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GENERAL NOTICE

NOTICE 271 OF 2002

TERMS OF REFERENCE FOR INDEPENDENT THIRD PARTY IN CONNECTION WITH MARKETING OF PETROLEUM ACTIVITIES RETURN (MPAR)

1. These Terms of Reference are based on the Guidelines for the compilation of the MPAR for the 2001 and 2002 calendar years.
2. The companies shall nominate an industry-agreed contact to act as the liaison between the companies, the independent Third Party and the Department.
3. MPAR's are submitted to assist the Department of Minerals and Energy in the profit monitoring of the marketing-of-petroleum of the oil industry.
4. The Third Party will receive from each company covered by MPAR, within time guidelines laid down in MPAR, the schedules and explanatory notes including a certificate from its external auditors, as set out in paragraph 106 of MPAR.

The Third Party will, within two months of receiving all the items referred to above, submit a report to the Department, which includes:

Aggregated summary schedule: Return on assets.

Aggregated schedule 1: Allowable income.

Aggregated schedule 1.4: Allowable income adjustments.

Aggregated schedule 2: Allowable assets.

Aggregated schedule 2.3: Allowable assets adjustments.

The Third Party will take into account any "Industry adjustment" the Department may notify him of (eg. Slate, assets) but will notify the industry representative of any such adjustment.

5. If, in the opinion of the Third Party any item in the certificate received from the external auditor (per schedule 4 of MPAR) requires notification to the Department, they will inform the Department without identifying the company involved. Such items may include (but are not limited to):
 - ◆ Incomplete certification in terms of the Guidelines.
 - ◆ Audit qualifications [relating to a company's annual financial statements (AFS)].
 - ◆ Unusual accounting policies in the AFS.
 - ◆ Changes in accounting policies in the AFS.
6. If, in the opinion of the Third Party, any items included in the explanatory notes need to be notified to the Department, he will inform the Department without identifying the company involved.
7. The Third Party will compare each company's information to that submitted the previous year. Any item, which in the opinion of the Third Party appears materially out of line, will be notified to the Department without identifying the company involved.
8. The Third Party will compare each company's information to the information submitted by other companies in respect of that year. Any item which, in the opinion of the Third Party appears materially out of line, given the pass performance of the company relative to other companies, will be notified to the Department without identifying the company involved. The Third Party may bring to the attention of the Department any other item he feels appropriate.
9. If this does not relate to a specific company the industry representative will be notified prior to it being notified to the Department.
10. The Third Party will notify each company of any company specific item under 5,6,7 and 8 above prior to it being notified to the Department, unless in the opinion of the Third Party, disclosure of figures may result in competitive information relating to other companies being disclosed in which case the figures may be edited out. A reasonable amount of time will be allowed for discussion between the company and the Third Party on any items, which are to be notified to the Department.
11. The Third Party will discuss his report with the Department, and with the Industry Details relating to the SUMMARY SCHEDULE will be disclosed to the industry representative at the same time as they are disclosed to the Department. The Department or the Industry may request the Third Party to follow up on any matters but such matters will fall outside the scope of these terms of reference.
12. The Third Party will calculate the margin adjustment that would be necessary to arrive at the target return disclosing to the Department and the industry representative the basis on which the calculations were made.

13. Selection criteria and weighting:

<i>Criteria</i>	<i>Weighting</i>
Total cost.....	50
Qualifications, track record and empowerment of historically disadvantaged South Africans	30
Project proposal, design, methodology and work program	20
	<u>100</u>

14. **Output and reporting**

A written report is required. The report should be in hard copy.

15. Quotation

The price quotation should be in South Africa Rand on a fixed cost basis.

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