these policies
 - (iv) The Department will present a report to the Chief Director: National Examination and Assessment (NEA).
 - (v) The Chief Director: National Examination and Assessment (NEA) or his or her representative will present the report thereafter to the National Examination and Assessment Irregularities Committee (NEAIC) for final ratification.
 - (vi) The report will then be presented to the Director-General and the Quality Councils for final approval.
 - (vii) The National Examination and Assessment Irregularities Committee (NEAIC) will manage any hearings that are to be conducted, and the final report of the National Examination and Assessment Irregularities Committee (NEAIC) will be presented to the Deputy Director-General.
- (c) Composition of the investigation team

The Department may use any one or a combination of the following groups of people to conduct an investigation:

- (i) officials of the Department;
- (ii) part-time officials appointed by the Department;
- (iii) a special investigation team constituted by the Director-General; and
- (iv) experts from learning centres, other than the one under investigation.

4. IRREGULARITIES IDENTIFIED AT THE DEPARTMENT OF HIGHER EDUCATION AND TRAINING

In the case of irregularities identified at the Department, the Director-General will establish an independent investigation team that will report to the National Examination and Assessment Irregularities Committee (NEAIC) on its findings and recommendations.

5. PROCEDURES GOVERNING THE CONDUCT OF HEARINGS

(1) Prior preparations

- (a) The assessment body will appoint the following persons to conduct a hearing:
 - (i) presiding officer;
 - (ii) evidence leader;
 - (iii) recording officers;
 - (iv) interpreter (where necessary);
 - (v) legal representative (if the candidate is represented by a lawyer).

- (b) The presiding officer will be a neutral person who was not a member of the investigation team, and will be responsible for conducting the hearings, including the following:
 - (i) explaining the rules and procedures to the parties;
 - (ii) asking inquiry questions;
 - (ii) ensuring that the hearing is procedurally and substantively fair;

- (iv) evaluating the value and relevance of all the evidence that is presented and make a recommendation to the National Examination and Assessment Irregularities Committee (NEAIC).
- (c) The head of the investigation team can be either the evidence leader or any other person with an intimate knowledge of the evidence collected, and his or her responsibilities will be to
- (i) ensure that there is oral, documented or any other form of evidence to prove that the official/s, candidate/s is/are implicated in the alleged irregularity.
 - (ii) ensure that the evidence is consistent, corroborative, relevant, admissible and has been gathered in a manner consistent with the law.
 - (iii) ensure that a charge sheet and all other documents are exchanged with the candidate or his/her representative at least five (5) days prior to the hearing.
 - (iv) present the charge against the official/candidate at the hearing and lead evidence to prove the allegations.
 - (v) examine and cross-examine the suspected official/candidate's witnesses.
- (d) The assessment body will deliver a written notification to the official/candidate involved in the alleged examination irregularity, or to the parent or guardian in the event of candidates being under the age of 18, as well to the learning centre/campus manager of the institution.
- (e) The assessment body will send a written notification by registered mail or deliver it by hand to the official/candidate, parent, guardian or any adult person who resides at the address of the candidate.
- (f) The person who receives the notification will acknowledge receipt thereof.
- (g) The written notification will state clearly that the absence of a reply will not delay a hearing in respect of the suspected examination irregularity.
- (h) If a official/candidate, who is alleged to have committed an examination irregularity or his or her parent or guardian or a

representative cannot be contacted, the centre manager of the relevant institution will be required to assist in contacting the official/candidate. If the manager of the relevant institution is unable to contact the official/candidate, the college will inform the secretary of the National Examination and Assessment Irregularities Committee (NEAIC) accordingly in writing.

- (i) The assessment body will allow all officials/candidates suspected of committing an examination irregularity the opportunity to respond to the invitation to attend a hearing regarding the alleged irregularity within ten (10) working days of receipt of the notification of an irregularity investigation.
 - (j) If a official/candidate does not wish to attend a hearing, he or she has the option to admit guilt in the form of a declaration, and this will be forwarded to the secretary of the National Examination and Assessment Irregularities Committee (NEAIC) within ten (10) working days of being notified of an irregularity investigation. The candidate may indicate that he or she is unable to attend the hearing and that he or she will accept the outcome of the hearing.
- (2) The hearing
- (a) If a suspected candidate is under 18 years of age, he or she may be accompanied by his or her parent/s or guardian/s, the learning centre/campus manager or any other representative.
 - (b) Should the official/candidate or his or her parent/s or guardian/s choose to be represented by a legal practitioner at the hearing, the chairperson of the National Examination and Assessment Irregularities Committee (NEAIC) will allow this but must be so informed at least ten (10) working days prior to the scheduled hearing.
 - (c) Audio recordings as well as written transcripts will be made of all the hearings, and the recordings and transcripts will be kept until the matter has been finalised.
- (3) After the hearing
- (a) The presiding officer at the hearing will submit the findings of the hearing to a full sitting of the National Examination and Assessment Irregularities Committee (NEAIC).

- (b) The National Examinations and Assessment Irregularities Committee (NEAIC) will evaluate the report to ensure that the procedure followed the protocol prescribed in the policy and to ensure that the sanction imposed is commensurate with the offence.
- (c) The National Examinations and Assessment Irregularities Committee (NEAIC) will evaluate this report to ensure that it complies with the prescribed policies and that the sanction/s is/are applied appropriately.
- (d) The National Examination and Assessment Irregularities Committee (NEAIC) will present a comprehensive report on all irregularities to the Director-General and the Quality Assurance Council for final approval and ratification.
- (e) All the decisions by the Director-General and the Quality Assurance Council and their consequent recommendations will be communicated in writing to the Chief Director: National Examination and Assessment (NEA), who in turn will communicate in writing to the suspected official/candidate and the relevant centre or learning institution under investigation within thirty (30) working days of the completion of the hearing.

6. IRREGULARITIES, ACTIONS AND APPLICABLE SANCTIONS

(1) Sanctions

- (a) The relevant irregularities committee may impose the sanctions contemplated in these policies.
- (b) The National Examination and Assessment Irregularities Committee (NEAIC) may impose mandatory sanctions that may include minimum periods of barring, where applicable, after finding the offender guilty of an irregularity. Mandatory minimum periods of sanctions will be stipulated primarily to ensure that irregularities are handled consistently across all provinces/regions/colleges/campuses/learning centres to combat and reduce the frequency of irregularities.
- (c) The National Examination and Assessment Irregularities Committee (NEAIC) may in certain cases be of the opinion that in the light of the specific circumstances of a particular case it may be too harsh and unjust to impose one of the minimum periods of sanction. Should there be "substantial and compelling circumstances" that justify the

imposition of a lesser punishment than the prescribed one in a particular case, the committees will not be obliged to impose the minimum period of sanction.

(2) Irregularities in respect of the examination

(a) Administrative errors and omissions (Technical irregularities)

No.	Irregularity	Action to be taken	Applicable sanctions
(i)	Failure to produce an identification document	<ul style="list-style-type: none"> • The candidate will be allowed to write the examination but must produce an identification document within 24 hours or must provide an affidavit. • Should the candidate fail to produce the identification document or the affidavit within 24 hours, he or she will not be allowed to continue with the next examination session. • As from 2019, candidates will not be registered for an examination without an identification document. 	<ul style="list-style-type: none"> • The candidate's scripts of the learning area/subject already written will be marked, and the result will be released.
(ii)	Failure of the invigilator to check identity documents	<ul style="list-style-type: none"> • The chief invigilator will report this incident to the manager of the examination centre. • The examination centre will report this to the Department head office. • An investigation will ensue to establish a prima facie case. • After the initial report, a detailed report on conclusion of the investigation will be submitted. • The Director-General or his/her representative may immediately 	<ul style="list-style-type: none"> • Will be determined after the conclusion of all processes

		<p>suspend the relevant examination official and prevent him/her from undertaking any examination-related activities.</p> <ul style="list-style-type: none"> The Department of Higher Education and Training will deal with this matter in terms of the applicable disciplinary measures and procedures prescribed by law. 	
(iii)	Late delivery of examination question papers at an examination centre due to negligence	<ul style="list-style-type: none"> The Head of Examination will issue a final written warning. 	<ul style="list-style-type: none"> None
(iv)	Incorrect examination number or no examination number	<ul style="list-style-type: none"> Use all available means to establish the correct examination number and verify this number with the learning centre/campus or the candidate concerned. 	<ul style="list-style-type: none"> None
(v)	The examination number does not appear on the mark sheet	<ul style="list-style-type: none"> Use all available means to correct the problem, ensure that the number is refreshed, and that a new mark sheet is generated. 	<ul style="list-style-type: none"> None
(vi)	An examination answer script is wilfully torn or damaged	<ul style="list-style-type: none"> The invigilator will bring the specific examination irregularity immediately to the attention of the chief invigilator. The chief invigilator will offer the candidate suspected of an irregularity the opportunity to make a written representation in the presence of the invigilator. If the candidate agrees to cooperate, the chief invigilator 	<ul style="list-style-type: none"> Results will be declared null and void

		will allow the candidate to continue with the written examination.	
(vii)	An examination answer script is found amongst examination answer scripts from either another examination centre or for a different learning area/subject	<ul style="list-style-type: none"> The script will be packed and redirected to the appropriate examination centre. 	<ul style="list-style-type: none"> None
(viii)	Examination is conducted at an examination centre other than the examination centre where the candidate is registered	<ul style="list-style-type: none"> The script(s) will be batched and submitted to the marking centre and will be batched appropriately. 	<ul style="list-style-type: none"> None
(ix)	Late arrival at the examination centre	<ul style="list-style-type: none"> The invigilator will NOT allow a candidate into the examination room that arrives after 09:00 for the morning session and after 14:00 for the afternoon session. 	<ul style="list-style-type: none"> The invigilator will ask the candidate to complete <u>Annexure U</u> of the guideline document and explain to the candidate that he/she will have the opportunity to write the next examination sitting
(x)	Examination answer script missing or lost	<ul style="list-style-type: none"> The invigilator will exhaust all possible steps to locate the examination answer script and conduct an investigation. The invigilator will submit a report in this regard to the Department of Higher 	<ul style="list-style-type: none"> None

		<p>Education and Training and they will apply to the relevant quality council requesting to apply a lost script principle/formula</p> <ul style="list-style-type: none"> • An examination answer script lost due to the negligence of an official constitutes an act of misconduct and will be dealt with in terms of the applicable legal prescripts. 	
(xi)	Writing on an incorrect level or wrong learning area/subject	<ul style="list-style-type: none"> • If the action was unintentional, the result of the candidate's mark will be converted as indicated in the Quality Councils guidelines. • If the action was due to the negligence of an official, this constitutes an act of misconduct and will be dealt with in terms of the applicable law or other appropriate measures. 	<ul style="list-style-type: none"> • If the action was intentional or deliberate, the candidate's results will be declared null and void.

(b) Behavioural offences or wilful disobedience with regard to policies or instructions

No.	Irregularity	Action to be taken	Applicable sanctions
(i)	<ul style="list-style-type: none"> • Creating a disturbance, intimidating others or behaving in an improper or unseemly manner despite 	<ul style="list-style-type: none"> • The invigilator will warn the candidate, and if he or she persists with the behaviour or action, will remove the candidate from the examination centre. • The candidate will forfeit the opportunity to write or to 	<ul style="list-style-type: none"> • If the candidate has commenced writing the examination, the marks attained will be declared null and void.

	<p>warning</p> <ul style="list-style-type: none"> • Disorderly conduct • Disregard for the arrangements or reasonable instructions of the invigilator despite warning • Disregard for examination rules and policies despite a warning 	<p>continue writing the specific examination question paper.</p> <ul style="list-style-type: none"> • The invigilator will make a note on the answer script of the date and exact time of the irregularity. • If the candidate agrees to cooperate, the invigilator may allow him or her to continue writing the examination. 	
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(c) Acts of dishonesty

No.	Irregularity	Action to be taken	Applicable sanctions
(i)	<ul style="list-style-type: none"> • Presentation of fraudulent identification document or an imposter • An examination question paper written by another person or a substitute candidate • The intentional use of another candidate's examination number 	<ul style="list-style-type: none"> • Do not allow the candidate to write the examination. • This constitutes a criminal act and the head of examination or his/her representative will refer it to the South African Police Service within 24 hours. 	<ul style="list-style-type: none"> • Results will be declared null and void. • Candidate will be barred from writing the examination for three (3) years from the date the irregularity is confirmed.
(ii)	Failure to present	<ul style="list-style-type: none"> • The invigilator will allow the candidate to write the 	<ul style="list-style-type: none"> • The scripts of the learning

	identification document	<p>examination but the candidate must produce the identification document within 24 hours or provide an affidavit.</p> <ul style="list-style-type: none"> • Should the candidate fail to produce the identification document or the affidavit within 24 hours, he or she will not be allowed to continue with the next examination session. 	<p>area/subject already written will be marked and the results will not be released until the candidate submits his or her ID or an affidavit.</p>
(iii)	<ul style="list-style-type: none"> • Bribery or attempted bribery 	<ul style="list-style-type: none"> • This constitutes a criminal act and will be referred to the SAPS. The Head of Examination or his/her representative will report this to the South African Police Service (SAPS) within 24 hours. 	<ul style="list-style-type: none"> • Results will be declared null and void. • Candidate will be barred from writing the examination for three (3) years from the date the irregularity was confirmed.
(iv)	<ul style="list-style-type: none"> • Access to leaked examination question paper 	<ul style="list-style-type: none"> • Institute a full investigation to ascertain the source of the leakage. • The South African Police Services (SAPS) will be included in the investigation process as well as other investigation experts. • The Head of Examination or his/her representative will report to the SAPS within 24 hours. • A candidate who receives any information regarding the question paper unsolicited and in whatever form, will report this to the relevant authorities, 	<ul style="list-style-type: none"> • Results declared null and void • Candidate will be barred from writing the examination for three (3) years from the date the irregularity is confirmed.

		failing which the candidate may be incriminated.	
(v)	<ul style="list-style-type: none"> • Possession of unauthorised examination material or electronic device • The use of or possession of a cell phone, programmable calculator or any other electronic device that may assist the candidate while writing the examination, except where the examination instructions specify otherwise • Possession of notes or any other unauthorised material that may in any way assist in answering questions 	<ul style="list-style-type: none"> • Confiscate the candidate's examination answer script and any unauthorised or incriminating material, such as notes, or any other object used directly or indirectly or found in the possession of the candidate that may have been used to commit an irregularity. • Write the word "IRREGULARITY", the kind of irregularity, the date, and time the alleged irregularity occurred on the outside front cover page as well as indicating the place up to where the candidate has completed the question paper on the inside of the answer book at the time the incident took place. • Allow the candidate to continue writing the examination. • Do not allow any additional time to compensate for time lost in detecting and processing the irregularity. • At the end of the examination after collecting the scripts, attach the unauthorised or incriminating material to the script containing the irregularity. • Send the script and any incriminating material for marking in the normal way. 	<ul style="list-style-type: none"> • Results declared null and void • Candidate will be barred from writing the examination for three (3) years from the day the irregularity is confirmed.

	<p>related to the learning area/subject matter</p> <ul style="list-style-type: none"> • Copying from notes or textbook or any other unauthorised material • Copying from fellow candidates • Attempting to obtain assistance from, or being assisted by another candidate or any individual • Assisting or attempting to assist another candidate • Receiving assistance from any other source • Any other type of conduct or possession that may render improper assistance or 	<ul style="list-style-type: none"> • Keep a copy. • Submit a full report regarding the irregularity. • Criminal charges may be instituted. 	
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	<p>an unfair advantage to the candidate, thereby prejudicing other candidates</p> <ul style="list-style-type: none"> • Any other action in contravention of the relevant legislation • The non-disclosure of or refusal to hand over a cell phone or any other material 		
(vi)	<ul style="list-style-type: none"> • The examination answer script handed in differs from the one issued by the invigilator • One candidate submits two examination answer scripts 	<ul style="list-style-type: none"> • Conduct an investigation to verify the authenticity or source of the different script. 	<ul style="list-style-type: none"> • If it is not the candidate's fault, the answer script will be marked and the results of the candidate released. • If the act constitutes dishonesty: <ul style="list-style-type: none"> • results will be declared null and void • candidate will be barred from writing examination for three (3) years from the date the irregularity is

			confirmed
(vii)	<ul style="list-style-type: none"> Different sets of handwriting are identified in an examination answer script 	<ul style="list-style-type: none"> Conduct an investigation into the anomaly. 	<ul style="list-style-type: none"> If the act was unintentional, the candidate's results will be released. If the act was intentional, results will be declared null and void, and the candidate will be barred from writing the examination for a minimum of no barring and a maximum of three (3) years from the date the irregularity is confirmed.
(viii)	<ul style="list-style-type: none"> Crib notes are discovered at the marking venue There are no crib notes, but clear evidence of copying Evidence of possible assistance by an invigilator Indications that the candidate has been allowed to write the 	<ul style="list-style-type: none"> The marker will immediately report this to the senior marker, the deputy chief marker or the chief marker who will refer the matter to the college. The college will refer the matter to the Chief Director: Examination. Mark the script as usual. Write the word, "IRREGULARITY", in red ink on the front cover of the script in the margin. Enter the marks of the suspected candidate on the mark sheet and write "IRREGULAR" on the mark sheet. 	<ul style="list-style-type: none"> Results will be declared null and void Candidate will be barred from writing the examination for one (1) year from the date the irregularity is confirmed.

	<p>examination as an “open-book” examination, although this was not included in the instructions to the invigilator</p> <ul style="list-style-type: none"> • Answers identical or too similar to the memorandum 	<ul style="list-style-type: none"> • An investigation must ensue. • The Director-General or his/her representative may suspend the invigilator immediately from any examination responsibility. • The invigilator will be dealt with in terms of the applicable law or any other appropriate measures. 	
(ix)	<p>An answer script, or any part thereof is removed from the examination room and submitted later</p>	<ul style="list-style-type: none"> • Mark the script as irregular and submit it for marking in a normal way. • Institute an investigation. 	<ul style="list-style-type: none"> • Should the investigation reveal negligence on the part of the candidate: <ul style="list-style-type: none"> • results will be declared null and void • should the fault be due to the negligence of an official, this constitutes an act of misconduct and will be dealt with in terms of the applicable law or other appropriate measures, e.g. the official may be suspended from examination-related work.
(x)	<p>An examination</p>	<ul style="list-style-type: none"> • Mark the answer script/s 	<ul style="list-style-type: none"> • If permission was

	is conducted outside the examination room or examination centre without prior authorisation	<p>"IRREGULAR".</p> <ul style="list-style-type: none"> Institute an investigation. 	<p>granted without authorisation by the Head of Examination, this constitutes an act of misconduct and will be dealt with in terms of the applicable law and the official may be suspended from examination-related work.</p> <ul style="list-style-type: none"> If there was a sinister motive: <ul style="list-style-type: none"> results will be declared null and void the candidate will be barred for a minimum of no barring and a maximum of 3 years from the date the irregularity is confirmed from writing the examination
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(3) Irregularities involving students during SBA/ICASSS

(Should be dealt with at learning centre/departmental level depending on the seriousness of the irregularity.)

No.	Irregularity	Action to be taken	Applicable sanctions
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(i)	Failure to abide by any or all of the minimum requirements in respect of the compilation of a mark for internal assessment in a learning area/subject with valid reason	<ul style="list-style-type: none"> • Allow the candidate the opportunity to redo the task within a maximum of three months. • If the above is not practical, the mark for that particular component of the internal assessment mark will not be taken into consideration. 	<ul style="list-style-type: none"> • None
(ii)	Refusing to abide by any or all of the minimum requirements in respect of the compilation of a mark for internal assessment in a learning area/subject with no valid reason	<ul style="list-style-type: none"> • Record a zero mark and use when compiling the marks for the particular component or for internal assessment as a whole 	<ul style="list-style-type: none"> • The candidate will receive an “incomplete” result for that particular learning area/subject.
(iii)	<ul style="list-style-type: none"> • Presenting work that is not the candidate’s original work, e.g. copying verbatim from another source; an assignment completed by another student, parent or purchased; 	<ul style="list-style-type: none"> • Do not take the mark for that particular component of the internal assessment mark into account. • This may also constitute an act of dishonesty. 	<ul style="list-style-type: none"> • The candidate’s results will be declared null and void • The candidate will be barred from writing the examination for one (1) year from the date the irregularity is confirmed.

	<p>reproduction of an assignment or project from another student; work that was previously presented and for which credits were received; the whole or part of a portfolio that is not the student's own, but that of another student from the same or another centre;</p> <ul style="list-style-type: none">• A candidate who resorts to any dishonest act to mislead the lecturer in terms of the authenticity/originality of the portfolio presented• Making a false statement in respect of the authenticity of a particular component of		
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	the mark for SBA/ICASS		
(iv)	A candidate who, in respect of a component of a mark for SBA/ICASS that is completed under controlled conditions, creates a disturbance or intimidates others or behaves in an improper or unseemly manner despite a warning; is drunk or behaves in a disorderly manner; disregards the arrangements or reasonable instructions of the lecturer despite a warning; continues to disregard assessment policies despite warning	<ul style="list-style-type: none"> • Subject the the student to the learning centre/campus disciplinary process. 	<ul style="list-style-type: none"> • Determined by the disciplinary code and procedures of the learning centre/campus. However, if it was confirmed that the candidate had an unfair advantage, the learner will receive "0" marks for that component.

(4) Irregularities involving lecturers and other assessment officials during SBA/ICASS

(Must be dealt with in terms of the applicable disciplinary measures and procedure prescribed by law after the National Examinations and Assessment Irregularity Committee (NEAIC) has investigated and established a prima facie case. The National Examinations and Assessment Irregularity Committee (NEAIC) must refer all cases involving irregularities by officials to the Head of Department or his/her representative.)

No.	Irregularity	Action to be taken	Applicable sanctions
(i)	<ul style="list-style-type: none"> • Wilfully and intentionally, without a valid reason, fail to satisfy the requirements or exclude one or more assessment tasks from the compilation of the final assessment marks • Alters, in other words, either decreases or increases the marks of candidates without approval of the internal moderator or head of the institution • Provides assistance wilfully to a student that affords such a 	<ul style="list-style-type: none"> • Immediately suspend the services of a suspected defaulting official with regard to invigilation, marking, monitoring or moderation. • Immediately suspend the services of a suspected defaulting official in respect of any or all related assessment processes. • In the event of private learning centres or learning institutions deregistered as examination centres with the Department of Higher Education, the Director of the Region or his or her representative may insist on the application of the relevant clauses of the service contract entered into with the particular examination centre. 	<ul style="list-style-type: none"> • The mark for that particular component of the internal assessment mark will not be taken into account. • Results to be considered incomplete.

	<p>student an unfair advantage in comparison with other students</p> <ul style="list-style-type: none"> • Collaborates with a candidate who presents the whole or part of the portfolio that is not the candidate's work • Misrepresents or fraudulently compiles SBA/ICASS marks to candidates without any authentic source indicating how marks were generated 		
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(5) Examination irregularities involving examination officials or lecturers still studying

No.	Irregularity	Action to be taken	Applicable sanctions
(i)	<ul style="list-style-type: none"> • Examination official fails to declare that his/her child and/or close relative sits for an examination that particular year • Invigilator fails to check identity documents • Official contravenes legislation regarding 	<ul style="list-style-type: none"> • Suspend an exam official from undertaking any exam-related activities • Investigate and establish a prima facie case • Deal with the matter in terms of the applicable disciplinary measures and procedures prescribed by law. • Refer the case to the Head of Department or his/her 	<ul style="list-style-type: none"> • To be determined by the outcome of the disciplinary process

	<p>the conduct of the examination to give candidates an unfair advantage/disadvantage in the examination</p> <ul style="list-style-type: none">• Official fails to adhere to the criteria and the prescribed process for the appointment of markers, senior markers, chief markers, examination assistants and other persons involved in the examination-related work• An appointed marker makes a false statement in his or her application• A marker does not adhere to prescribed policy and requirements for marking• Marker misbehaves at a marking venue or at the place of accommodation for markers• Any action by an official that indicates intent to misplace or destroy the examination answer	representative.	
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	<p>scripts of a candidate or candidates</p> <ul style="list-style-type: none"> • Removal of examination answer scripts from the marking centre • Awarding marks to candidates that cannot be justified by the evidence on the examination answer script or the marking guideline/memorandum • Manipulation of the marks to unfairly advantage or disadvantage a candidate or candidates • Any other act that contravenes the policies • Any attempt to assist a candidate that may result in an unfair advantage 		
(ii)	<p>Access to a leaked examination question paper</p>	<ul style="list-style-type: none"> • Institute a full investigation to ascertain the source of the leakage. • Involve the South African Police Service (SAPS) and other investigation experts in the investigation process. • The Director-General or his or her representative may 	

	<p>.College officials writing examinations or are registered at their place of employment (college) to sit for the examinations.</p>	<p>suspend such official from any examination-related activities and deal with the matter in terms of applicable disciplinary measures and procedures prescribed by law.</p> <ul style="list-style-type: none"> • College officials may not register at their place of employment (college) at all 	<p>.Scripts will nor be marked and results will not be released .Warning letter to be given to the Vhief Invigilator of the centre</p>
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(6) Systemic irregularities

No.	Irregularity	Action to be taken	Applicable sanctions
(i)	<ul style="list-style-type: none"> • Negligence • Indolence • Failure to verify and ensure the accuracy of the examination data provided • Failure to abide by relevant legislation, or policies • Unauthorised release of sensitive/confidential information • Misuse of authority for private gain or reward • Unauthorised access to examination data or learning area/subject credits • Failure to verify information accurately 	<ul style="list-style-type: none"> • Suspend the examination official from undertaking any examination-related activities. • Investigate and establish a prima facie case. • Deal with the matter in terms of the applicable disciplinary measures and procedures prescribed by law. • Refer the case to the Chief Director: National Examination and Assessment. 	<ul style="list-style-type: none"> • To be determined by the outcome of the disciplinary process

	<p>on certificates and qualifications</p> <ul style="list-style-type: none"> • Providing examination data to any institution or individual, without the approval of the DG or his or her representative 		
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7. APPEALS

- (1) A candidate has a right to appeal to the Director-General of the Department against the findings and sanctions imposed by the National Examinations and Assessment Irregularities Committee (NEAIC) who acted on behalf of the Director-General or principal of the college/campus/centre within fourteen (14) working days of receiving the written pronouncement of the sanction.
- (2) All appeals must be in writing and must include reasons supporting the appeal.
- (3) The appeal will be concluded within a reasonable timeframe.
- (4) The Director-General may refer the appeals to a committee that may be constituted as follows:
 - Chief Director National Examinations and Assessment (Chairperson)
 - Director Examinations and Monitoring
 - Director Resulting and Certifications
 - Director Marking and Instrument Development
 - Legal Representative
 - Co-op any expert on an ad-hoc basis
 - Union members as observers

8. REPORTING IRREGULARITIES

Reporting examination irregularities consists of two components. The first component relates to reporting the irregularity from the venue of identification to the relevant officials at the assessment body, and the second component relates to reporting the irregularity to the external role-players by the head of the assessment body.

- (1) Internal reporting

Officials will report all alleged irregularities immediately to the next level of responsibility in the assessment process, who in turn, will report irregularities to the chairperson of the National Examinations and Assessment Irregularities Committee (NEAIC) and the Chief Director: National Examination and Assessment. The officials may report alleged irregularities verbally but must submit a written report subsequently within 12 hours.

(2) External reporting

- (a) All assessment bodies will report examination irregularities to the Director-General or his/her representative within 48 hours of the identification of such irregularities. These bodies may report examination irregularities telephonically but must submit a written report subsequently within 48 hours.
- (b) The Director-General or his or her representative will provide the format of the report.
- (c) The Director-General or his or her representative must report all examination irregularities to relevant Quality Council

ANNEXURE O**REQUIREMENTS FOR OFFERING MUSIC PROGRAMMES OF ACCREDITED EXAMINATION BODIES**

1. A learner at a public or independent college may offer one of the following external music programmes as an additional subject, to obtain a particular qualification:
 - a) Associated Board of the Royal Schools of Music (ABRSM)
 - b) Trinity College of London (TCL)
 - c) Unisa

2. Accredited assessment bodies may offer external music programmes listed in paragraph 1 in terms of the conditions contemplated in the relevant section pertaining to the Programme and Promotion Requirements of the particular qualification.

ANNEXURE P**APPROVAL PROCESS FOR SUBJECTS OFFERED BY OTHER EXAMINATION BODIES**

1. Candidates at public and private colleges may offer a maximum of one subject developed by an assessment body other than the Department and recommended by the the Quality Council to the Minister for approval in addition to the required compulsory subjects for a particular qualification.
2. All requests regarding the offering of additional subjects to a particular qualification will be directed to the Department to determine whether the Department will consider the inclusion of the subject in the qualification.
3. Additional subjects to be considered by the Department for inclusion in a particular qualification will be accompanied by the following documents:
 - (a) A Curriculum and Assessment Policy Statement;
 - (b) In the case of additional languages, the appropriate English Language level documents, that is, Home, First Additional and Second Additional Language level to be used as a template.
4. An assessment body approved by the Minister and accredited by Quality Councils will undertake the development of the additional subject request as well as the conduct of the examination thereof.
5. The Minister may not give institutions a guarantee that he or she will approve the developed documents submitted to the Department. The applicant will do all development at his or her own risk, and any costs incurred will be borne by the applicant.
6. The applicant will submit all relevant documents referred to in *sub-section (3)* above not later than April of the year prior to the planned implementation of the subject.

7. Once the Department is satisfied that all the above requirements have been met, the Department will send the subject or programme to the relevant Quality Council for evaluation which will make a recommendation to the Minister.
8. Subjects approved by the Minister and offered as part of a qualification will be implemented for the first time in Level 1 in the month of January following the year of approval.
9. Assessment bodies and colleges that wish to enrol learners for additional subjects to a qualification developed and assessed by an assessment body should contact the head of the relevant assessment body for details about the enrolment and assessment procedure for the additional subject.
10. The Department may request assessment bodies accredited by the quality councils and approved by the Minister to assist in examining the approved additional subject offered by a candidate as part of his or her minimum subject package.

ANNEXURE Q**EXAMINATIONS WRITTEN OUTSIDE THE BORDERS OF SOUTH AFRICA**

The Department may offer examinations outside the borders of South Africa on request of a foreign country. Such a request will be handled by the relevant Ministries of the the RSA and the foreign country/(ies). A Memorandum of Understanding will be put in place between the RSA and such country. Amongst other requirements, the examination in other countries will be quality assured by the relevant Quality Council in the RSA. Such institutions/centres will be accredited by the Quality Council and will be registered by the Department.

- (1) The following criteria will apply when centres lodge requests to be assessed in the National examination outside the borders of the country:
 - (a) The Department will only consider candidates who are registered for a particular qualification and who are entitled to be examined outside the borders of the country.
 - (b) The candidates will comply with all the requirements of the Internal Continuous Assessment and Integrated Summative Assessment Task.

- (2) The Department will only consider applications in this regard if
 - (a) the relevant candidate are registered for the appropriate qualification.
 - (b) the relevant centre submitted a motivation in writing requesting permission to be examined at an approved venue in accordance with the prescribed schedule.

- (3) Examination centres outside the borders of the Republic of South Africa will be South African Diplomatic Missions or centres approved by the relevant accredited assessment body.

- (4) The following criteria will be used to select a centre:
 - (a) A suitable room must be available to conduct the examination.

- (b) Sufficient light and ventilation must be available to conduct the examination.
 - (c) A vault or safe must be available for the safekeeping of the question papers and assessment material.
 - (d) Suitable furniture, for example, a chair and table must be provided for the candidate(s) and the invigilator.
- (5) Invigilation will be conducted in accordance with the Policies stipulated in this document.
- (6) It will be the responsibility of the Department to supply the examination question papers and all material needed, for example, two answer scripts per question paper, wrapper, attendance register, mark sheet, individual timetable, and additional needs such as graph paper, typing paper, et cetera, either by diplomatic bag outside the Republic of South Africa or by courier services.
- (7) Adherence to the South African Standard Time requirements
- (a) Centres must conform to the South African Standard Time requirements for the respective question papers.
 - (b) Should this not be practicable in terms of vast time zone differences, a quarantine period commencing at the time of the question paper will apply. The centres will meet any additional costs in this regard.
- (8) The centres will be responsible for all expenses, for example:
- (a) Packaging and postage
 - (b) Invigilator for invigilating
 - (c) Renting the venue, if applicable
 - (d) Any other incidental costs
 - (e) The Quality Councils will recover costs incurred to quality assure the examinations

- (9) All centres conducting examinations outside the borders of the RSA will be required to sign a Service Contract with the Department as contemplated in Annexure U.

ANNEXURE R

PRACTICAL EXAMINATION IN COMPUTER- AND TECHNOLOGY-RELATED SUBJECTS

1. Colleges will visit computer laboratories accompanied by IT support staff to ensure that the infrastructure is compliant with the Practical Examination Guideline Document six (6) weeks prior to the start of the final examination.
2. The security measures in the related subjects/learning areas comprise three phases, namely computer laboratory certification, invigilation during the examination sitting, and verification of CDs/DVDs.
3. Colleges will inform local authorities about the examination timetable at least six (6) weeks prior to the start of the examinations to ensure that no load shedding will be applicable or colleges must have standby generators available.
4. Colleges will take the following measures during the computer laboratory certification process:
 - (1) All centres offering Computer and Technology related subjects will complete a specified checklist certified by the principal of the centre/campus and will submit the checklist to the assessment body two (2) days prior to the examination.
 - (2) All centres/campuses will ensure that one day prior to the examinations the specific centre/campus and/or network will be off limits to all students.
 - (3) All centres/campuses will inspect electronic equipment in respect of the relevant examinations prior to the examinations to ensure, for example, that the electricity cables and wall connections are in good working order to prevent a possible power failure caused by defective electrical apparatus. Each computer room should preferably be on its own circuit breaker as strenuous load, for example, due to air conditioning, may cause problems.
 - (4) All centres/campuses will check hardware and software to ensure that they are in good working condition, that computers/networks are virus-free, and that anti-virus software is updated shortly (at least one day) before the examination.

- (5) All centres will use and certify only approved hardware configurations and versions of software, as specified by Practical Examination guidelines, and will use only legal copies of software.
- (6) The relevant lecturer/teacher will ensure that all computers are “clean”, and that no program or documents, other than those required by said examination, hidden files and/or examples of any kind are stored or are accessible on the hard disks or the network.
- (7) All centres will de-activate e-mails and/or messaging systems during the examination.
- (8) All centres will ensure that security measures are in place to prevent students from accessing any other computers, folders and/or documents other than those required by said examination. In the case of peer-to-peer networks or where students store information on local hard drives, all centres will switch off all network communication devices, including wireless and wired network connectors such as switches and routers. All centres will ensure that there is dividers between computer work stations. No student must have the opportunity to see other students' work
- (9) Invigilators will use passwords, familiar only to them, as a security measure during the examination session.
- (10) If centres conduct an examination in two sessions, the technical support person/lecturer/teacher will ensure that all computers are clean before the second session starts by emptying the recycle bin and ensuring that the students from the two sessions do not make contact.
- (11) An examination question paper may require certain work to be printed. Centres will therefore ensure that
 - (a) printers are installed.
 - (b) printers print clearly.
 - (c) new cartridges are used, if possible.
 - (d) the assessment body is responsible for supplying sufficient suitable paper for printers.
- (12) All centres will ensure that the following settings for each computer are correct and in keeping with South African requirements, namely:
 - (a) date and time
 - (b) South African regional settings
- (13) With regard to compact disks or related storage media
 - (a) the assessment body will supply each examination centre with at least three (3) CDs/DVDs or related storage media (one for backup) per

- mark sheet sent to the centre on which the students' work will be saved.
- (b) the centre will submit one [backup] CD/DVD containing the students' saved answers immediately after the students have written the examination to the relevant assessment body and two (2) duplicate backup CDs/DVDs will be kept at the centre.
- (14) As peer-to-peer networks do not provide the same level of security as server-based networks, all centres will discourage the use of peer-to-peer networks and will disconnect the network cables for the duration of the examination and use the computers as stand-alone machines.
- (15) Should a centre use network facilities to conduct practical examinations, the centre will take the following steps to prevent students from copying files:
- (a) The centre will create separate folders for each student on the appropriate network drive and will label the folder with the student's examination number.
 - (b) The centre will copy data files required by each student into each folder or onto a suitable saving device.
 - (c) The centre will ensure that it is not possible for the student to access any other data folders on the network.
 - (d) The centre will create a separate user ID and password for each student, link these to a specific folder, and test the file re-direction setup to ensure that files do not point to one folder.
 - (e) The centre will ensure that the user ID and password differ from those used by students during the normal course of practical work.
 - (f) The centre will preferably generate access codes randomly, for example, user ID: AxCyfDT, Password: ShwOfT.
 - (g) The centre will deactivate electronic messaging systems between work stations during the examination to ensure that students will not be able to send messages or files from one work station to another.
- (16) As some networks are able to keep a log of access to folders, the centre will deactivate this facility during the examination and maintain this till the examination is completed in case any queries concerning irregularities arise.
- (17) The centre will ensure that at least two (2) additional computers and one (1) additional printer available are available as backup.

- (18) An experienced lecturer/teacher will be present during all practical sessions to provide the necessary technical assistance in case computer problems arise. This lecturer/teacher will NOT be part of the invigilation team and will not work on a computer during the writing session, and will provide technical assistance only.
- (19) Invigilation
- (a) A minimum of two lecturers/teachers will be present as invigilators in a computer centre during the examinations in Computer- and Technology-related subjects/learning areas
- (b) Additional invigilators will be present in accordance with Table 1:

Table 1

Number of candidate	Computer- and Technology-related lecturer/teacher	Invigilators	End-of-session assistance	Total number of invigilators during the end of the session
Less than 10	1	1	1	3
10 – 25	1	2	2	5
26 – 40	1	3	3	7
More than 40	2	4	4	10

- (20) Document retrieval
- (a) One week before the examination commences, the centre will receive a disk or related storage media containing the documents (data files/folders) for retrieval on the day of the examination.
- (b) The responsible lecturer/teacher will make a backup copy of the storage media immediately and determine whether he or she is able to access the files. Thereafter, the responsible lecturer/teacher will place the original and the backup storage media in safekeeping with the principal of the centre, and will report any problem experienced with accessing the files immediately to the assessment body.

- (c) The responsible lecturer/teacher will save this information on the network or on the hard drives of individual computers, or prepare an individual disk for each student one day prior to the examination. Thereafter all examination centres will be off limits to students, other students and lecturers/teachers on that particular day.
 - (d) The responsible lecturer/teacher will carefully prepare each folder a day before the examination session.
 - (e) The lecturer/teacher will ensure that each student has an electronic folder clearly marked with the relevant student's examination number and the centre number.
 - (f) The responsible lecturer will ensure that under no circumstances any students have access to the examination data (folders/files) prior to the examination.
- (21) The chief invigilator will supervise all security processes.
- (22) The centre will receive permission to run a maximum of two consecutive sessions for computer/practical examinations per day, and will take the necessary precautions to prevent any communication between the students in the two groups.
- (23) The centre will not allow any cell phones, manuals and/or electronic documents in the examination centre unless the Department of Higher Education and Training and the assessment body specify otherwise.
- (24) Students may use the help function on computers.
- (25) The centre will put up dividers if students have visible access to adjacent computers.
5. Procedure during the examination session
- (1) Invigilators will ensure that no student copies from another student and that everyone adheres strictly to all supervisory requirements.
 - (2) The additional assistant who will assist at the end of the session (last 30 minutes of the session) will help with printing (if required) and verifying that

students' files are written to CDs/DVDs and are saved correctly, and will ensure that all students' files/folders saved on the CDs/DVDs can be accessed afterwards. If stand-alone computers are used, invigilators will use flash drives to retrieve all students' work from the individual workstations, and will ensure that no student edits or keys in work after the examination time has elapsed.

- (3) Students will save their work at regular intervals, for example, every 10 minutes and will set up auto save recovery options to every five (5) minutes.
6. Should a power failure occur while students are writing the examination, students will follow the following procedure:
- (1) Students will remain in the computer room until the power failure has been repaired or until two (2) hours have elapsed.
 - (2) Students will not communicate with each other while waiting for the power failure to be repaired.
 - (3) The centre will allow additional examination time for time lost during a power failure.
 - (4) The centre will reschedule the examination if the power supply is not restored after two (2) hours.
 - (5) The centre will inform the Department of Higher Education and Training and the assessment body immediately of any power failure.
 - (6) Should a power failure occur, the college will immediately inform the local authorities and will also ascertain, if possible, how long the power failure is likely to last.
 - (7) The centre will collect the disks containing the work students completed and will submit these disks to the assessment body.
 - (8) Should an examination be cancelled due to a power failure, students will write the backup examination question paper on another date.
 - (9) Should two examination sessions be scheduled during an examination, namely in the morning and afternoon, the above procedure will apply to both sessions.
7. Should a computer breakdown occur during the examination, students will follow the following procedure:

- (1) The invigilator will move students to backup equipment immediately, and the invigilator will provide appropriate additional time to the students concerned, for example, if a student has not saved his or her work, the invigilator will provide a maximum of 10 minutes.
 - (2) The invigilator will not allow any additional time for work lost and not correctly saved.
 - (3) Students will complete the examination question paper within the set time.
 - (4) Invigilators will only allow students to print, save their work to CD/DVD and test the CDs/DVDs after the set examination time has elapsed.
 - (5) Printouts
 - (a) Invigilators will take the necessary precautionary measures to ensure that students' files have been written to CD/storage media and can be opened correctly.
 - (b) Students will hand any printouts required by the examination question paper to the invigilator.
 - (c) In certain instances, students may print their work to show evidence of work done in the case of software failure, and will then submit the printed work with a letter explaining what happened.
 - (d) The invigilator will not allow any printouts to leave the examination room.
8. Should two examination sittings take place on one day, the following procedure will be followed:
- (1) The responsible lecturer/teacher will divide the students into two groups.
 - (2) Group 1 will complete the examination during the first sitting and Group 2 will complete the examination during the second sitting.
 - (3) Students in Group 2 will meet at least one hour before the end of the first sitting, and the invigilator will supervise these students and escort them to the computer room before the second sitting commences, and after all the students in Group 1 have left the computer room.
 - (4) The invigilator will not allow any student to leave the examination room before the end of that particular examination session.
 - (5) The invigilator will not allow any contact between the two groups during either of the two sessions.
9. Students' responsibilities

- (1) Each student will fill in his or her examination number, the examination centre number and the workstation number, and will complete the information sheet and/or folder accompanying the examination question paper.
 - (2) Students will indicate further the software packages they used to complete the examination question paper.
 - (3) Each student will ensure that he or she saved his or her work and that this is available on the disk/storage media/folder provided by the assessment body.
 - (4) Students will submit these disks or storage media, together with the printouts (if applicable) to the examination section of the assessment body.
 - (5) After completing the examination, students will make sure that each file is stored in his or her examination folder and that each file opens from the storage media.
 - (6) Should two groups of students use the same computer and printer, the first group of students shall close all their files on the computer and remove all printouts before [the] that computer and/or printer will be used by the next group of students.
10. After the practical examination session, the following procedure will be followed:
- (1) The responsible lecturer/teacher will make two (2) backup or duplicate copies of students' work on relevant storage media. One disk must be sent to the marking centre and two (2) disks will be kept at the CLC.
 - (2) After each CD/DVD is written, the invigilator/lecturer will ensure that all folders/files can be accessed and opened.
 - (3) The lecturer/teacher will handle printouts required and disks as follows:
 - (a) Check that each printout has the student's examination number inserted as a header.
 - (b) Check that a student's printouts are in the correct order, if applicable, and that a candidate submits only one printout per question.
 - (c) Place the student's information sheet, printouts and disk in a specially designed examination folder (standardised format) (not applicable if all the students' folders are written to one CD/DVD).
 - (d) Clearly indicate the examination number and the centre number on all media submitted to the assessment body.
 - (e) Organise all folders numerically and place them in a marked box/bag.

- (f) Ensure that disks or storage media reach the marking centre intact as answers to questions will be marked from the disks or storage media.
- 11. The assessment body will verify that all files/folders on the CDs/DVDs are complete and accessible BEFORE marking commences.

ANNEXURE S**REMUNERATION FOR EXAMINATION-RELATED WORK**

1. Officials appointed to perform examination-related work will be paid tariffs as determined by the Minister.
2. Payment may be for work done or for the duration of the question paper in terms of setting, moderation, translation, marking, moderating, re-marking, practical and oral examinations and invigilation.
3. The Department will determine other allowances, where applicable.
4. Officials will only be remunerated for work related to external examinations, and not, for Internally marked scripts)
5. Public servants may be paid overtime when they perform examination-related work after hours/on public holidays/Saturday and Sundays in terms of relevant legislation. The Department will determine a norm for payment of work done after hours or for overtime work to avoid abuse.
6. The Department will implement control mechanisms to deal with the claims process to avoid inflated claims, double claims or fraud.
7. Any official who engages in or attempt to engage in any fraudulent activities with regard to the claiming process will immediately be suspended by the Director-General or his/her representative from examination-related work, and will be disciplined in accordance with the applicable procedures in terms of the relevant legislation.

ANNEXURE T

MINIMUM REQUIREMENTS FOR A COMPUTER SYSTEM

The following are the minimum requirements for an examination computer system:

1. Capacity to browse information on files. This will enable the user to browse through information available on all data files, for example, to study the names of students registered at a specific centre in order to find a specific student's information.
2. Registering entries: The computer system will be able to register students' entries per examination by means of approved off-line systems, or directly within the on-line environment, and fully validate students in accordance with the rules and regulations of the Department of Higher Education and Training.
3. Generating mark sheets: The computer system will be able to generate mark sheets, as well as capture and control mark sheets. Furthermore, the computer will be able to print mark sheets with bar codes to control the flow of mark sheets at strategic points.
4. Processing examination results: The computer system will be able to process all results in accordance with the rules and regulations of the Department of Higher Education and Training and Quality Councils.
5. Standardising marks. The computer system will use a process to adjust the marks by using qualitative and quantitative data and reports, as set out in the Quality Councils' directives.
6. Learning area/subject information. The computer system will carry forward all learning areas/subject and examination question paper information from the previous examination and, where required, will introduce changes. The information regarding learning areas/subjects will have a direct influence on the validation of students' entries, students' promotion, as well as on conversion, examination packing material, timetables, admission letters, et cetera.
7. Irregularities. Students found guilty of committing irregularities will be suspended individually or per examination centre. This sub-system will control the correspondence with regard to and investigations into these irregularities.

8. Region or examination centres .The computer system will register all examination centres and will allocate examination centres to a region and district according to their respective provinces/regions.
9. Students' documentation history. The computer system will process students who enter on a continuous basis (repeaters) and apply for certification along with their historical information for possible combination certification.
10. Issue of documents and associated matters. The computer system will handle enquiries with regard to all system documents issued or controlled by the Department of Higher Education and Training.
11. Preliminary number of student entries. The computer system will enable management to use documentation to gauge the number of student entries per centre for planning and budgeting purposes, and to assess stationery requirements.
12. Remarking and rechecking. The computer system will suspend the marks of a student who applies for re-marking or re-checking of his or examination answer script until re-marking or re-checking has taken place.
13. Packaging stationery/examination question papers. The computer system will generate reports to assist with packaging and distributing examination question papers and examination stationery supplied by the Department.
14. Statistics. The computer system will enable officials to extract all statistics pertaining to pass and failing rates, entry irregularities, etcetera, per province, per region, or at national level, and will make the statistics available for media releases or for their use by learning area/subject advisors, planners and management.
15. Timetable. The computer system will maintain the dates, times and the duration of each examination question paper for student admission letters/permits, payment of examiners, et cetera.
16. System parameters and system index maintenance. The systems administrator will maintain standard/generic information used.

17. Examination marking claims. The Department will manage the control and payment of examiners for bulk marking sessions.

ANNEXURE U**PRO FORMA SERVICE CONTRACT****BETWEEN THE****DEPARTMENT OF HIGHER EDUCATION AND TRAINING****AND A****PRIVATE COLLEGE/CENTRE IN RESPECT OF REGISTRATION AS AN EXAMINATION****CENTRE****FOR A PARTICULAR QUALIFICATION OR PART QUALIFICATION****FOR****YEAR _____**

(NAME OF COLLEGE/CENTRE

This contract will only be valid for the year of examination

1. Concluding this contract will confirm that the private centre has met the following minimum preliminary requirements for registration as an examination centre, namely that
 - (1) sufficient space and appropriate furniture will be provided for seating all students.
 - (2) adequate general security will be provided.
 - (3) a lock-up facility for storing the examination material will be available.
 - (4) the local fire and health services will provide clearance in terms of the applicable municipal by-laws.
 - (5) proper lighting will be provided.
 - (6) access to sufficient water and acceptable and adequate toilet facilities will be available.
 - (7) teaching/lecturing staff, suitably qualified and in sufficient numbers, will be trained and used as invigilators.

- (8) clear evidence will be provided that the independent centre is able to meet any and all costs relating to electricity, water, taxes and/or rental of the premises for the duration of the examination.
2. The Head of Department will retain the right to re-evaluate the private centre at any time in respect of any or all of the above-mentioned criteria.
 3. The Department retains the right to monitor at any time the way in which the private centre conducts the examination and related assessment processes without warning. This right to monitor will include the appointment of a monitoring invigilator at the assessment centre for the duration of the examination.
 4. By concluding this service contract, the private centre will commit itself to abide unquestionably to all policies related to the conduct, administration and management of the examination and related assessment processes, as well as to the procedures contained in the relevant national guidelines, policies and regulations.
 5. Should developments at the private centre arise that, in the opinion of the Head of Department and as a result of a preliminary investigation, may adversely affect the interests of students or the integrity of the examination or related assessment processes, the Department reserves and retains the right to take control of the conduct, administration and management of the examination centre with immediate effect, and will hold the managers or owners of the private centre accountable for all related costs the Department may incur in this respect.
 6. Should an independent centre fail to abide by any of the policies or other reasonable requests in respect of the conduct, administration and management of the examination and related examination processes, as well as to the procedures contained in the national policy, the Department of Higher Education and Training may decide to deregister the independent centre as an examination centre.
 7. The Head of Department will require that all examination centres operate on premises approved for this purpose. Should an examination centre decide to relocate, the Department will again inspect the new premises to evaluate the centre as an examination centre.

8. The Head of Department will not allow any examination centre to consider relocation within less than sixty (60) days before the final examination commences.
9. Should the relocation of an private centre be unavoidable due to external factors (e.g. a natural disaster), the centre shall abide strictly to the following procedure:
 - (1) The private centre will inform the Head of Department immediately in writing of the enforced relocation.
 - (2) The private centre will inform students and their parents or guardians.
 - (3) The private centre shall ensure that it places proper notices at the old centre clearly indicating, *inter alia*, the location of the new venue, the name of a contact person and a telephone number for the contact person.
 - (4) The relevant Region will ensure the publication of such information in the printed/electronic media.
10. The following measures will be applicable whenever an private centre relocates to new premises:
 - (1) By relocating to new premises, the private centre's registration as an examination centre will lapse immediately and it will be obliged to apply again to the Department for registration at the new premises.
 - (2) The Head of Department may, in exceptional circumstances, and provided the centre has an unblemished record with regard to irregularities and administration, allow the centre to continue operating for the current final exit examination year only. During this time, the centre will apply for and be granted examination centre status in respect of the new premises. Should such permission be refused or not be granted for any other reason, the registration of the centre shall lapse forthwith.
 - (3) Should this process run over the year-end, no new students may be registered until the Head of Department has taken a decision about the private centre's registration.
 - (4) The onus is on the head of the institution (centre manager/principal) to inform the Head of Department timeously of the private centre's intention to relocate.
 - (5) The Head of Department will inform the chief invigilator in writing of the course that will be followed.
 - (6) Should the application for registration of the private centre be unsuccessful, the Head of Department will inform the head of the institution (centre manager/principal) that registration of that particular centre has lapsed.

- (7) The head of the institution may respond to the Head of Department's decision to deregister and may furnish reasons why the centre should not be deregistered.
- (8) The Head of Department will consider the institution's representation before making a final decision, and will convey this decision in writing to the head of the institution. The Head of Department's decision in this regard will be final.

DEPARTMENT OF HIGHER EDUCATION AND TRAINING:

INITIALS & SURNAME	CAPACITY	DATE
WITNESS I	_____	
WITNESS II	_____	

OWNER(S) OF PRIVATE CENTRE:

INITIALS & SURNAME	CAPACITY	DATE
WITNESS I	_____	
WITNESS II	_____	

MANAGEMENT OF PRIVATE CENTRE (IF DIFFERENT FROM OWNER(S)):

INITIALS & SURNAME	CAPACITY	DATE
WITNESS I	_____	
WITNESS II	_____	

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

NO. 325

9 April 2021

**CODE FOR PERSONS WITH DISABILITIES REGULATIONS, 2021**

The Independent Communications Authority of South Africa ("ICASA/ the Authority"), in terms of section 4(3)(j) of the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000) ("ICASA Act"), read with sections 4(1), 4(4) and 70 of the Electronic Communications Act, 2005 (Act No. 36 of 2005) ("ECA"), hereby publishes the Code for Persons with Disabilities Regulations, 2021 in the schedule.

A copy of the Code for Persons with Disabilities Regulations, 2021 will be made available on the Authority's website at www.icasa.org.za and in the Authority's Library situated at 350 Witch-Hazel Avenue, Eco Point Office Park, Centurion between 09h00 and 16h00, from Monday to Friday.

A handwritten signature in black ink, appearing to read 'Dr. Keabetswe Modimoeng'.

Dr. Keabetswe Modimoeng**Chairperson****Date: 26/03/2021**

SCHEDULE

REGULATIONS ON THE CODE FOR PERSONS WITH DISABILITIES

1. DEFINITIONS

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

“**Act**” means the Electronic Communications Act, 2005 (Act No. 36 of 2005) as amended;

“**Accessibility**” means the ability by persons with Disabilities to equally access and benefit from broadcasting and electronic communications services;

“**Accessibility Services**” means a service such as Audio Description, Closed Captioning, Subtitles, Sign Language or any other similar service;

“**Applicable Channels**” means all television channels broadcast by a television broadcasting licensee except a third-party channel(s) consisting predominantly of live programming content such as news, reality or sports;

“**Audio Description**” means oral commentary that gives a viewer who is blind or partially sighted a verbal description of what is happening on the television screen at any given moment. It is provided as an aid to the understanding and enjoyment of the programme. The technique uses a second sound track that gives a description of the scene and the on-screen action;

“**Closed Captioning**” means a process of converting the audio content of television broadcast or other production into text and displaying the text on a screen or monitor;

“**Disability(ies)**” For the purpose of these regulations, Disability refers to a long-term or recurring hearing and visual impairment;

“**National Relay System**” means phone services operated by interpreters that enable persons with Disabilities to communicate by phone through an interpreter

with a person who can hear in a manner that is "functionally equivalent" to the ability of an individual without a Disability;

"**Photosensitive**" is when a person experiences seizure triggered by flashing lights or contrasting light and dark patterns;

"**Sign language**" means the South African Sign Language that uses a system of manual, facial, and other body movements as a means of communication;

"**Subtitles**" means a service by which both the audio dialogue and sound representations of a video programme, are made visible by the user via on-screen text that is synchronised with the audio content;

"**Universal Design**" means the design of products, environments, programmes and services usable by all people, to the greatest extent possible, without the need for adaptation or specialised design;

"**Year 1**" means the twelve-month period commencing on the date on which these Regulations come into operation in accordance with commencement date of these Regulations.

2. PURPOSE AND SCOPE OF THE REGULATIONS

The purpose of these Regulations is to prescribe a Code for Persons with Disabilities, to be adhered to by Electronic Communications Service ("ECS") licensees and Television Broadcasting Service licensees, aimed at ensuring that persons with Disabilities have access to these services.

3. BASIC STANDARDS FOR BROADCASTING SERVICE LICENSEES

(1) Accessibility Services

A television broadcasting service licensee must implement the following Accessibility Services on Applicable Channels: -

- (a) Audio Description;
- (b) Sign Language;
- (c) Subtitles; and
- (d) Closed Captioning.

(2) Audio Description

- (a) The objective of Audio Description is to aid the understanding and

enjoyment of a television programme.

- (b) A television broadcasting service licensee must maintain quality access to Audio Description, which is essential for ensuring that audiences using broadcasting services benefit from same.

(3) Sign Language

A television broadcasting service licensee must:

- (a) ensure that the viewer can see not only the hands but also, where applicable, the facial expressions of the interpreter;
- (b) monitor the effectiveness of the service through annual consultations with organisations representing hearing impaired persons; and
- (c) ensure that sign language interpreters employed have a recognised sign language qualification from an accredited institution.

(4) Subtitles

A television broadcasting service licensee which provides Subtitles must:

- (a) provide Subtitles as near synchronous to speech as is practicable;
- (b) reflect the spoken word with the same meaning;
- (c) construct Subtitles which contain easily read sentences, and commonly used sentences in a tidy and sensible format; and
- (d) give proper contrast between foreground and background colours.

(5) Closed Captioning

A television broadcasting service licensee which provides Closed Captioning must ensure the following:

- (a) Closed Captioning must match the spoken words in the dialogue and convey background noise and other sounds to the fullest extent possible.
- (b) Closed Captioning must coincide with their corresponding spoken words and sounds to the greatest extent possible and must be displayed on the screen at a speed that can be read by viewers.
- (c) Closed Captioning must fully run from the beginning to the end of the program possible.
- (d) Closed Captioning should not block other important visual content on the screen, overlap one another or run off the edge of the television screen.

4. GENERAL REQUIREMENTS FOR COMMUNICATION AND INFORMATION PROVISION TO PERSONS WITH DISABILITIES FOR TELEVISION

BROADCASTING SERVICE LICENSEES

(1) Provision for Breaking News

A television broadcasting service licensee must provide for a news text strapline, in case of breaking news across channels.

(2) Improving accessibility

(a) A television broadcasting service licensee must ensure that its services are made available and are accessible to persons with Disabilities in accordance with these Regulations.

(b) A television broadcasting service licensee must ensure that there is access to programme support including fact sheets and electronic programme guides (EPGs) on its website or its applications.

(c) A television broadcasting service licensee may make broadcasting services more accessible to persons with Disabilities by doing the following: -

- (i) providing a range of formats on a television broadcaster's website (such as electronic versions and audio clips);
- (ii) incorporating Accessibility Services into advertisements, economic indicators, weather details, telephone numbers and addresses or details of goods and services shown on screen; or
- (iii) making use of non-scheduled services such as access via personal video digital recorders (PVRs) and video on demand (VOD).

(3) Warning to photosensitive viewers

A television broadcasting service licensee must take special care when providing content that may disturb photosensitive audiences/viewers and issue warnings on the television screen prior to broadcasting for persons with photosensitive epilepsy.

(4) Minimum Percentages

A television broadcasting service licensee must implement the minimum level percentages applicable to Accessibility Services relevant to its broadcasting service licence category, as indicated below.

(a) Subtitles:

A television broadcasting service licensee must implement the following minimum percentages of total Subtitles, measured across its broadcasting service on Applicable Channels:

Minimum Subtitling requirements				
	Public	Commercial free to air	Subscription	Community
Year 1	10%	5%	2.5%	2%
Year 2	20%	5%	2.5%	2%
Year 3 onwards	30%	10%	5%	4%

(b) **Audio Description:**

A television broadcasting service licensee must implement the following minimum percentages of total Audio Description, measured across its broadcasting service on Applicable Channels:

Minimum Audio Description requirements				
	Public	Commercial free to air	Subscription	Community
Year 1	2%	1%	1%	0.4%
Year 2	4%	2 %	1%	0.8%
Year 3 onwards	6%	3%	1.5%	1.25%

(c) **Closed Captioning:**

A television broadcasting service licensee must implement the following minimum percentages of total Closed Captioning, measured across its broadcasting service on Applicable Channels:

Minimum Closed Captioning requirements				
	Public	Commercial free to air	Subscription	Community
Year 1	5%	2%	2%	1%
Year 2	5%	3 %	3%	1%
Year 3 onwards	10%	5%	5%	2%

5. BASIC STANDARDS FOR ECS LICENSEES

(1) **Universal Design in Products and Services:**

An ECS licensee must ensure that all electronic communications devices ready for purchase adhere to the principles of Universal Design to cater for the needs of persons with Disabilities. For the purpose of these Regulations electronic communications devices shall refer to handheld mobile telephones and fixed line telephones.

(2) **Hearing Aid Compatibility Requirements for Fixed Line Telephone Handsets:**

An ECS licensee must ensure that all its fixed line telephones handsets being offered to the public have hearing aid compatibilities. The features may include the following:

- (a) a standard rental telephone handset which includes one-touch dial memory, a lightweight handset and a built-in hearing aid coupler;
- (b) a telephone handset which amplifies the incoming caller's voice to suit the listener;
- (c) a telephone handset which amplifies the speaker's voice, allowing the speaker to adjust the speech level to suit the listener;
- (d) a hands-free telephone for a person who cannot hold a telephone handset;
- (e) an ancillary telecommunications product which has adjustable volume, tone and pitch controls to assist the user to hear the telephone ringing;
- (f) an ancillary telecommunications product which allows the connection of a second piece of equipment (e.g. a visual signal alert) in parallel with the existing telephone handset;
- (g) an ancillary telecommunications product in which the telephone handset is cradled, providing hands-free operation; or
- (h) a telephone adapting device which allows a person with cochlear implant to have access to the standard telephone service.

(3) **Visual Aid Compatibility Requirements for Mobile and Fixed Line Telephone Handsets:**

An ECS licensee must ensure that all its mobile and fixed line telephone handsets being offered to the public have visual aid compatibility. Some of the features may include the following:

- (a) **Customized Displays** - An ECS licensee must make provision for wireless

- device screens with better contrast, illumination, larger font size and magnifying functionalities;
- (b) **Alternate formats** – An ECS licensee must make provision for product information and billing in alternate formats (Braille, large print, electronic (plain text or HTML, audio format etc.) upon request, and ensure that this information is easily accessible on the operators’ website and physical stores;
 - (c) **Braille** – An ECS licensee must make provision for phones that have built-in, or that make use of applications that have the capability of connecting wirelessly. When set up, it must support navigation and text input from a Braille keyboard;
 - (d) **Screen Reader** – An ECS licensee must make provision for a screen access application that provides individuals, who are blind or visually impaired, with the ability to read the text that is displayed on the computer screen with a speech synthesizer;
 - (e) **Voice Recognition** – ECS licensees must provide options for consumers to interact with their phone, using their voice, or voice recognition;
 - (f) **Automatic Responses** - ECS licensees must provide a program on wireless devices to answer automatically or redial certain calls or messages; Hands-free or One-Touch - ECS licensees must provide a hands-free device with a speakerphone or assign certain functions to one button for dialling or other pre-programmed functions.

6. NATIONAL RELAY SYSTEM (“NRS”)

- (1) An ECS licensee must provide for a NRS which translates voice to text and vice-versa, on calls made by persons who are deaf or have a hearing or speech impairment as per the technical provisions in **Annexure A**.
- (2) The NRS must offer the following relay services:
 - (a) Type and read;
 - (b) Speak and listen;
 - (c) SMS or text-based services;
 - (d) Video; and
 - (e) Captioned telephony.
- (3) An ECS licensee must comply with the NRS specifications, applicable to video, as contained in Annexure A of these Regulations.
- (4) The NRS specifications, applicable to video, must be implemented as follows:

Timeline	Operating hours
Year 1	09h00 -18h00
Year 2	06h00 - 22h00
Year 3 onwards	24 hours

7. GENERAL REQUIREMENTS FOR COMMUNICATION AND INFORMATION PROVISION TO PERSONS WITH DISABILITIES FOR INDIVIDUAL ELECTRONIC COMMUNICATION SERVICE (“I-ECS”) LICENSEES

- (1) An I-ECS licensee must provide free directory services to persons with Disabilities upon request.
- (2) **Emergency services:** An I-ECS licensee must ensure that emergency services can be accessed by persons with Disabilities.
- (3) **Priority fault repairs:** An I-ECS licensees must prioritise an urgent need to repair a handset for persons with Disabilities.
- (4) **Customer Service Staff:** An I-ECS licensee must ensure that there are trained employees who can provide customer service and communicate with persons with Disabilities in all its stores.
- (5) **Demonstration of equipment:** An I-ECS licensee must ensure that it provides a demonstration in respect of the use of the equipment to persons with Disabilities who visit a broadcasting service or I-ECS licensee’s store before the person purchases, where reasonably possible.
- (6) **Access to information:**
Television broadcasting service and I-ECS licensees must:
 - (a) ensure that, where practicable, they provide, upon request, printed material outlining accessible products for persons with Disabilities in simple and reader friendly languages. This information must also be on licensees’ websites;
 - (b) provide brochures, videos and other information to organisations that work with deaf persons on a regular basis to ensure the information provided is displayed on information stands and targeted to deaf persons;
 - (c) make available advertisements and promotions for products and services

specifically designed for persons with Disabilities in accessible formats to relevant organisations of persons with Disabilities in every province upon request;

- (d) make provision for specific offers categorised according to Disabilities which must be easily accessible on the operators' website.

8. COMPLIANCE REPORTING

Compliance with these regulations shall be in accordance with the Form 7 C of the Compliance Procedure Manual Regulations 2012.

9. CONTRAVENTIONS AND PENALTIES

A licensee that fails to comply with these Regulations, except for regulation 4 (4), will be subject to a fine not exceeding R5 000 000, 00 (five million rand).

10. REPEALED REGULATIONS

The Code on People with Disabilities Regulations published in Government Gazette No. 30441 of 2007 is hereby repealed.

11. TRANSITIONAL ARRANGEMENTS

An existing terrestrial television broadcasting service licensee which is migrating from analogue to digital terrestrial transmission will be required to begin complying with these Regulations with effect from the date of the final switch-off of analogue signals gazetted by the Minister.

12. SHORT TITLE AND COMMENCEMENT

These Regulations are called the Code for Persons with Disabilities Regulations, 2021 and shall come into effect eighteen (18) months after publication in the Government Gazette.

Annexure A

National Relay System Specifications Applicable to Video

1. Technical Provision

1.1. Technical Provision

1.1.1 A Video Relay Service (VRS) allows hearing impaired and deaf people to use video technology to communicate in a manner similar to a traditional telephone call via a South African Sign Language interpreter (SASLi.)

1.1.2 VRS is a video interpreting service providing instant communication, on demand, between a South African Sign Language (SASL) user and a third party whereby the parties are in different locations (not co-located). For example, SASL user with webcam, videophone, mobile or tablet etc makes a video call and then signs to SASL Interpreter. A SASLi then speaks (via phone) to the hearing person. The hearing person replies (speaks) to the SASLi and the Sign Language Interpreter then translates (signs) the response to the deaf person (who can see the interpreter on their computer, TV or video screen). This process takes place simultaneously.

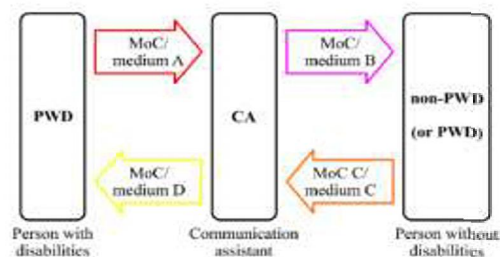


Figure 1

Notes to Figure 1: – MoC: Mode of communication.
CA: Communication Assistant - A person working in a relay service with media conversation, as a human intermediary, including sign language interpreters for video relay service
PWD: Persons With Disabilities

1.2. Type of Service Provision

The VRS service provision must be an open eco system solution (interoperable) that enables access via:

- (a) PC software;
- (b) Tablet software;
- (c) Smart phone software applications;
- (d) Television interface; or
- (e) Videophone.

1.3. Handling Multiple Calls

The NRS platform must consist of a series of technology applications that are made up of:

- (a) an Automatic Call Distributor (ACD) for communication with national infrastructure;
- (b) a universal connectivity platform for cataloguing;
- (c) monitoring and billing, a mobile and desktop application for user accessibility;
- (d) a set of accessibility services that connect the platform to the user applications; and
- (e) human capital for interpreting.

1.4. Call Routing

Call routing must be possible through the use of a common number outbound and through the use of subscriber personalised (telephony and IP) number or through a standard telephone number, inbound.

1.5. Service Allocation

The end user must be able to access all VRS services.

1.6. Emergency Calls

1.6.1 Emergency calls must be prioritised. Location and mapping detail are also required where available (access to subscriber information). Real time text will be required in order to provide an alternative method of communication.

1.6.2 The key functional requirements for placing emergency calls are¹:

- a) accurate and fast routing of the relay to the appropriate emergency call centre: the call centre that the relay service connects to must be the call centre that would have been reached if a non-PWD had made the emergency call in a similar situation. Furthermore, the emergency call centre must receive the call through their normal incoming emergency call phone lines in the same way that a voice

¹ Rec. ITU-T F.930 (03/2018)

emergency call is received from a non-PWD. If CA availability is limited, emergency calls should be prioritised (i.e. emergency callers can jump the queue of calls waiting for the next available CA to take a call);

- b) accurate conveyance of all supporting information: information on the phone line and the location as it pertains to the PWD, not to the relay centre must be delivered. To the extent that an emergency call centre has access to such information from a non-PWD caller, the same information must be conveyed about a PWD who connects to the emergency services through a relay service;
- c) accurate communication: emergency calls place unusual stress on CAs, especially CAs working with video who may be exposed to graphic images. CAs who handle emergency calls must be trained for these situations and equipped with resources to handle the stress. Additionally, if an emergency call centre is able to accept the preferred medium and MoC of a PWD directly without relay centre involvement, PWD callers should be given the ability to connect directly to the emergency call centre and conversing with emergency call takers directly.

1.7. Management

The service provider must at all times monitor the platform, interfaces and gateways that allow protocol communication and this information must be made available on request. The service providers must ensure that the delivery of all updates to the system, from the Call centre applications to the end user applications are managed in a structured manner and remain available to the end user.

1.8. Infrastructure Requirements & Recommendations

1.8.1 Basic characteristics

- (a) Sign language uses the movements and positions of the hands, eyes, mouth, face and body.
- (b) Lip-reading supported by voice can be used together with sign language.
- (c) Lip-reading can play an essential part of Sign Language communication and therefore is benefitted by VRS.
- (d) In video-coding terms, the scene with one signer may be regarded as containing a medium to high motion content.
- (e) Sign language requires good visual reproduction of movements. For the application of sign language transmission in a person-to-person conversation

at low bit rates (based on the use of dated equipment or network access at the user end), the following basic minimum performance goals must apply:

- i. 25-30 frames per second at CIF resolution and a max. 0.4s delay, accepting occasional blur less than that corresponding to QCIF during medium motion.
- ii. Sound synchronism better than 100 ms.
- iii. End-to-end delay (latency) must be below 0.4 s.

1.8.2 Broadband Access

Broadband access requirements will be defined by the service provider based on the end user device, (mobile, pc, tablet) the type (fixed or mobile) and capability of network infrastructure (e.g. DSL, Ethernet, 3G, 4G) used as well as the quality of service offered.

1.9. Service Initiation and Operation

All VRS systems must be simple to operate from the Call centre application to the End user application. It must be easy to load with adequate loading instructions and simple to configure. It must be self-loading with minimum user intervention.

1.10. Call Handover

During peak busy hours priority calls (e.g. emergency calls) may need to be transferable between providers, provision must be made in this regard.

1.11. Call Back Provision

Caller's numbers or ID's must be temporarily stored to enable call back provision where required. There must be clear policies and procedures in place as to when and how this will be done, reflecting the needs of Data Protection. The user may not be charged extra for this service, neither connection fees nor for additional minutes accrued as a result of re-establishing the call. The caller information must be removed within a designated timeframe or at a pre-determined stage of a process (e.g. at end of call). The ability for the Central Point to contact the hearing impaired and deaf end user with important messages must exist. Notification is required to end user that a video or text mail message is waiting for them (for example by Text or email).

1.12. Accessibility & Caller Validation

Subscribers to VRS must have their own standard telephone numbers, which must be associated with an IP address. This must allow anyone to contact the subscriber

from any device. Users would simply have to dial the phone number of the person they want to call (11 or more digits depending on where they are calling from). The call would be routed to the platform, then, depending on the phone number called and the parameters of the user's account, the platform would determine whether the call requires the services of an interpreter. Geographic location details must be made available (where provided) for mobile calls (specifically emergency calls). The end-user will be charged for VRS calls with IP addresses located outside South Africa.

1.13. Confidentiality

1.13.1 Confidentiality provision must be available through the use of VPN (increased bandwidth requirements) or through the use of an agreed standard encryption. This must only be between Central Points if required as it adds another level of complexity for the end user.

1.13.2 Service confidentiality and security² is required to achieve functional equivalency, confidentiality and security associated with the relay services are one of the critical subjects.

1.13.3 Privacy, confidentiality and security shall be maintained to achieve functional equivalency. Privacy, confidentiality and security considerations extend both to the technologies used by relay services and the human CAs.

1.13.4 Relay services shall be able to provide encrypted calls if the mainstream telephone services of the country in which the relay service is located provides encrypted calls. More generally, requirements for confidentiality and call security should mirror those of the mainstream telecommunications services of the country in question.

1.14. Standards

Services provision must conform to the relevant International Telecommunication Union communication protocols and specifications where available. Conformance to standards must be confirmed by the service providers in an auditable manner.

1.15. User Applications

² Rec. ITU-T F.930 (03/2018)

User Applications consists of mobile applications for smartphones and a web-based interface for desktop computers. In addition to telephone numbers, the ability to use web-based links for direct service opportunities must be included in the VRS. This will provide a tremendous amount of accessibility for the end-user.

1.16. Interpreting Services

The core of the NRS are the interpreters. The service provider must set up a call centre and provide a sign language interpreter to enable the service.



Independent Communications Authority of South Africa
350 Witch-Hazel Avenue, Eco Point Office Park
Eco Park, Centurion.
Private Bag X10, Highveld Park 0169

**CODE FOR PERSONS WITH DISABILITIES REGULATIONS
REASONS DOCUMENT**

MARCH 2021

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1. **ACKNOWLEDGEMENTS**

The Independent Communications Authority of South Africa ("the Authority") hereby acknowledges and thanks all stakeholders who have participated in the process aimed at amending the Code for Persons with Disabilities Regulations ("draft amendment Regulations").

The following stakeholders have submitted written representations to the third draft amendment Regulations published for public comments on 12 June 2020:

- 1) AudioDescribe Pty (Ltd);
- 2) Cell C;
- 3) Consumer Advisory Panel ("CAP");
- 4) Internet Service Providers' Association ("ISPA");
- 5) MNET/MultiChoice;
- 6) MTN;
- 7) National Association of Broadcasters ("NAB");
- 8) National Council of and for Persons with Disabilities ("NCPD");
- 9) National Institute for the Deaf ("NID");
- 10) SABC;
- 11) SACF;
- 12) Tapeaids for the Blind and South African National Council for the Blind ("SANCB");
- 13) Telkom;
- 14) Virecom and nWise;
- 15) Vodacom.

2. INTRODUCTION

- 2.1 The Reasons Document sets out the reasons for the decisions of the Authority on the Code for Persons with Disabilities Regulations, 2021, ("the Regulations").
- 2.2 The Authority's reason for enacting of the Regulations was due to the necessary improvement on and review of the Code on People with Disabilities Regulations published in Government Gazette No. 30441 of 7 November 2007 ("the previous regulations") so as to ensure broader access to television broadcasting and electronic communications services by persons with disabilities; to enhance aspects in the previous regulations and to ensure a streamlined process of reporting by licensees.
- 2.3 On 12 June 2020, the Authority published the draft Code for Persons with Disabilities Regulations ("the draft Regulations") with the intention of soliciting inputs on the draft Regulations. This was subsequent to the Authority conducting an extensive process of consultations on the proposed amendments which included a two-day workshop held on 06 and 07 June 2019; international study visits; and public hearings across all provinces and engagements with licensees and stakeholders.
- 2.4 In developing this Reasons Document, the Authority has considered the written submissions by interested parties, as well as oral submissions made during the two-day workshop. The Authority's mandate is to regulate broadcasting and electronic communications services in the public interest as laid out in section 2(a) and (b) of the ICASA Act 13 of 2000 ("ICASA Act"), as amended and section 70 of the Electronic Communications Act 36 of 2005 ("ECA").

REASONS FOR AMENDMENTS TO THE DRAFT REGULATIONS

3. AD DEFINITIONS:

- 3.1 **Accessibility Services:** The definition was expanded to include sign language, as it was excluded amongst the accessibility services being referred to in the draft Regulations.
- 3.2 **Subtitles and Closed Captioning:** The Authority is of the view that there is a distinction between subtitles and closed captioning, and this is further captured in that Subtitles are embedded on the programme, whereas closed captions can be switched on and off, depending on what the viewer wants to see.
- 3.3 **Universal Design:** The terminology of universally designed was substituted with Universal Design which is the correct terminology in line with the UN's Convention on the Rights of Persons with Disabilities ("CRPD") definition.

4. AD BASIC STANDARDS FOR TELEVISION BROADCASTING SERVICE LICENSEES:

In line with an input from a stakeholder alerting the Authority of the omission of Closed Captioning in the draft regulations, that "closed captioning" was defined but not incorporated in the body of the Regulations, this has now been added in regulation 3 (5) of the Regulations. Furthermore, in line with paragraph 3.2 above, the Authority believes there is a difference between subtitles and closed captioning.

5. AD BASIC STANDARDS FOR ELECTRONIC COMMUNICATIONS SERVICE LICENSEES:

Universal Design in Products and Services: The Authority notes comments from Licensees that they do not manufacture electronic communications devices, and therefore have no control over product design, however Licensees must ensure that the products they procure, meet the principles of universal design as this will ensure that consumers will enjoy all the benefits of universal design.

For the purpose of these Regulations, the Authority has decided to confine the definition of electronic communications devices to mobile handheld and fixed line telephones. This is because the Authority has decided to adopt a phased-in regulatory approach, and will in future, consider including other devices in line with technological developments.

6. AD GENERAL REQUIREMENTS FOR COMMUNICATION AND INFORMATION PROVISION TO PERSONS WITH DISABILITIES FOR TELEVISION BROADCASTING SERVICE LICENSEES:

6.1 Provision for breaking news: every person is entitled to breaking news, including persons with Disabilities. The previous regulations failed to cater for persons with Disabilities in this regard. This provision will take place on applicable channels broadcasting news content.

6.2 Improving accessibility: The Authority made some amendment to this clause to ensure that persons with Disabilities have access to information and entertainment, thus the insertion of this requirement in the Regulations ensures inclusion of persons with Disabilities.

7. AD GENERAL REQUIREMENTS FOR COMMUNICATION AND INFORMATION PROVISION TO PERSONS WITH DISABILITIES FOR I-ECS LICENSEES

7.1 Emergency services: The Authority deems it necessary for I-ECS licensees to provide these functionalities that enable persons with disabilities to acquire emergency assistance. The Authority notes inputs from stakeholders on the provision of access to emergency services using the 112-emergency line. The Authority is therefore of the view that licensees can take steps to ensure that specific needs of deaf persons are addressed using the current emergency numbers, either through the national relay system or through other means.

7.2 Priority Fault Repairs: Stakeholders comments on this subject are noted but are not implemented in the Regulations, as the End-User and Subscriber Service Charter Regulations, 2016 ("End-User Regulations") have recently undergone a Regulatory Impact Assessment ("RIA") which might result in the End-User Regulations being amended to address fault repair issues relevant to the Regulations. The realignment, if any, will be considered in the next review of the Regulations.

8. AD NATIONAL RELAY SYSTEM:

- 8.1 The Authority requested information regarding the feasibility of providing the National Relay System ("NRS") from I-ECS licensees. Based on the information provided, together with the demonstration of NRS capabilities by a consultant from Canada, among others, the Authority has considered the technological possibilities of providing this service and it proved to be feasible for licensees to provide the NRS. Pursuant to the recommendations received from the stakeholders, the NRS is included in the Regulations as it will enable persons with Disabilities to have immediate access to emergency services. The establishment and maintenance of an NRS technology platform will allow persons with disabilities the ability to communicate.
- 8.2 The Authority has noted comments from MTN, Vodacom, Telkom and Cell C on the funding of the NRS with regards to the use of the Universal Service and Access Fund ("USAF"), and the decision is that the Authority has no jurisdiction to give such directives to the USAF. It is up to each licensee to determine how they choose to comply with this obligation.

9. AD COMPLIANCE REPORTING

The Authority has considered the submissions made by the stakeholders on compliance reporting. Therefore, the reporting shall be aligned with Form 7 C of the Compliance Procedure Manual Regulations.

10. AD CONTRAVENTION AND PENALTIES

After further consultations and engagements, the Authority has decided to remove the insertion of *"10% of a licensee's annual turnover for everyday or part thereof during which the contravention continued"* and considers the penalty clause sufficient without that insertion. The principle is to deter non-compliance. R5 million is the maximum fine that can be imposed. Thus, the CCC will determine the applicable fine having considered the merits of the case, which fine will not exceed R5 million.


DEPARTMENT OF MINERAL RESOURCES AND ENERGY

NO. 326

9 April 2021

MINE HEALTH AND SAFETY ACT, 1996 (ACT NO 29 OF 1996)**GUIDELINE FOR THE COMPILATION OF A MANDATORY CODE OF PRACTICE FOR THE PREVENTION OF FLAMMABLE GAS EXPLOSIONS IN MINES OTHER THAN COAL MINES**

I, **MR. DAVID MSIZA**, Chief Inspector of Mines, under section 49 (6) of the Mine Health and Safety Act, 1996 (Act No. 29 of 1996) and after consultation with the Mine Health and Safety Council, hereby issue the Guideline for the Compilation of a Mandatory Code of Practice for the Prevention of Flammable Gas Explosions in Mines other than Coal Mines in terms of the Mine Health and Safety Act, as set out in the Schedule.



MR. DAVID MSIZA
CHIEF INSPECTOR OF MINES

SCHEDULE

Prevention of flammable gas and coal dust explosions in mines other than coal mines

Reference Number: DMRE 16/3/2/4-B5
Last Revision Date: 21 November 2019
Date First Issued: 01 February 2002
Effective Date: 01 May 2021

DEPARTMENT OF MINERAL RESOURCES AND ENERGY

MINE HEALTH AND SAFETY INSPECTORATE

**GUIDELINE FOR THE COMPILATION OF A
MANDATORY CODE OF PRACTICE FOR**

**THE PREVENTION OF FLAMMABLE GAS
EXPLOSIONS IN MINES OTHER THAN COAL
MINES**



CHIEF INSPECTOR OF MINES



**mineral resources
& energy**
Department:
Mineral Resources and Energy
REPUBLIC OF SOUTH AFRICA

Prevention of flammable gas and coal dust explosions in mines other than coal mines

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Prevention of flammable gas and coal dust explosions in mines other than coal mines

PART A: THE GUIDELINE

1. FOREWORD

- 1.1. **Flammable gas** may be present in the strata of all mines. The erratic occurrences of **flammable gas**, which are often of short duration, lead to a tendency to underestimate the potential dangers associated with the liberation of **flammable gasses** into the workings of a mine. This has led to an increase in the number of people fatally injured in **flammable gas** explosions in recent years.
- 1.2. Annexure 1 summarises the findings of a study into the occurrence of **flammable gas** explosions in mines other than coal mines. Annexure 1 is attached as information for consideration in the preparation of a **COP**.

2. LEGAL STATUS OF THE GUIDELINE AND COPs

- 2.1. In accordance with section 9(2) of the **MHSA** an employer must prepare and implement a **COP** on any matter affecting the health or safety of employees and other persons who may be directly affected by activities at the mines if the **CIOM** requires it. These **COPs** must comply with any relevant guideline issued by the **CIOM** (section 9(3)). Failure by the employer to prepare and implement a **COP** in compliance with this guideline is a breach of the **MHSA**.

3. THE OBJECTIVE OF THIS GUIDELINE

- 3.1. The objective of this guideline is to assist the employer of every mine, other than a coal mine, to compile a code of practice, which, if properly implemented and complied with, would considerably reduce the risk of an ignition of **flammable gas**.

4. DEFINITIONS AND ACRONYMS

- 4.1. In this guideline for a **COP** or any amendment thereof, unless the context otherwise indicates:
 - a) **“Abandoned area”** means an area in which no further mining-related activity is planned. It could be used as a return airway but is typically barricaded and/or sealed off to prevent inadvertent access. This definition also covers the term “old mined out areas” as per DMR instruction ref no. 11/4/4-9, dated 5 December 2018.
 - Mining-related activity means activities such as further blasting, cleaning, sweeping, vamping, salvage and/or material reclamation.
 - Inadvertent access means unplanned and/or unauthorised access.
 - b) **“Back stope”** means any working place where the intake and return points are situated on a common elevation whilst the panel advances towards a higher or lower elevation.
 - c) **“CIOM”** means Chief Inspector of Mines.

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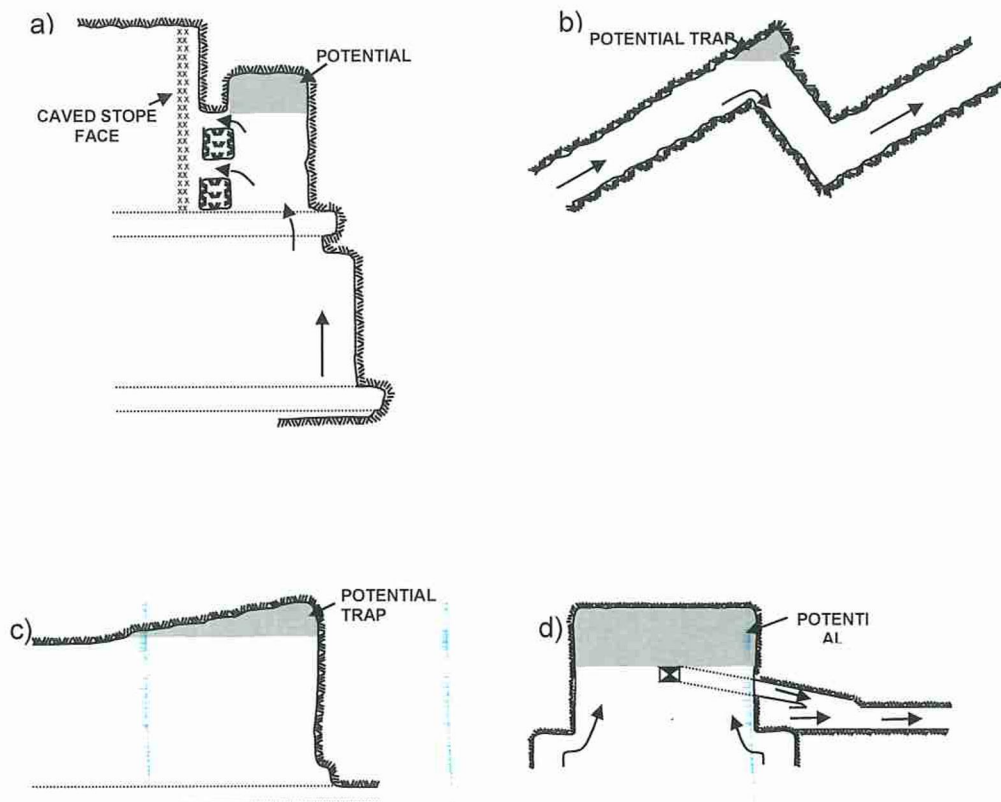
- d) “**Containment wall**” means a permanent wall designed for the purpose of isolating an area from the ventilation district.
- e) “**Confined space**” means an enclosed or partially enclosed space that is not intended or designed primarily as place of work. Due to its nature, a **confined space** poses particular hazards to personnel that include the potential for:
- An oxygen deficient or otherwise non-breathable atmosphere.
 - An oxygen enriched environment supportive of combustion conditions.
 - An atmosphere that is explosive or flammable.
 - An atmosphere that is toxic or contains harmful contaminants.
 - Temperature levels that pose a hazard to personnel.
 - Entrapment risks due to the nature of the **confined spaces**’ entry and exit points.
 - Engulfment risks due to the inrush of free-flowing solids or fluids.
- f) “**Contraband**” means any device for the creation of any spark or flame and / or any pipe, cigar, cigarette or tobacco other than chewing tobacco, but excluding any device used for the intentional creation of a spark for the lighting of welding or cutting torches taken underground with the written permission of the employer.
- g) “**Controlled recirculation**” means air from a working face or place which returns to the same working place or face under pre-determined conditions.
- h) “**COP**” means Code of Practice.
- i) “**Dead end**” means every unused accessible end, tunnel, shaft or heading which has advanced more than twice its width or height, whichever is the greater.
- j) “**DMRE**” means Department of Mineral Resources and Energy.
- k) “**Electrical interlocking**” means an arrangement of control electrical equipment apparatuses interconnected so that their functions occur in a predetermined sequence to assure safety; this should be listed as **electrical interlocking**.
- l) “**Explosion proof seal**” means a seal which is designed to withstand a static pressure of 140 kPa.
- m) “**Explosion protected apparatus**” means any apparatus used in a hazardous location and selected in accordance with the guidelines as defined in the South African National Standard SANS 10108-2005, (as amended). “The classification of **hazardous locations** and selection of apparatus for use in such locations

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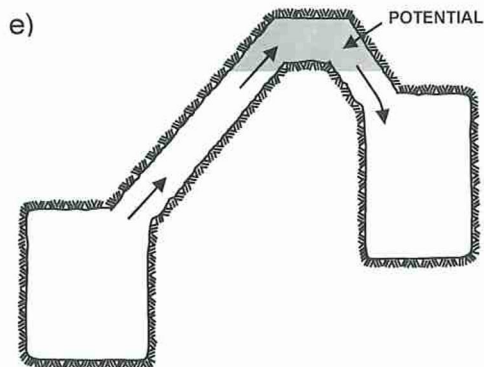
and the Aanbevole Recommended Praktyk/Practice ARP0108-2013, Regulatory requirements for **explosion protected apparatus**".

- n) **"Explosive range"** means the range between Lower Explosive Limit and Upper Explosive Limit which is determined by an appropriate methodology which is fit for purpose such as United States Bureau of Mines, Coward triangle, Le Chetalier's Rule.
- o) **"Flammable gas"** means either methane or hydrogen or other hydrocarbons or a mixture of any of gases.
- p) **"Flammable gas measuring instrument (Type A instrument)"** means **flammable gas** measuring instruments and **flammable gas** warning devices and instruments which comply with the South African Bureau of Standards Specification SANS 1515-1 as amended.
- q) **"Flammable gas trap"** means any working which is not connected at its highest point to other workings on a higher elevation than the highest point. **U-tubes** can also be regarded as gas traps.

See examples below:



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- r) “**Flammable gas warning device (Type C device)**” means a portable battery operated, continuous-duty device designed to give a clear audible and visible alarm, should it be placed in an atmosphere containing a concentration of **flammable gas**, which equals or exceeds the alarm set point.

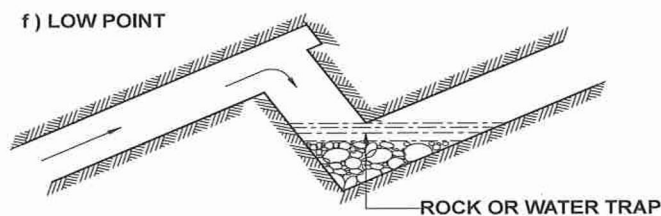
The device may not have a facility allowing the user to turn the device off or to disable its operation in the working place and must be able to monitor and alarm; this instrument must comply with SANS 1515-2 as amended (fixed, transport and vehicle mounted **flammable gas** measuring and warning sensor heads) gas measuring equipment primarily used in mines and the SANS 10108-2013 (as amended) - regulatory requirements for explosive prevention.

- s) “**General atmosphere**” means any point outside a radius of 150 mm away from the source or point of issue of **flammable gas**.
- t) “**Hazardous location**” means any location, where there may be a significant risk of ignition gas, dust, mist, vapour, mist or vapour, including the following:
- i. For underground mines other than coal mines any location where, under normal operating conditions, there is a continuous presence of **flammable gas** measured at a concentration of 0.5% or more by volume in the air.
 - ii. For surface mines and surface location at all mines including offshore installations any location as identified in accordance with SANS 10108 as amended. The classification of **hazardous locations** and the selection of use in such locations”.

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- u) **“Low Point”** means a change in the tunnel gradient that results in a **low point** being created that could close the natural air path by the accumulation of broken rock or mining water.

See example below:



- v) **“Light-metal”** means:
- i. Aluminium;
 - ii. Magnesium;
 - iii. Titanium; and
 - iv. Any alloy containing more than:
 - 15 per cent aluminium by mass of the alloy;
 - 15 per cent aluminium, magnesium and /or titanium, taken together, by mass of the alloy; or
 - 6 per cent magnesium and /or titanium, taken together or separately, by mass of the alloy.
- w) **“MHSA”** means Mine Health and Safety Act, 1996 (Act 29 of 1996) as amended.
- x) **“Permanently stopped area”** means an area with the “footprint” of current mining operations which is intended to be stopped indefinitely, such as:
- A panel which has reached its mining limit and mining operations have ceased; or
 - A portion of a raise line which has been worked out, but where mining operations are taking place in the vicinity and the stopped area is required as a second outlet, and/or logistics supply and/or ventilation flow.
- y) **“Sealed area”** means an area which is sealed off with **explosion proof seals** or **containment walls** in accordance with this mandatory COP.
- z) **“Specialist flammable gas measuring instrument”** means an intrinsically safe instrument that indicates the presence of concentrations of **flammable gas**

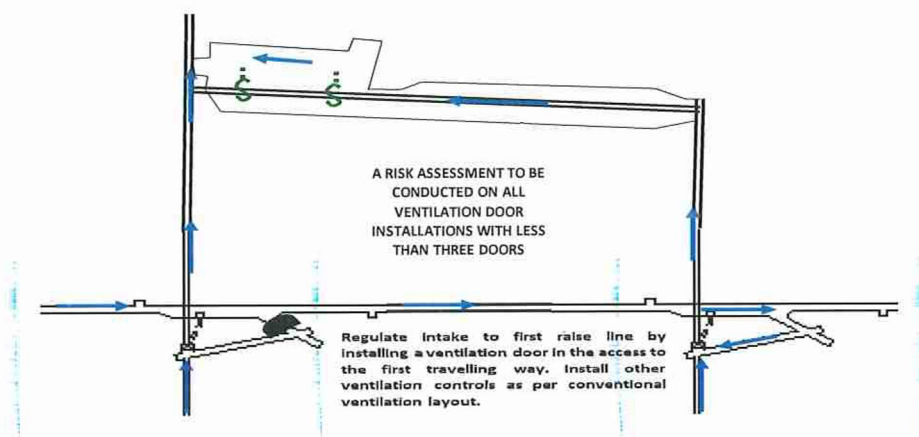
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in air in the range 0-100 % and is only used by a person competent in the use of this specific instrument.

- aa) **“Temporary stopped area”** means an area within the “footprint” of current mining operations which is intended to be stopped for a limited period of time, such as:
- A panel which is stopped due to leads and lags, adverse environmental conditions, etc. or
 - A winze which has reached its mining limit and is waiting for the approaching raise to hole, or
 - A re-development end which is stopped while waiting for an adjacent panel to catch up so that holing between the two can be affected.
- bb) **“Through ventilation”** means air flow, under the influence of surface fans or designated booster fan installations (installed in such a manner to assist surface main fans).
- cc) **“Uncontrolled recirculation”** of air means when any amount of air has been delivered by a particular mechanical ventilation system, re-enters the inlet of that system.
- dd) **“U-tube”** shall mean a working place where ventilation is returned from a higher or lower point back to the same elevation, and where there is no holing from the highest elevation to any other workings or airways above that elevation.

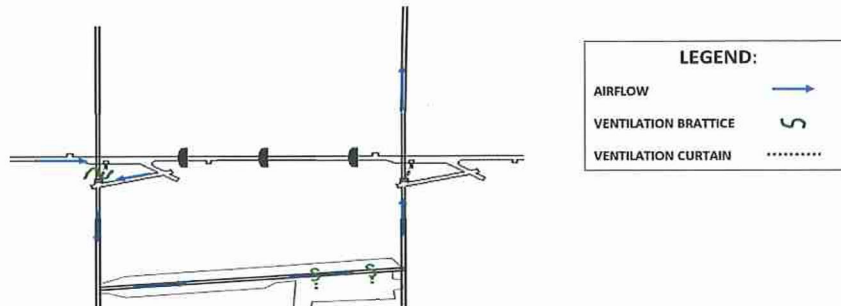
See below examples:

U-tube stoping



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Install ventilation door set in drive between raise lines and regulate air distribution with a brattice set to ventilate the **u-tube**. Management of water control is critical.



5. SCOPE

5.1. This Guideline covers issues which need to be dealt with in the **COP** in order to significantly reduce the risk of a **flammable gas** explosion in mines other than coal mines. The issues to be addressed include at least the following:

5.1.1. Identification of **flammable gas** sources, occurrences and composition:

- 5.1.1.1. Control of gas emissions.
- 5.1.1.2. Detection of **flammable gas**.
- 5.1.1.3. Reporting of **flammable gas**.
- 5.1.1.4. Dilution, removal and dispersion of **flammable gas**.
- 5.1.1.5. Development ends and accessible tunnels.
- 5.1.1.6. Stopes.
- 5.1.1.7. Stopped working spaces.
- 5.1.1.8. Clearing of **flammable gas**.
- 5.1.1.9. Ventilation controls.
- 5.1.1.10. Classification of hazardous areas; and
- 5.1.1.11. Control of Ignition Sources.

6. MEMBERS OF THE REVISION TASK TEAM

6.1. This guideline was prepared by the Occupational Hygiene Technical Task Team.

Prevention of flammable gas and coal dust explosions in mines other than coal mines

6.2. The members who were involved in the draft revision of the guideline were the following:

Messrs:	N. Mokhonoana	State
	T. Motitimi	State
	G. Mthombeni	State
Ms	C. Kekana	State
	D. Labuschagne	Employers
	M. de Koker	Employers
	B. Doyle	Employers
	R. Motlhamme	Employers
	V. De Take	Employers
	G. van der Westhuizen	Employers
	D. Mellet	Employers

6.3. The members who were involved in the final revision of the guideline were the following:

Messrs:	N. Mokhonoana	State
	T. Motitimi	State
	P. Huma	State
	G. Mthombeni	State
	B. Yates	Employers
	R. Barratt	Employers
	JC. Herbst	Employers
	J. Maass	Employers

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PART B: AUTHORS GUIDE

1. The **COP** must, where possible, follow the sequence laid out in Part C: Format and content of the mandatory **COP**. All headings, paragraphs and sub-paragraphs should be numbered to facilitate cross-referencing. Wording must be unambiguous and concise.
2. It should be indicated in the **COP** and on each annex to the **COP** whether:
 - 2.1. The annexure forms part of the **COP** and must be complied with or incorporated in the **COP** or whether aspects thereof must be complied with or incorporated in the **COP**; or
 - 2.2. The annexure is merely attached as information for consideration in the preparation of the **COP** (i.e. compliance is discretionary).
3. When annexures are used the numbering should be preceded by the letter allocated to that particular annexure and the numbering should start at one again. (e.g. 1, 2 3 ...A1, A2, A3...).
4. Whenever possible illustrations, tables, graphs and the like, should be used to avoid long descriptions and/or explanations.
5. When reference has been made in the text to publications or reports, references to these sources must be included in the text as footnotes or side notes as well as in a separate bibliography.

Prevention of flammable gas and coal dust explosions in mines other than coal mines

PART C: FORMAT AND CONTENT OF THE MANDATORY COP

1. TITLE PAGE

The **COP** should have a title page reflecting at least the following:

- 1.1. Name of mine.
- 1.2. The heading: "Mandatory Code of Practice for the prevention of **flammable gas** explosions in mines other than coal mines".
- 1.3. A statement to the effect that the **COP** was drawn up in accordance with **DMRE** guideline reference number **DMR 16/3/2/4-B5** (cross referenced to DMR 16/3/2/4-A6 and DME 16/3/2/1-A2) issued by the **CIOM**.
- 1.4. The mine's reference number for the **COP**.
- 1.5. The effective date.
- 1.6. Revision dates.

2. TABLE OF CONTENTS

The **COP** must have a comprehensive table of contents.

3. STATUS OF MANDATORY COP

Under this heading the **COP** must contain statements to the effect that:

- 3.1. The mandatory **COP** was drawn up in accordance with **DMRE** guideline reference number **DMR 16/3/2/4-B5** (cross referenced to DMR 16/3/2/4-A6 and DME 16/3/2/1-A2) issued by the **CIOM**.
- 3.2. This is a mandatory **COP** in terms of sections 9(2) and (3) of the **MHSA**.
- 3.3. The **COP** may be used in an accident investigation/inquiry to ascertain compliance and to establish whether the **COP** is effective and fit for purpose.
- 3.4. The **COP** supersedes all previous relevant **COPs**.
- 3.5. All managerial instructions or recommended procedures (voluntary **COPs**) and standards on the prevention of **flammable gas** explosions must comply with the **COP** and must be reviewed to ensure compliance.

4. MEMBERS OF DRAFTING COMMITTEE

- 4.1. In terms of section 9(4) of the **MHSA** the employer must consult with the health and safety committee on the preparation, implementation or revision of any **COP**.
- 4.2. It is recommended that the employers should, after consultation with the employees in terms of the **MHSA**, appoint a committee responsible for the drafting of the **COP**.

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- 4.3. The members of the drafting committee assisting the employer in drafting the **COP** should be listed giving their full names, designations, affiliations and experience. This committee should include competent persons, sufficient in number, to draft the **COP**.

5. GENERAL INFORMATION

Relevant information relating to the mine must be stated in this paragraph. The following minimum information must be provided:

- 5.1. A brief description of the mine and its location.
- 5.2. The commodities produced.
- 5.3. The mining methods/mineral excavation processes.
- 5.4. A description of the systems used at the mine to prevent **flammable gas** explosions.
- 5.5. Other relevant **COPs**.

6. TERMS AND DEFINITIONS

- 6.1. Any word, phrase or term of which the meaning is not absolutely clear, or which will have a specific meaning assigned to it in the **COP**, must be clearly defined. Existing and/or known definitions should be used as far as possible. The drafting committee should avoid jargon and abbreviations that are not in common use or that have not been defined. The definitions section should also include acronyms and technical terms used.

7. RISK MANAGEMENT

- 7.1. Section 11 of the **MHSA** requires the employer to identify hazards, assess the health and safety risks to which employees may be exposed while they are at work, record the significant hazards identified and risks assessed. The **COP** must address how the significant risks identified in the risk assessment process must be dealt with, having regard to the requirements of section 11(2) and (3) that, as far as reasonably practicable, attempts should first be made to eliminate the risk, thereafter to control the risk at source, thereafter to minimize the risk and thereafter, insofar as the risk remains, to provide personal protective equipment and to institute a programme to monitor the risk.
- 7.2. To assist the employer with the risk assessment, all possible relevant information such as accident statistics, ergonomic studies, research reports, manufacturer's specifications, approvals, design criteria and performance figures for all relevant equipment should be obtained and considered.
- 7.3. In addition to the periodic review required by section 11(4) of the **MHSA**, the **COP** should be reviewed and updated after every serious incident relating to **flammable gas**, or if significant changes are introduced to the procedures, mining and ventilation layouts, mining methods, plant or equipment and material.

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8. ASPECTS TO BE ADDRESSED IN THE MANDATORY COP

The **COP** must set out how the significant risks, simplified and assessed in terms of the risk assessment process referred to in paragraph 7.1 will be addressed. Unless there is no significant risk associated with that aspect at the mine. The **COP** must cover at least the aspect set out below:

8.1. Identification of flammable gas sources, occurrences and composition

In order to ensure that the identification of **flammable gas** sources, occurrences and compositions are addressed, the **COP** must cover at least the following:

- 8.1.1. A description of the sources of **flammable gas**, the way that **flammable gas** is encountered or likely to be encountered and how it enters the workings of the mine, for example:
 - 8.1.1.1. Ingress through faults, dykes, fissures or other geological features.
 - 8.1.1.2. High pressure pockets.
 - 8.1.1.3. From worked out and/or **abandoned areas**, through seals.
 - 8.1.1.4. Cover drilling.
 - 8.1.1.5. Pilot hole drilling.
 - 8.1.1.6. Normal shot hole drilling.
 - 8.1.1.7. Blast and seismic induced fracture planes.
 - 8.1.1.8. Occurrence of **flammable gas** with water.
 - 8.1.1.9. Change in barometric pressure.
 - 8.1.1.10. Change in season.
 - 8.1.1.11. Long term emitters.
- 8.1.2. A procedure for identifying and recording **flammable gas** intersections.
- 8.1.3. A procedure to deal with **flammable gas** intersections, and allocation of responsibilities to competent persons.
- 8.1.4. A procedure for sampling the gas at every **flammable gas** intersection where the **flammable gas** concentration in the **general atmosphere** exceeds 1.4% by volume, to determine the composition and concentration in order to identify the upper and lower explosive limits of the gas source.

Prevention of flammable gas and coal dust explosions in mines other than coal mines

8.2. Control of gas emissions

- 8.2.1. The **COP** must set out precautionary measures to be taken to control the release of **flammable gas**, inclusive of when sealing of an area or bleeding of gas from an area should be done.

8.3. Detection of flammable gas

(See Annexure 2 – Guidance Note for Lamproom Practice, for information purposes)

The **COP** must set out a procedure to detect **flammable gas**, which must deal with the following aspects:

- 8.3.1. Selection of appropriate **flammable gas** detection instruments for the typical operational conditions.
- 8.3.2. Availability for allocations, at any time, of a sufficient number of the **flammable gas** detection instruments referred to in (8.3.1 above).
- 8.3.3. Issuing of **flammable gas** detection instruments to employees on the mine.
- 8.3.4. Testing for and dealing with the presence of **flammable gas**.
- 8.3.5. Maintenance and calibration of **flammable gas** instruments.
- 8.3.6. Training and presence of competent persons for performing **flammable gas** detection measurements, inclusive of the correct selection, use and care of **flammable gas** detection instruments.

8.4. Reporting of flammable gas

In order to ensure that **flammable gas** intersections are reported, the **COP** must cover at least the following:

- 8.4.1. A procedure for the reporting of **flammable gas** as required per Mine Health and Safety Act Regulation 23.4 (g).
- 8.4.2. A procedure for the reporting, internal and/or external, of all other **flammable gas** incidents in the **general atmosphere** not covered by paragraph 8.4.1.

8.5. Clearance of flammable gas

In order to ensure that the clearance of **flammable gas** accumulations, including roof layers, is done safely, the **COP** must set out a procedure for:

- 8.5.1. The dilution, removal and dispersion of **flammable gas**, including roof layering.
- 8.5.2. Isolating electricity without affecting the ventilation system where applicable.
- 8.5.3. Withdrawing of people from the return.

Prevention of flammable gas and coal dust explosions in mines other than coal mines

8.6. Development ends and accessible tunnels not in through ventilation

(See Annexure 3 - Guidance Note for Multi-blasting Operations, for information purposes)

In order to ensure that the build up of **flammable gas** in development ends and accessible tunnels not in **through ventilation** is prevented the **COP** must cover at least the following:

- 8.6.1. Minimum air quantity.
- 8.6.2. Minimum air velocity.
- 8.6.3. Ventilation column sizes for the different applications.
- 8.6.4. Fan types, sizes and positions.
- 8.6.5. Ventilation methods.
- 8.6.6. Restrictions on ventilation column size and distance.
- 8.6.7. Maximum distance of a ventilation column discharge from the face in tunnels, raises, winzes and boxholes.
- 8.6.8. Minimum and maximum overlap distances of ventilation systems.
- 8.6.9. Methods of ensuring that the force volume is always directed to the working face.
- 8.6.10. Blasting frequency.
- 8.6.11. Blasting method and re-entry period.
- 8.6.12. How development ends in series should be ventilated and restrictions on the maximum number of ends that may be ventilated in series.
- 8.6.13. Methods to ensure **uncontrolled recirculation** does not take place.
- 8.6.14. Methods of breaking away a new end from an existing end or tunnel.
- 8.6.15. The installation of electrical equipment beyond the last point of **through ventilation** and applicable safety precautions.

8.7. Mining methods

8.7.1. Conventional mining (stopes)

In order to ensure that the build up of **flammable gas** in stopes is prevented, the **COP** must cover at least the following:

- 8.7.1.1. The minimum air quantity per stope.
- 8.7.1.2. Minimum air velocity in a stope.

Prevention of flammable gas and coal dust explosions in mines other than coal mines

8.7.1.3. The installation of electrical equipment and safety precautions applicable thereto.

8.7.1.4. Special detailed precautions for **back stopes** and inverted **U-tubes**.

8.7.2. Mechanised mining

8.7.2.1. The minimum air quantity per stope.

8.7.2.2. Minimum air velocity in a stope.

8.7.2.3. The installation of electrical equipment and safety precautions applicable thereto.

8.8. Stopped areas

8.8.1. Temporarily stopped working place

In order to ensure that the build-up of **flammable gas** in temporarily stopped areas is prevented, the **COP** must set out procedures to cover at least the following:

8.8.1.1. Circumstances under which areas can be temporarily stopped.

8.8.1.2. Methods of preventing access to temporarily stopped areas, such as barricading.

8.8.1.3. For removing the ventilation system.

8.8.1.4. To monitor any build-up of **flammable gas**.

8.8.2. Permanently stopped working place

In order to ensure that the build up of **flammable gas** is prevented, or **flammable gas** is safely accumulated in **permanently stopped areas**, the **COP** must set out procedures to cover at least the following:

8.8.2.1. Prevention of **flammable gas** build-up:

(i) Circumstances under which areas can be permanently stopped.

(ii) Method of removing the ventilation system.

(iii) Monitoring of any build-up of **flammable gas**.

8.8.2.2. Safe accumulation of **flammable gas**:

(i) Measures to ensure that **containment walls** are provided with means to monitor any build-up of **flammable gas** behind such walls.

(ii) Measures to ensure that explosive proof seals are used and demarcated where the atmosphere of **sealed areas** stabilises within the **explosive range**.

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(iii) Measures for the monitoring of the atmosphere within the **sealed area**.

8.8.3. Approaching and holing into stopped areas

In order to ensure that the approaching or holing into temporarily or permanent stopped areas is done safely, the **COP** must cover at least the following:

- 8.8.3.1. Procedures to ensure warning notes are timeously issued by the surveyor when any workings approach any stopped area.
- 8.8.3.2. Stopping distances of workings approaching stopped areas.
- 8.8.3.3. Maximum excavation sizes of workings approaching any stopped area.
- 8.8.3.4. Procedure to probe for water and gas accumulations in any stopped area.
- 8.8.3.5. Procedure of re-establishing ventilation in any stopped area before and after holing.

8.9. Fixed installations

- 8.9.1. In order to ensure that **flammable gas** accumulations at fixed installations are prevented, the **COP** must set out procedures to cover at least the following:
- 8.9.2. A layout that indicates the positions of the ventilation appliances in the areas mentioned hereunder must be drawn up.
- 8.9.3. Main surface and underground booster fans.
- 8.9.4. Fixed installations

For the purpose of this guideline fixed installations refers to e.g.:

- 8.9.4.1. Pump stations;
- 8.9.4.2. Dams, sumps, silos and settlers;
- 8.9.4.3. Shaft bottoms;
- 8.9.4.4. Belts;
- 8.9.4.5. Workshops;
- 8.9.4.6. Battery bays;
- 8.9.4.7. Repair bays;
- 8.9.4.8. Cutting and welding bays;
- 8.9.4.9. Sub-stations;

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- 8.9.4.10. Mini sub-stations;
- 8.9.4.11. Refrigeration chambers;
- 8.9.4.12. Stores; and
- 8.9.4.13. Hoist rooms.

8.10. **Stoppage, change or reversal in ventilation**

In order to ensure that employees are not exposed to risks associated with **flammable gas**, the **COP** must set out procedures to be followed for the immediate withdrawal from, and subsequent return of employees to, the working area in the event of a stoppage, noticeable change or reversal in the ventilation in that working area.

8.11. **Identification of hazardous locations**

The **COP** should describe a process for identification of **hazardous locations** and the measures to be taken to prevent **flammable gas** explosions in those locations.

8.12. **Preventing ignition of flammable gas**

In order to ensure the controlling of potential ignition sources the **COP** must cover at least the following:

8.12.1. Contraband

- 8.12.1.1. Orientation of employees regarding the risks of taking **contraband** into underground mines.
- 8.12.1.2. Methods of warning employees of the dangers of taking **contraband** into demarcated areas.
- 8.12.1.3. The random searching of employees about to proceed into or while in demarcated areas.
- 8.12.1.4. Use of light Metals SANS 10012 as amended.

8.12.2. Open flame and other ignition sources

- 8.12.2.1. Safe procedures for welding, flame cutting, flame heating, and similar work such as friction cutting, grinding, vulcanizing, soldering, photography, video, and any other electronic devices.
- 8.12.2.2. The training of competent persons to perform such work.
- 8.12.2.3. Issuing and control of flint lighters and short exploders.
- 8.12.2.4. The construction, ventilation, physical characteristics and orderly maintenance of the workshop and cutting bays so that work can be performed in a safe and healthy manner.

Prevention of flammable gas and coal dust explosions in mines other than coal mines

- 8.12.2.5. Precautions to be taken when working outside approved workshops or cutting bays.
- 8.12.2.6. The ventilation, inertisation, fire prevention and the gas testing procedure before, during and on completion of such work.
- 8.12.2.7. The precautions and devices utilized to quench flashback and to prevent back feeding of gas.
- 8.12.2.8. The proper transport, storage and use of gas cylinders.
- 8.12.2.9. The issuing, safekeeping and examination of both equipment and devices used.
- 8.12.3. Electrical equipment
- 8.12.3.1. Where **explosion protected apparatus** are used.
- 8.12.3.2. Where the use of electrical equipment requires special precautions.
- 8.12.3.3. For interlocking of fans ventilating in series and other electrical equipment used within relevant areas.
- 8.12.3.4. For the positioning of fans in series.
- 8.12.3.5. For the positioning of switchgear in development ends.
- 8.12.3.6. For **flammable gas** tests before starting or stopping electrical equipment.
- 8.12.3.7. For identification of electrical equipment that poses a significant risk and measures to deal with that risk.
- 8.12.3.8. No automatic re-starting of auxiliary (development end) fans and other electrical equipment.
- 8.12.4. Frictional ignitions
- Identify potential sources of frictional ignition and detail the relevant prevention and control measures.
- 8.12.5. Static electricity
- Identify the potential sources of static electricity and detail relevant prevention and control measures.
- 8.13. **Confined space**
- In order to ensure the prevention of an explosion in a **confined space** the **COP** must cover at least the following:
- 8.13.1. The measures to prevent the accumulation and ignition of **flammable gas** and/or explosive mixtures in confined areas.

Prevention of flammable gas and coal dust explosions in mines other than coal mines

PART D: IMPLEMENTATION

1. Implementation plan

- 1.1. The employer must prepare an implementation plan for the **COP** that makes provision for issues such as organisational structures, responsibilities of functionaries and programmes and schedules for this **COP** that will enable proper implementation of the **COP**. (A summary of/and a reference to, a comprehensive implementation plan may be included).
- 1.2. Information may be graphically represented to facilitate easy interpretation of the data and to highlight trends for the purpose of risk assessment.

2. Compliance with the COP

- 2.1. The employer must institute measures for monitoring and ensuring compliance with the **COP**.

3. Access to the COP and related documents

- 3.1. The employer must ensure that a complete **COP** with related documents is kept readily available at the mine for examination by any affected person.
- 3.2. A registered trade union with members at the mine or where there is no such union, a health and safety representative on the mine, or if there is no health and safety representative, an employee representing the employees on the mine, must be provided with a copy on written request to the employer. A register must be kept of such persons or institutions with copies to facilitate updating of such copies.
- 3.3. The employer must ensure that all employees are fully conversant with those sections of the **COP** relevant to their respective areas of responsibility.

Prevention of flammable gas and coal dust explosions in mines other than coal mines

ANNEXURE 1: Summary of findings of a study into flammable gas explosions in mines other than coal mines
(For information purposes only)

1. BACKGROUND

A study into the occurrence of **flammable gas** on mines other than coal mines has revealed the following six points to prevent a **flammable gas** explosion.

1.1. Always expect gas.

1.2. Be aware.

There is a general lack of awareness of the presence and hazards associated with **flammable gas**. Only four mines in the country considered **flammable gas** to be a significant problem. This is reflected in the fact that although the fatality trend in the industry is down the trend on **flammable gas** fatalities is up.

1.3. Know what gas you are dealing with.

1.4. Determine the combustible properties of the gas mixture.

1.5. Are your **flammable gas** detectors reading correctly?

1.6. Know your probable gas sources.

- Methane and hydrogen are not the only **flammable gases** present in mines. The employer must know the gases it is dealing with in order to institute proper calibration and testing procedures.
- Gas samples must be analysed because it is the only way to determine the composition of gases the mine is dealing with.
- All employees must know the circumstances in which gas is likely to occur.
- This Guideline and the Code of Practice to which it refers will deal with identifying possible gas emissions, controlling the emissions where possible, early detection of **flammable gas** and good ventilation practice. Combined, these interventions should ensure that **flammable gas** explosions should not occur.

Prevention of flammable gas and coal dust explosions in mines other than coal mines

ANNEXURE 2: Guidance note for lamproom practice
(For information purposes only)



DEPARTMENT: MINERALS AND ENERGY
Minerals and Energy for Development and Prosperity
Mine Health and Safety Inspectorate

**GUIDANCE NOTE
FOR
LAMPROOM PRACTICE**

CHIEF INSPECTOR OF MINES

Date First issued:
Effective date:

Prevention of flammable gas and coal dust explosions in mines other than coal mines

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Prevention of flammable gas and coal dust explosions in mines other than coal mines

1. INTRODUCTION

These guidance notes have been primarily prepared to assist the employer in ensuring that gas detection instrumentation, self-contained self-rescuers and portable lamps are in proper working order prior to going on shift.

2. LEGAL STATUS

- 2.1 This guidance note has been compiled to assist employers in preparing a Code of Practice for Lamproom Practice.
- 2.4 A guidance note sets out good practice and will be widely distributed by the Mine Health and Safety Inspectorate within the industry. As is the case with all other documents setting out accepted good practice, the application of inferior practices without justification could amount to negligence.

3. DEFINITIONS

- 3.1 **“Equipment”** means gas detection instrumentation, self-contained self-rescuers and portable lamps.

3.2 Gas detection instrumentation

- 3.2.1 **“Flammable gas measuring instruments and flammable gas warning devices”** means only those instruments and devices which comply with the South African Bureau of Standards specification SANS 404545.1515.
- 3.2.2 **“Carbon monoxide warning devices”** means only those devices which are battery operated portable personal units, capable of continuously sensing and able to give either a clearly audible or a clearly visible warning or both a clearly audible and a clearly visible warning should they be used in an atmosphere containing 100 ppm or more of carbon monoxide.
- 3.3 **“Self-Contained Self-Rescuers”** means a body-worn device, which complies with the South African Bureau of Standards specification SANS 1737.

- 3.4 **“OEM”** means original equipment manufacturer.

4. COMPETENT PERSON

4.1 Appointment

The Manager shall appoint a competent person who shall have successfully completed a training programme drawn up by the manager, and clearly define all his duties and responsibilities in writing.

4.2 Training

- (i) The Manager, in consultation with the **OEM** of the equipment in use on the mine, shall draw up a mine specific training programme.

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- (ii) Refresher courses to be conducted annually and retraining done in the event of any change in specification of any equipment.

5. CERTIFICATION OF SPECIFICATION COMPLIANT

5.1 Gas detection instrumentation

The following is recommended for all specification compliant equipment in the lamproom:

5.1.1 Flammable gas

Copies of the SANS 1515-1 test certificates and the list showing the relevant serial numbers of all specification compliant instruments and devices in use should be displayed in the lamproom.

5.1.2 Carbon monoxide

Copies of the SANS 1515-3 test report for explosion protection for all battery powered portable personal warning devices in use shall be displayed in the lamproom.

5.2 Self-contained self-rescuers (SCSRs)

Copies of SANS 1737 batch test certificates for units purchased after 1 September 2002 of all makes of SCSR in use on the mine should be displayed in the lamproom.

5.3 Portable lamps

Copies of all schedules giving full details and specifications of all portable lamps in use, on the mine shall be displayed in the lamproom.

6. ALLOCATION OF EQUIPMENT IN COMPLIANCE WITH SABS SPECIFICATIONS

6.1 Gas detection instrumentation

6.1.1 Flammable gas

Every designated person who is required to conduct tests or monitor for **flammable gas** is to be allocated a personal **flammable gas** measuring instrument or a personal **flammable gas warning device** as the case may be.

6.1.2 Carbon monoxide

Every designated person who is required to monitor carbon monoxide is to be allocated a personal carbon monoxide warning device.

6.1.3 Sensor for oxygen deficiency (please suggest a description for other gases)

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6.2 Self-contained self-rescuers

Every person who is required to be equipped with a self-contained self-rescuer under Regulation 16 of the MHSA Act No. 29 of 1996 shall be allocated such for their sole use.

7. STORAGE OF EQUIPMENT

- (i) Equipment should be stored in accordance with **OEM** recommendations.
- (ii) Storage area to be clean, oil free, free of silicone-based cleaners, well ventilated and well illuminated.
- (iii) Due to the nature of the reactive chemicals contained in SCSRs, any unit which has been activated, vandalised, damaged, or which has failed the routine inspection including redundant units, should be immediately withdrawn from service and sealed in an impervious plastic bag and kept in an area away from other equipment. For safe disposal of these particular units it is recommended that they be returned to the **OEM** concerned.

8. EQUIPMENT CONTROL

8.1 Checking/testing

- (i) The appointed competent persons shall test and check equipment in accordance with a procedure drawn up by the manager in consultation with the **OEM** to verify that the equipment is in proper working order prior to each shift.
- (ii) With regard to SCSRs a special monitoring test programme by an approved testing authority should be implemented in accordance with Regulation 16.4 (1) of the Mine Health and Safety Act (Act 26 of 1996).

8.2 Calibration of Portable Gas Detection Instruments

Calibration of portable instruments should be done in accordance with a procedure drawn up by the employer in consultation with the **OEM**.

8.3 General maintenance

8.3.1 Gas detection instrumentation and portable lamps

- (i) Separate rooms for gas detection instrumentation and portable lamps should be dedicated for maintenance purposes.
- (ii) Portable lamp repairs may be effected by the appointed competent person but in the case of gas detection instrumentation only the **OEM** or their accredited authorities may carry out any repair.

8.3.2 Self-contained self-rescuers

Repairs and/or refurbishment shall be effected only by the **OEM** or by their accredited authorities.

Prevention of flammable gas and coal dust explosions in mines other than coal mines

8.4 Battery charging programme (gas detection instrumentation and portable lamps)

Batteries are to be charged in accordance with a procedure drawn up by the manager in consultation with the **OEM**.

8.5 Records

- (i) A record shall be kept for a period of 12 months in the lamproom of specific persons to whom equipment are issued in order that the user can at any time be identified from the records.
- (ii) With regard to SCSRs a comprehensive record system should be implemented in accordance with Regulation 16.4(2) of the Mine Health and Safety Act (Act 26 of 1996).
- (iii) In the case of gas detection instrumentation records of individual instruments and devices showing a history of testing, calibration and maintenance, shall be kept.

9. REPORTING

- (i) The lampsman shall on a monthly basis report in writing to the Manager on all matters pertaining to the control of equipment.
- (ii) Copies of these reports shall be kept for a period of one year.

10. COMPLIANCE TESTS

Tests and checks of equipment shall be made by the designated user in accordance with a procedure drawn up by the manager. A means of acknowledgement by the designated user shall be instituted to verify that such tests and checks have been conducted prior to going on shift and recorded.

Prevention of flammable gas and coal dust explosions in mines other than coal mines

ANNEXURE 3: Guidance note for multi-blasting operations
(For information purposes only)

REF: 24/2/P
LAST REVISION DATE:



DEPARTMENT: MINERALS AND ENERGY
Minerals and Energy for Development and Prosperity
Mine Health and Safety Inspectorate

**GUIDANCE NOTE
FOR
MULTIBLASTING OPERATIONS**

**RE-ENTRY INTERVAL AFTER BLASTING AND PERMISSION TO BLAST MORE THAN
ONCE IN 24 HOURS IN TERMS OF REGULATION 9.2(1)**

CHIEF INSPECTOR OF MINES

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Prevention of flammable gas and coal dust explosions in mines other than coal mines

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

Prevention of flammable gas and coal dust explosions in mines other than coal mines

ACRONYMS

MHSA	Mine Health and Safety Act, Act 29/1996
RAW	Return airway
l	Length
w	Width
h	Height
m/s	Metres per second
m ³ /s	Cubic metres per second
m ³ /s/m ²	Cubic metres per second per square meter
Q _F	Force quantity

1. INTRODUCTION

This guidance note is not applicable to collieries.

A recent mine disaster has brought the blasting and ventilation arrangements, especially regarding development multi-blasting, into urgent need of review. It furthermore highlighted that the increased risk of **flammable gas** explosions, in underground metalliferous mines, must be managed.

This guidance note has been amended in line with the Industry Best Practice Guideline produced by the Group Environmental Engineers, submitted through the Chamber of Mines. The purpose of this guidance note is to ensure that the re-entry periods applied under differing occupational environmental conditions ensure that no persons are exposed to occupational health risks.

2. LEGAL STATUS

This guidance note has been compiled to assist mines with the calculation of re-entry periods for the different types of multi-blasting.

A guidance note sets out good practice and will be widely distributed by the Mine Health and Safety Inspectorate within the industry. As in the case with all other documents setting out accepted good practice, the application of inferior practices without justification could be regarded as negligence.

3. RELEVANT PROVISIONS OF THE MHSA

- 3.1 The employer must assess the hazards and respond to the risks to health and safety, in terms of Section 11 of the **MHSA**, to which employees may be exposed while they are at work.
- 3.2 The employer must establish and maintain a system of occupational hygiene measurements and engage the part-time or full-time services of a person qualified in occupational hygiene techniques to measure levels of exposure to hazards at the mine, in terms of Section 12.(1) of the **MHSA**.
- 3.3 Every system of occupational hygiene measurements must be appropriate in terms of the hazards to which employees are, or may be, exposed and must provide information, which the employer can use to eliminate, control and minimise such health risks and hazards, in terms of Section 12.(2) of the **MHSA**.

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- 3.4 Records must be kept of all such measurements in order that it can be linked, as far as practicable, to an employee's records of medical surveillance, in terms of Section 12.(3) of the MHSA.

4. DEFINITIONS

In order to differentiate between mining operations using multi-blasting and time blasting, these definitions will apply. It should be noted that in all three definitions cognisance must be taken of the occupational hygiene regulations, which requires that no persons must be exposed to airborne contaminants.

Time-blasting

Blasting operations taking place not more than once in any 24-hour cycle (as per paragraph 5.2).

Multi-blasting

Multiple blasting including shaft sinking operations, which could take place during any working shift. Such blasting may only take place where efficacious means of separating intake and return air e.g. a dedicated return airway is provided (as per paragraph 5.3).

Fixed-time multi-blasting

Blasting more than once per 24 hours, but not more than once per shift, for both stoping and development, taking cognisance of a re-entry period sufficient to clear all airways where persons are expected to work or travel (as per paragraph 5.4).

The re-entry period must be determined by a risk assessment and validated whenever key factors, that can have a significant effect on the re-entry conditions, change.

5. RE-ENTRY INTERVALS

In terms of Regulation 9.2(1) of the **MHSA** the employer must ensure that the occupational exposure to health hazards of employees is maintained below the limits set out in Schedule 22.9(a) and (b). The intervals which must expire before persons are allowed to re-enter the workings of your mine in which blasting has taken place, should be fixed as follows:

5.1 Nil re-entry interval

A re-entry interval need not be observed where persons are expected to work or travel if uncontaminated **through ventilation** has been established and is effective / operational.

5.2 General re-entry interval

Should blasting fumes however contaminate the air in any of the workings the general re-entry interval, as set out in the paragraph below, must be observed in those workings.

Prevention of flammable gas and coal dust explosions in mines other than coal mines

A general re-entry interval after the blast in all ventilation districts must be observed in terms of Regulation 9.2.1: "The employer must ensure that the occupational exposure to health hazards of employees is maintained below the limits set out in Schedule 22.9(2)(a) and (b)". This re-entry interval must be determined after a detailed and recorded risk assessment and excludes the workings mentioned in paragraphs 5.1, 5.3 and 5.4.

5.3 Multi-blast re-entry interval

In terms of Regulation 9.2.1 the employer must ensure that the occupational exposure to health hazards of employees is maintained below the limits set out in Schedule 22.9(2)(a) and (b).

A minimum 30-minute re-entry interval must be observed, and the following provisions must be made applicable to all multi-blast development ends or shafts being sunk:

5.3.1 *Minimum air quantities required (relative to the air density at the working face)*

5.3.1.1 The quantity of air forced shall be established through a risk assessment process to ensure that the air supplied is of a quality as set out in Schedule 22.9 (2) (a) and (b) and should not be less than 0,25 m³/s for every square meter of face area, for all multi-blast development ends.

5.3.1.2 The quantity of air exhausted from the development end should be not less than twice more than the quantity of air supplied by the force column referred to in paragraph 5.3.1.1 above. A minimum force exhaust ratio of 1:2 should be maintained at all times to ensure that no uncontrolled re-circulation takes place in the overlap section.

5.3.2 *Ventilation arrangements*

5.3.2.1 Horizontal development, inclines, declines and raises.

5.3.2.1.1 An exhaust-overlap system of ventilation should be used for every end being multi-blasted.

5.3.2.1.2 The intake of the exhaust column should be carried to a point not exceeding thirty (30) metres from the face.

5.3.2.1.3 The distance between the discharge of the force column and the advancing face must be such as to ensure that the ventilating air reaches the face and should not be more than twenty (20) metres from the face of the end after the blast.

5.3.2.1.4 The minimum overlap distance between the exhaust column intake and the force column intake points should be at least 10 metres and not exceeding 25 metres.

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- 5.3.2.1.5 Fans in the exhaust column should be positioned in such a manner that the exhaust column remains under negative pressure, thus ensuring that no exhaust fumes leak back into the intake air flowing to the face.
- (a) To prevent open circuit exhaust fans from recirculating, sufficient **through ventilation**, at least $0.4 \text{ m}^3/\text{s}/\text{m}^2$ of **through ventilation**, should be provided at these fan sites at all times.
 - (b) The exhaust fans in an exhaust-overlap system, which are the primary source of ventilation, should be interlocked with all other electrical appliances and equipment in the end being multi-blasted. This is to ensure that, in the event of the exhaust fans stopping, all other electrical appliances and equipment will also shut down.
 - (c) No butterfly valves must be positioned in any exhaust column in development ends.
- 5.3.2.1.6 The force fan must be positioned only in the overlap section of the ventilation system.
- 5.3.2.1.7 An effective dust allaying mechanism must be operated during the blast and re-entry period at a discharge point not exceeding 20 metres from the face.
- 5.3.2.1.8 If, at any stage, blasting fumes from the end being multi-blasted contaminates any working places in the vicinity, then multi-blasting must cease and conventional time blasting (as per paragraph 5.2) or fixed-time blasting (as per paragraph 5.4) must be followed until conditions have been rectified for multi-blasting. The ends so contaminated must also of necessity be on conventional time blasting.
- 5.3.2.1.9 The dust and fumes from blasting operations must be exhausted directly to surface via an established RAW and must not contaminate any place where persons may be required to work or travel.
- 5.3.2.1.10 The number of air changes, calculated on the volume of air between the face and the intake of the force column, required shall be determined through a risk assessment process to ensure that on re-entry after the blast the air in the development end is of a quality as set out in Schedule 22.9 (2) (a) and (b) and should not be less than 8.

NB: For raises, winzes and declines the following will, in addition, apply:

- (a) The exhaust column intake must be situated in the crosscut; and
- (b) Ore passes must never be completely empty, to prevent re-circulation.

Prevention of flammable gas and coal dust explosions in mines other than coal mines

5.3.3 Shafts

5.3.4 The bank area must be kept clear of blasting fumes and the shaft must remain downcasting, in the bank area, at all times.

5.3.4.1 The force column delivery must at least be to the bottom deck of the stage during blasting.

5.3.5 *Compliance testing*

5.3.5.1 Workplace environmental conditions on re-entry must be of a quality as set out in Schedule 22.9(2)(a) and (b).

5.3.5.2 Gravimetric dust measurement results on re-entry with a tyndallometer or similar dust-measuring instrument must be less than an AQI of 1,0 taken over a 2-minute period, using previously determined hazardous pollutant values.

5.3.6 *Blasting initiation*

Blasting initiation must be conducted electrically.

5.4 Fixed-time multi-blast re-entry interval

For blasting more than once in 24 hours, but not more than once per shift, a minimum re-entry interval will be determined after a detailed and recorded risk assessment with the following provisions made applicable to all fixed-time multi-blast development ends or stopes:

5.4.1 *Minimum air quantities required (relative to the air density at the working face)*

5.4.1.1 The quantity of air forced shall be established through a risk assessment process to ensure that the air supplied is of a quality as set out in Schedule 22.9 (2) (a) and (b) and should not be less than 0, 15 m³/s for every square metre of face area, for all multi-blast development ends.

5.4.1.2 The minimum stope face velocity averaged across the height of the stope should be determined through a risk assessment process to ensure that the quality of air is such that it meets the requirements as laid down in Schedule 22.9 (2) (a) and (b) and should not be less than 0.25 m/s. This should vary when determining the desired re-entry interval.

5.4.1.3 The number of air changes, calculated on the volume of air between the face and the intake of the force column, required shall be determined through a risk assessment process to ensure that on re-entry after the blast the air in the development end is of a quality as set out in Schedule 22.9 (2) (a) and (b) and should not be less than 8. The risk assessment must take into account all areas that maybe contaminated by the blast including "kickback".

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5.4.2 *Compliance testing*

- 5.4.2.1 Workplace environmental conditions on re-entry must be of a quality as set out in Schedule 22.9(2)(a) and (b).
- 5.4.2.2 Dust measurement results on re-entry, with a tyndallometer or similar dust-measuring instrument, must be less than an AQI of 1,0 taken over a 2-minute period, using previously determined hazardous pollutant values.

5.4.3 *Blasting initiation*

Blasting initiation must be conducted electrically.

6. RISK ASSESSMENT

6.1 Aspects to be addressed

The risk assessment must, at least, cover the following;

- 6.1.1 A risk-assessment must be conducted and recorded on the specific operation.
- 6.1.2 Appropriate exposure measurements and environmental engineering controls must be put in place to comply with legal occupational hygiene requirements.
- 6.1.3 Hazards to be taken into account when conducting a risk assessment should include, but not limited to, the following:
- Noxious fumes from blasting;
 - Dust created by blasting;
 - **Flammable gas**;
 - Thermal environment; and
 - Diesel emission

6.2 Waiting Place

- 6.2.1 Blasting must be carried out from a place of safety demarcated by the manager. This position must be sign posted as "Waiting Place" and also act as a **contraband** control point, where applicable.
- 6.2.2 The blasting times must be recorded, and the re-entry interval must be specified and posted on the waiting place signboard and other relevant conspicuous places.

6.3 Miscellaneous

- 6.3.1 Continuously operating **flammable gas** measuring instruments must be used at all drilling sites (inclusive of cover/diamond/prospect drilling sites).
- 6.3.2 All calculations must be done and verified by the person engaged in terms of section 12.1 of the MHSA.
- 6.3.3 Your attention is also drawn to the MHSA Regulations published in the Government Gazette No. 23583, dated 2 July 2002. The following regulations must be noted: 9.1(3), 9.1(4) and 9.2(1).

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6.3.4 All persons concerned must be made fully conversant with the terms of this guidance note, copies of which must be readily available to them.

7. CALCULATION OF THE RE-ENTRY INTERVAL FOR A DEVELOPMENT END

$$\frac{\text{Volume of end } (l \times w \times h) \times \text{air changes}}{\text{Force air volume } (Q_F) \times 60(\text{min})}$$

$$\therefore \text{Re-entry period (minutes): } \frac{\text{Volumetric capacity} \times 8}{Q_F \times 60}$$

\therefore For an end 100m long, 4m high x 4m wide, with a force quantity of 10m³/s and 8 air changes:

$$= \frac{100 \times 4 \times 4 \times 8}{10 \times 60} \text{ minutes}$$

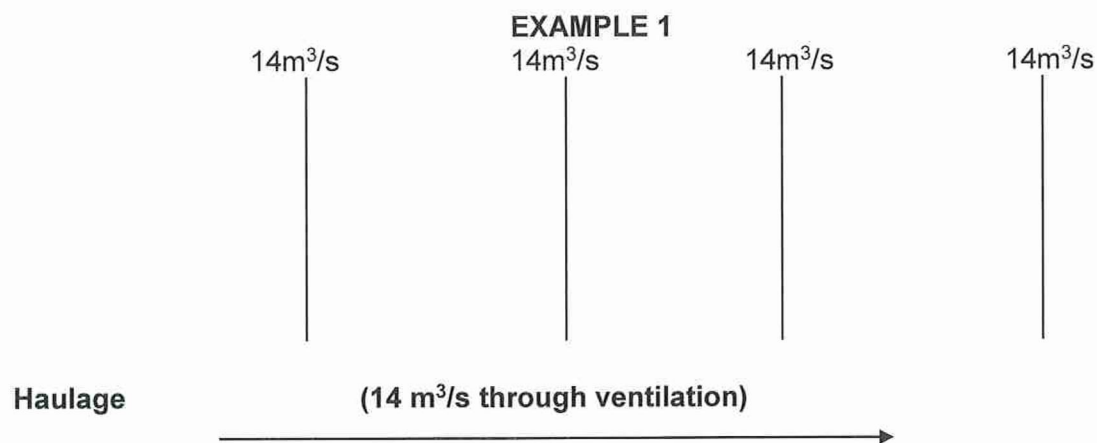
$$= 21 \text{ minutes}$$

For multiple ends, ventilated **sequentially**, the re-entry period will be the sum of the individual end re-entries, **plus** 8x the volumetric capacity of the haulage connecting the ends to the RAW.

NOTE:

If, at any stage, blasting fumes from any end being multi-blasted contaminates any working places in the vicinity then multi-blasting must cease and conventional time blasting, or fixed-time blasting, must be done until conditions have been rectified for multi-blasting.

8. CALCULATION OF THE RE-ENTRY INTERVAL FOR SEQUENTIALLY VENTILATED DEVELOPMENT ENDS



Assumptions:

1. All ends are at maximum length (180m)
2. Spacing of ends: 120m apart

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3. No ventilation column leakage

4. $14\text{m}^3/\text{s}$ force ventilation per end (Q_F)

Re-entry per end, including the time taken to clear the haulage to the next end, per 8 air changes:

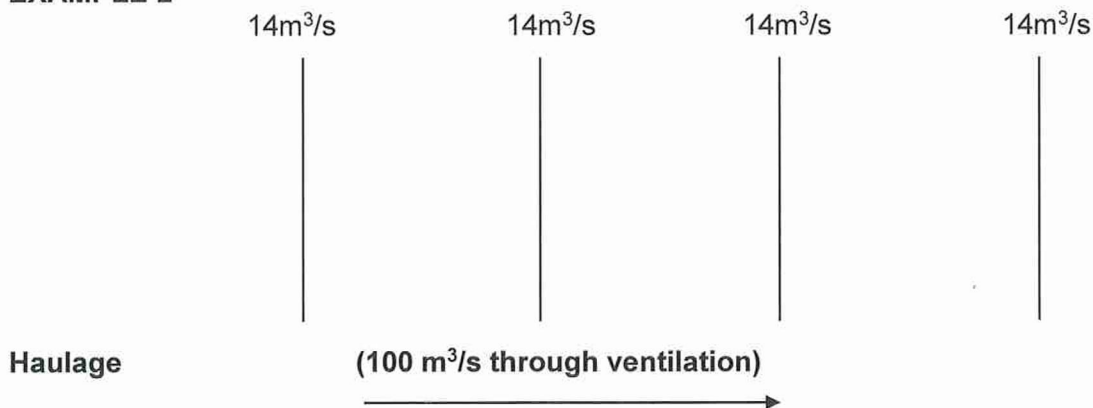
<u>End</u>		<u>Haulage</u>		
$= \frac{l \times w \times h \times 8}{(Q_F) \times 60}$	+	$\frac{l \times w \times h \times 8}{(Q_F) \times 60}$		
$= \frac{180 \times 4 \times 4 \times 8}{14 \times 60}$	+	$\frac{120 \times 4 \times 4 \times 8}{14 \times 60}$		
= 27,4	+	18,3 minutes		
= 45,7 minutes, Say 46 minutes				

Re-entry to the last end (no haulage to clear) = 27,4 minutes

Total re-entry, based on 8 air changes = $(46 \times 3) + 27,4$
= 165,4 minutes. **Say 165 minutes**

Re- entry interval to this section after the general blast = $2\frac{3}{4}$ hours

EXAMPLE 2



Assumptions:

5. All ends are at maximum length (180m)
6. Spacing of ends: 120m apart
7. No ventilation column leakage
8. $14\text{m}^3/\text{s}$ force ventilation per end (Q_F)

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Re-entry per individual end, including the time taken to clear the haulage to the next end, per 8 air changes:

End		Haulage		
$= \frac{l \times w \times h \times 8}{(Q_F) \times 60}$	+	$\frac{l \times w \times h \times 8}{(Q_F) \times 60}$		
$= \frac{180 \times 4 \times 4 \times 8}{14 \times 60}$	+	$\frac{120 \times 4 \times 4 \times 8}{100 \times 60}$		
= 27,4	+	2,6 minutes		
= 30 minutes				

Re-entry to the last end (no haulage to clear) = 27,4 minutes

Total re-entry, based on 8 air changes: = (30 x 3) + 27.4

= 117,4 minutes. **Say 120 minutes.**

Re- entry interval to this section after the general blast = 2 hours

9. ADVANTAGES AND DISADVANTAGES OF FORCED AND EXHAUST OVERLAP SYSTEMS

9.1 Advantages of forced column system when multi-blasting

- 9.1.1 Good quality air is delivered to the face at high velocity where the workers derive maximum benefit.
- 9.1.2 Only a single fan and single column are required.
- 9.1.3 The fan and fan motor are always in fresh air.
- 9.1.4 Leakage is always from the column and hence easily detected.

9.2 Disadvantages of forced column system when multi-blasting

- 9.2.1 Persons travelling and working in the drive do so in return air.
- 9.2.2 Long re-entry periods after the blast are necessary, hence rendering this system unsuitable for multi-blast development
- 9.2.3 Fumes from the blast are returned to the general mine air circuit.

9.3 Advantages of exhaust overlap system when multi-blasting

- 9.3.1 Rapid clearance of blasting fumes permits short re-entry period.

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9.3.2 Persons travelling and working in the drive do so in fresh air as the return air is exhausted via the main column.

9.3.3 Blasting fumes are exhausted directly to return.

9.4 Disadvantages of exhaust overlap system when multi-blasting

9.4.1 The quality of air supplied to the face is inferior to that supplied by the forcing system. The slow-moving intake air along the drive can pick up heat, dust and gases in transit to the face.

9.4.2 Two columns and two fans are required.

9.4.3 Poor conditions can exist in the overlap section.

NOTE:

- (a) Fans in the exhaust column must be positioned in such a manner that the exhaust column remains under negative pressure, thus ensuring that no exhaust fumes leak back into the intake air flowing to the face.
- (b) The exhaust fans, which are the primary source of **through ventilation**, should be interlocked with all other electrical appliances and equipment in the end being multiblasted. This is to ensure that, in the event of the exhaust fans stopping, all other electrical appliances and equipment will also shut down.
- (c) No butterfly valves must be positioned in any exhaust column.
- (d) To prevent open-circuit exhaust fans from recirculating a volume of at least $0,4\text{m}^3/\text{s}/\text{m}^2$ of **through ventilation**, at such fan sites, must be maintained at all times.

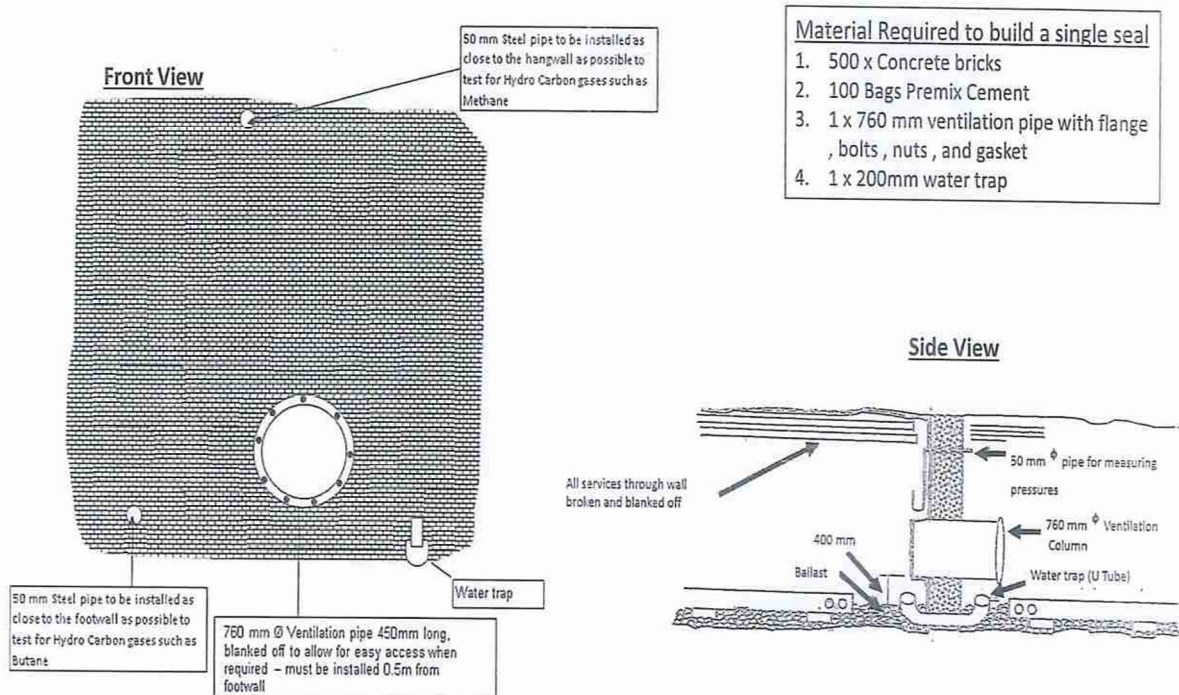
REFERENCES

- Environmental Engineering in SA Mines – Mine Ventilation Society of South Africa, pp 279 – 283
- Mine Ventilation Practitioner's DATA BOOK - Mine Ventilation Society of South Africa, pp UV-DE 2 to UV-DE 7

Prevention of flammable gas and coal dust explosions in mines other than coal mines

ANNEXURE 4: Construction requirements for a fire seal

CONSTRUCTION REQUIREMENTS FOR A FIRE SEAL



Prevention of flammable gas and coal dust explosions in mines other than coal mines

ANNEXURE 5: References
(For information purposes only)

Cook AP - "GAP 504". - The Occurrence, Emission and Ignition of Combustible Strata Gases in Witwatersrand Gold Mines and Bushveld Platinum Mines, and Means of Ameliorating Related Ignition and Explosion Hazards, 1999.

The Mine Ventilation Society of South Africa - "Environmental Engineering in South African Mines".

"Mine Health and Safety Act" - Act No. 29 of 1996 as amended

DMR "Lamprooms guidance note"

DMR "Emergency preparedness guideline"

SANS documents 10108, I0086 -1 and 2 ARP 0108 SANS 1515-1 and 2 etc. to be included.

SANS 10108:2003 The classification of **hazardous locations** and selection of equipment to be used in such locations.

SANS 100086-1: 2011 The installation, inspection and maintenance of equipment used in explosive atmospheres, Part 1 installations including surface installation on the mine.

SANS 100086-2: 2011 The installation, inspection and maintenance of equipment used in explosive atmospheres.

ARPO 108:2013 Regulatory requirements for explosive provided apparatus.

SANS 1515-1:2006 (Battery operated portable **flammable gas** measuring instruments and warning sensor head) gas measuring equipment primarily used in mines.

SANS 1515-2:2006 Fixed (transport and vehicle mounted **flammable gas** measuring and warning sensor heads) gas measuring equipment primarily used in mines and the ARP 0108 -2013-Regulatory requirements for explosive prevention.

DEPARTMENT OF MINERAL RESOURCES AND ENERGY

NO. 327

9 April 2021

MINE HEALTH AND SAFETY ACT, 1996 (ACT NO 29 OF 1996)

GUIDANCE NOTE ON THE MANAGEMENT AND CONTROL OF HIV IN THE SOUTH
AFRICAN MINING INDUSTRY

I, **DAVID MSIZA**, Chief Inspector of Mines, under section 49(6) of the Mine Health and Safety Act, 1996 (Act No. 29 of 1996) and after consultation with the Council, hereby issues the guidance note on the management and control of HIV in the South African mining industry in terms of the Mine Health and Safety Act, as set out in the Schedule.



D MSIZA
CHIEF INSPECTOR OF MINES

SCHEDULE

Management and control of HIV in the mining industry

Reference Number: DMR 16/3/2/3-B3
Last Revision Date: First edition
Date First Issued: First edition
Effective Date: 01 May 2021

DEPARTMENT OF MINERAL RESOURCES AND ENERGY

MINE HEALTH AND SAFETY INSPECTORATE

GUIDANCE NOTE ON

**MANAGEMENT AND CONTROL OF HIV IN THE
SOUTH AFRICAN MINING INDUSTRY**



CHIEF INSPECTOR OF MINES



**mineral resources
& energy**

Department
Mineral Resources and Energy
REPUBLIC OF SOUTH AFRICA

Management and control of HIV in the mining industry

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PART A: THE GUIDANCE NOTE

1. FOREWORD

- 1.1. This guidance note has been produced to assist in the management and control of **HIV** in the South African mining industry. It is intended as a supplement to the **NTBMG** and **NSP** issued by the of **NDOH** and the **SANAC** respectively. It also reinforces the need for continuous social dialogue amongst stakeholders. It embraces the ten key principles of the **ILO COP** on **HIV/AIDS** and the world of work. The mining industry has assumed a more active role to address the problem of **HIV** and **AIDS**.
- 1.2. At the 2011 Mine Health and Safety Summit a commitment was signed off by all Tripartite Principals to report on **HIV** programme within the South African mining industry. It was enforced by an Instruction number OH/02/2013 from the Chief Inspector of Mines to report on **HIV** and **TB** management. The DMR 164 Form was developed as a reporting tool on **HIV** and **TB** for the mining industry.
- 1.3. The following risk factors are associated with the epidemic of **HIV** and **AIDS** in the mines: migrant labour system, hostel accommodation, alcohol abuse, sex workers (trucking), informal settlements around the peri-mining communities and risky sexual behaviour. However, this document does not specifically address the management of these risks.
- 1.4. **HIV** and **AIDS** is associated with a decrease in immunity resulting in opportunistic infections. Therefore, the integration of **TB** and **HIV** management and control programme is essential. Since **HIV** and **AIDS** is a workplace issue that affects the workforce and world of work, the workplace can play a vital role in limiting the spread and effects of the epidemic. All employees (permanent and contract) including management should be involved in all aspects of programme co-ordination, implementation and reporting.
- 1.5. People Living with **HIV** and **AIDS** have the same human rights as the rest of the uninfected population. The programme should provide an integrated **HIV** prevention, **HIV** Testing, **TB** and **NCD** services, and linkage to treatment and care to reduce stigma and discrimination.
- 1.6. An integrated **HIV** and **TB** programme should include **NCD** services, and linkage to treatment and care to reduce stigma and discrimination. Gender equality in the form of relations and empowerment of women should be actively addressed. The principle of confidentiality should not be compromised.

2. SCOPE

- 2.1. The practice standards set out in this document should apply to all mine workers, irrespective of employment category, and including contract workers.
- 2.2. The implementation of this Guidance Note is informed by the **NDOH HIV** and **AIDS** Management Guidelines and supported by relevant documents issued by the **DMRE**.
- 2.3. This guidance note should be implemented, *inter alia*, in conjunction with the following documents:

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- 2.3.1. Guidelines for tuberculosis preventive therapy among people living with **HIV** and silicosis in South Africa (**IPT** policy).
- 2.3.2. Compendium of **TB** leading practices in the South African mining industry.
- 2.3.3. Policy on the integrated management and reporting for **HIV/AIDS**, **TB** and Occupational Lung Diseases in the South African mining industry.
- 2.3.4. Guidance Note for the management of **TB** in the South African mining industry.
- 2.3.5. South African mining industry strategy on reducing **TB** and **HIV**.
- 2.3.6. Guidance note for the implementation of **HIV** self-testing in the South African mining industry.
- 2.3.7. Guidance note on strengthening **HCT** (**HIV** Counselling and Testing) uptake in the South African mining industry.

3. STATUS OF THE GUIDANCE NOTE

- 3.1. This guidance note sets out **good practice** on the management and control of **HIV** in the mining industry and will be distributed by the Mine Health and Safety Inspectorate.
- 3.2. As is the case with all other documents setting out accepted **good practice** through linking employees to **HTS** and observing the industry milestones targets and the UNAIDS 90/90/90 targets. The application of inferior practices without justification could be regarded as negligence.

4. THE OBJECTIVES OF THE GUIDANCE NOTE

- 4.1. The objectives of this guidance note are to assist employers to establish sustainable **HIV** and **AIDS** management and control programmes at mines to:
 - 4.1.1. Implement prevention strategies.
 - 4.1.2. Reduce the burden of **HIV**.
 - 4.1.3. Improve clinical outcomes of people living with **HIV**.
 - 4.1.4. Reduce morbidity due to **HIV** and **TB** co-infection.
 - 4.1.5. Reduce **HIV** incidence (reduce the number of new infections amongst employees and their families).
 - 4.1.6. Avert **AIDS** related deaths ensuring that people living with **HIV** start with the right therapy at the right time.
- 4.2. Ensure compliance to obligations as prescribed in other relevant labour legislation (LRA, EEA, BCEA) and other relevant **COPs**.

Management and control of HIV in the mining industry

5. DEFINITIONS AND ACRONYMS

- “**AIDS**” means acquired immunodeficiency syndrome.
- “**ART**” means anti-retroviral treatment.
- “**COIDA**” means Compensation for Occupational Injuries and Disease Act (Act 130 of 1993).
- “**COP**” means Code of Practice.
- “**DHIS**” means District Health Information System.
- “**DMRE**” means Department of Mineral Resources and Energy.
- “**EAP**” means an employee assistance programme.
- “**ELISA**” means enzyme-linked immunosorbent assay.
- “**Good practice**” as used in this document means linking employees to **HTS** and observing the industry milestones targets and the UNAIDS 90/90/90 targets.
- “**HAST**” means **HIV, AIDS, STI** and **TB**.
- “**HB**” means haemoglobin.
- “**HCT**” means **HIV** counselling and testing.
- “**Health worker**” means all people primarily engaged to enhance health by providing preventative, curative, promotional or rehabilitative health care services.
- “**HIV**” means human immunodeficiency virus.
- “**HTS**” means **HIV** testing services.
- “**ILO**” means International Labour Organisation.
- “**IPT**” means isoniazid preventive therapy.
- “**IRIS**” means immune reconstitution inflammatory syndrome.
- “**LDL**” means low density lipoprotein cholesterol.
- “**MBOD**” means Medical Bureau for Occupational Diseases.
- “**MCB**” means master cell bank.
- “**MCV**” means mean corpuscular volume.
- “**MHSA**” means Mine Health and Safety Act, (Act No 29 of 1996), as amended.
- “**MHSC**” means Mine Health and Safety Council.

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- “**NCD**” means non-communicable diseases.
- “**NDOH**” means National Department of Health.
- “**NIMART**” means nurse-initiated management of **ART**.
- “**NIOH**” means National Institute for Occupational Health.
- “**NSP**” means National Strategic Plan for **HIV, TB** and **STIs** 2017 - 2022.
- “**NTBMG**” means National Tuberculosis Management Guideline issued by **NDOH**.
- “**PEP**” means post exposure prophylaxis.
- “**PrEP**” means pre-exposure prophylaxis.
- “**SANAC**” means South African National **AIDS** Council Trust.
- “**STI**” means sexually transmitted diseases.
- “**TB**” means tuberculosis.

6. MEMBERS OF THE TASK TEAM

This guidance note was prepared by members of the task team, which comprised of:

State

Dr L. Ndelu
Dr D. Mokoboto
Mr M. Sekoele
Mr R. Sinthumule

Organised Labour

Mr C. Mkhumane

Employers

Ms S. Ntimbane
Dr I. Mampa

7. THE OBJECTIVES OF THE HIV AND AIDS MANAGEMENT PROGRAMME AT A MINE

- 7.1. Obtain 100% screening of all employees for **HIV**.
- 7.2. Ensure that 90% of confirmed **HIV** positive employees are initiated on **ART**.
- 7.3. Achieve a defaulter rate of less than 5% on **ART** (in line with **HIV** Clinicians Society Guidelines and the State guidelines).
- 7.4. Achieve 90% viral suppression by conducting a six-monthly monitoring and assessment of response to treatment.

Management and control of HIV in the mining industry

- 7.5. Reduce opportunistic infections mainly **TB** (integration of **HIV** and **TB** management).
- 7.6. Screen and refer for treatment of **NCDs** e.g. diabetes and hypertension.
- 7.7. Ensure continuity of care of employees with **HIV and AIDS**.
- 7.8. Report all **HIV** and **AIDS** cases to the **DMRE** as per DMR 164 form.

8. **ASPECTS TO BE ADDRESSED IN THE GUIDANCE NOTE**

The elements or components should, amongst others, cover the following:

8.1. **HIV Policy development and implementation**

Respect for human rights is a non-negotiable principle of the **NSP**. Adherence to this principle also enhances the effectiveness of prevention and treatment. The **NSP** focuses on equal treatment for all, increased access to justice, and the reduction of stigma associated with **HIV** and **TB**.

8.1.1. The policy should address, but not limited to:

- a) Stigmatisation
- b) Non-discrimination
- c) Confidentiality

8.2. **HIV Programmes**

8.2.1. Prevention:

- a) Information, education and mass mobilisation.
- b) Sexual transmitted infection detection and management.
- c) Distribution of male and female condoms.
- d) Promote **HCT**:
 - (i) **HCT** campaigns should be held bi-annually (consider annually as minimum standards).
 - (ii) The employer should ensure that voluntary **HCT** is offered to all employees at all health contact points.
- e) Screening and referral for voluntary male medical circumcision.
- f) Screening and referral for **PrEP** and **PEP**.
- g) Strengthening of **TB** prevention through **IPT** roll-out in **HIV** positive individuals and those that are on **ART**.
- h) Universal precautions for healthcare workers.

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8.2.2. Treatment, care and support

- a) Access to treatment, care and support.
- b) Treatment should be instituted in line with the National **HIV** testing guidelines and test and treat policy.
- c) The programme should serve to ensure **HTS** are integrated and linked effectively to all **HIV** prevention, treatment and care as well as other non-**HIV** health services (**TB**, **NCDs**) to reduce stigma and discrimination.

8.2.3. Clinical outcomes of people living with **HIV**

- a) Provide 100% **HIV** counselling to all employees.
- b) 90% of all people living with **HIV** will know their **HIV** status.
- c) 90% of all people with an **HIV** diagnosis will receive sustained antiretroviral therapy.
- d) 90% of all people receiving antiretroviral therapy will achieve viral suppression.
- e) Ensure that 90% of confirmed **HIV** positive employees are linked to healthcare services and initiated on **ART**.
- f) Laboratory confirmation of **HIV** positive screening test with **ELISA** 4th generation confirmation blood test.

NOTE:

All employees should be inducted on **HIV** and encouraged to test.
Employees who consent to testing should undergo voluntary counselling and testing for **HIV**.
Pre- and post-**HIV** test counselling must be performed for assisted or non-assisted screening testing done initially with a screening Abbots test or self-screening test.
An employee with a positive result must be referred to the clinic or General Practitioner for a laboratory confirmation test of **HIV** with an **ELISA** 4th generation test or as per the latest **NDOH** testing guidelines.

8.2.4. Achieve 90% viral suppression

- a) Viral monitoring should be done at initiation of treatment.
- b) Follow-up at 24 weeks to ensure compliance and adherence to treatment.
- c) Follow-up at 52 weeks to ensure viral suppression.
- d) Monitor achieved viral suppression annually.

8.2.5. CD4 count monitoring to assess immunological response to treatment

- a) CD4 count should be done at initiation of treatment.

Management and control of HIV in the mining industry

- b) Follow-up at 24 weeks to ensure compliance to treatment. If on assessment of the CD4 count there is deterioration or a decrease in the CD4 count versus the initial count and the viral load remains undetectable <50copies, log <1.60 the employee must be referred to the clinic or General Practitioner to exclude the presence of opportunistic infections e.g. **TB** or lymphoma.
- c) Monitor CD4 count annually to ensure immunological response to treatment.

8.2.6. Achieve a defaulter rate of less than 5% on **ART**

- a) Promote treatment adherence through counselling, peer supporter programme, **EAP**, etc.
- b) Ensure continuity of care of all employees through monitoring and treatment.
- c) Implement an effective defaulter management mechanism (knowing the disease profile and collecting data on viral loads and CD4 counts).
- d) Collect pertinent information or statistical data for evaluation purposes in readiness for completion of DMR 164 form and other required legislated forms.

9. **INTEGRATION OF HIV AND TB MANAGEMENT**

- 9.1. Before initiation on **ART**, screen for **TB** (cough questionnaire) as a baseline. Initial assessment of full blood count, **HB** and **MCV** to exclude anaemia of chronic disorders which might indicate the presence of/either opportunistic diseases e.g. **TB**, lymphoma etc. Refer for monitoring of FBC bi-annually.
- 9.2. All employees with presumptive symptoms to have a chest X-ray, gene Xpert, or a smear to exclude **TB**.
- 9.3. Those diagnosed with **TB** to be initiated on treatment for two weeks before **ART** initiation, to prevent **IRIS**.
- 9.4. Those without active **TB**, initiate or refer for **ART** treatment and isoniazid prophylaxis.
- 9.5. Employees diagnosed with **NCD** (e.g. diabetes and hypertension), monitor for drug-drug interactions whilst on **ART** treatment especially on FDC regimen containing Tenofovir. Monitor urea, creatinine and GFR for patients on Tenofovir at initiation of treatment and six-monthly.
- 9.6. Monitor drug-drug interaction whilst on **ART**.
- 9.7. Hypercholesterolemia - monitor **LDL** at initiation of treatment and follow-up yearly.
- 9.8. Isoniazid prophylaxis of all employees diagnosed with silicosis and **HIV** and **AIDS** including those on **ART**.

10. **FITNESS TO PERFORM WORK**

Evaluation of fitness to return to work should be individualised and must not preclude an employee from work based on their **HIV** status, CD4 count and viral load. The

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decision of fitness to work should be made on the grounds of a medical assessment in line with the company's Mandatory **COP** on minimum standards of fitness to perform work at a mine.

11. PACKAGE OF HIV MANAGEMENT

11.1. A holistic package of **HIV** management care should inter alia, include:

- a) **HTS**.
- b) Adherence counselling.
- c) Psychological support.
- d) Nutritional assessment and education.
- e) Integration with the **TB** prevention and management programme.

11.2. A treatment adherence programme should be implemented for all **HIV** cases.

The programme should cover the following:

- a) Education about the disease.
- b) Lifelong treatment.
- c) Medication to be taken and possible side effects.
- d) Importance of adherence to prescribed treatment regime.
- e) Available psychosocial support.
- f) Treatment support and monitoring.
- g) Viral suppression monitoring.
- h) Lifestyle modification.
- i) Loss to follow-up in **HIV** patients whilst in employment.
- j) Referrals (where there are no in-house services).

11.3. Continuity of **HIV** care beyond employment

- a) Where a patient's employment is terminated while on **ART**, the patient should be referred to an appropriate **HIV** care facility where the patient can continue treatment.
- b) Explore options to implement the TIER.Net, cross border referral system through National **TB** Programme Managers, TEBA and other relevant service providers.

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- c) The patient should be provided with a letter or form (generated from the TIER.Net system) detailing the diagnosis, bacteriological investigations conducted (including dates), treatment regimen dosages, CD4 count and viral load trends on the monitoring tool and other chronic medication or ancillary medication that the patient is taking.
- d) If the existing employee has co-morbidity (**HIV** and **TB**) a letter should be provided indicating the expected date for follow up at the mine health centre/one stop services during and post treatment (12-months after treatment completion).
- e) The referral letter should be accompanied by:
 - i) GW 20/14 referral form prescribed by the **NDOH**.
 - ii) The patient's health record (green card).
 - iii) **MBOD** guideline/**COIDA** (first, progress and final report) for benefit examination and compensation.

11.4. The patient should be provided with a counselling package which includes:

- a) The available information on the receiving facility; and
- b) Importance of presenting to the receiving facility to his home and continuation and when they should present to the clinic/ hospital.

NOTE:

A copy of the GW 20/14 form should be forwarded to the province/country where the patient resides to ensure continuum of treatment and care.

The acknowledgement slip on the form must be completed by the receiving facility and returned to the referring mine health facility.

11.5. Where the employer does not provide access to health services, it should refer employees to the nearest local healthcare facility for diagnosis and treatment.

12. MONITORING AND REPORTING

The following monitoring and reporting initiatives should be addressed:

- a) The monthly report for the **DHIS** and quarterly report for the TIER.Net should be submitted to the district health authorities.
- b) Reporting should be made in terms of the Chief Inspector of Mines' Instruction, as per DMR 164 form.

13. TRAINING AND SUPPORT

The employer's **HIV** management and control programme should address the following training initiatives:

- a) **Health workers** should be specifically trained in all aspects of **HIV** management in accordance with the **NDOH NIMART** guidelines and the **DMRE** management and control of **HIV** in the South African mining industry guidance note.

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- b) All employees should be provided with an induction programme on prevention, transmission, signs and symptoms of **HIV** and the company's support services and the benefits of early detection and treatment.
- c) Data managers involved in the **HIV** control programme must be trained on the collection, recording, analysis and reporting of **HIV** data.

14. **LIAISON WITH THE PUBLIC SECTOR**

It is recommended that medical and nursing staff involved in the management of patients with **HIV** should on a regular basis interact with district health staff.

15. **CERTAIN DOCUMENTS TO BE AVAILABLE**

The employer should ensure that the following documents are available:

- a) Copies of the latest **NDOH HIV and AIDS** guidelines, **NIMART** and this guidance note should be available in all clinics and centres where **HIV** is treated.
- b) A copy of the employer's integrated **HIV** and **TB** policy should be available at the mine.
- c) The guidance note for the management of **TB** in the South African mining industry.

16. **PROGRAMME PERFORMANCE MONITORING AND EVALUATION**

- a) It is recommended that the internal monitoring and evaluation of the employer's **HIV** management and control programme should be conducted quarterly at the joint health and safety committee meetings.
- b) It is also recommended that an employer's **HIV** management and control programme be subjected to annual monitoring through the DMR 164 form.

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PART B: IMPLEMENTATION

1. IMPLEMENTATION PLAN

- 1.1 The employer must prepare an implementation plan for its guidance note for provision of issues such as organisational structures, responsibilities of functionaries and, programmes and schedules for the guidance note that will enable proper implementation of the guidance note. (A summary of and a reference to, a comprehensive implementation plan may be included).
- 1.2 Information may be graphically represented to facilitate easy interpretation of the data and to highlight trends for the purposes of risk assessment.

2. COMPLIANCE WITH THE GUIDANCE NOTE

The employer must institute measures for monitoring and ensuring compliance with the guidance note.

3. ACCESS TO THE GUIDANCE NOTE AND RELATED DOCUMENTS

- 3.1 The employer must ensure that a complete guidance note, and related documents are readily available at the mine for examination by any affected person.
- 3.2 A registered trade union with members at the mine or where there is no such union, a health and safety representative at the mine, or, if there is no health and safety representative, an employee representing the employees at the mine, must be provided with a copy of the written request to the manager. A register must be kept of such persons or institutions with copies to facilitate updating of such copies.
- 3.3 The employer must ensure that all employees are conversant with those sections of the guidance note relevant to their respective areas of responsibilities.

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REFERENCES

1. **NDOH HIV and AIDS** management guidelines.
2. National Strategic Plan for **HIV, TB** and **STIs** 2017 - 2022.
3. National **TB** guideline issued by **NDOH**.
4. Guidance note for the management of **TB** in the South African mining industry.
5. South African mining industry strategy on reducing **TB** and **HIV**.
6. Guidance note for the implementation of **HIV** self-testing in the South African mining industry.
7. Guidance note on strengthening **HCT (HIV counselling and testing)** uptake in the South African mining industry.
8. **ILO COP** on **HIV/AIDS** and the world of work.

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Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
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