



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 699

22 September 2023
September

No. 49325

PART 1 OF 2

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

ISSN 1682-5845



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

IMPORTANT NOTICE:

THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.

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

Contents

<i>No.</i>		<i>Gazette No.</i>	<i>Page No.</i>
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS			
Agriculture, Land Reform and Rural Development, Department of / Landbou, Grondhervorming en Landelike Ontwikkeling, Departement van			
3891	Land Reform (Labour Tenants) Act (3/1996): Portion 0 (Remaining extent) of the farm UAP No. 418 Gordonia RD	49325	14
3892	Land Reform (Labour Tenants) Act (3/1996): Portion 0 of the farm No. 391 Barkly West	49325	15
3893	Land Reform (Labour Tenants) Act (3/1996): Portion 1 of the farm No. 169 Compton known as Doordraai	49325	16
3894	Restitution of Land Rights Act (22/1994 as amended): Farm Mount Coke, Mission No. 2352 and Farm Puzana No. 2179, King William's Town under Buffalo City Municipality, Eastern Cape Province	49325	17
3895	Restitution of Land Rights Act (22/1994), as amended: Farm Wildebeestkraal 354 KT	49325	18
3896	Restitution of Land Rights Act (22/1994), as amended: Portion 57 of the farm Leeuwkloof 285 JR	49325	21
Trade, Industry and Competition, Department of / Handel, Nywerheid en Kompetisie, Departement van			
3897	Co-operatives Act (14/2005), as amended: Co-operative that has been directed to change name by the Registrar of Co-operatives in terms of section 11 of the Act	49325	22
Water and Sanitation, Department of / Water en Sanitasie, Departement van			
3898	National Water Act (36/1998): Establishment of Limpopo-Olifants Catchment Management Agency	49325	23
3899	National Water Act (36/1998): Establishment of Lower Mfolozi Water User Association, KwaZulu Natal Province ..	49325	24
3900	National Water Act (36/1998): Invitation to submit written comments in terms of section 110 of the Act on the construction of the Mokolo and Crocodile (West) River Water Augmentation Project (MCWAP) and the Environmental Impact Assessments relating thereto	49325	25
Women, Youth and Persons with Disabilities, Department of / Vroue, Jeugdiges en Persone met Gestremdhede, Departement van			
3901	White Paper on the Rights of Persons with Disabilities (WPRPD): Fifth Annual Progress Report on Implementation of the White Paper: April 2020 – March 2021	49325	29
Human Settlements, Department of / Department of Human Settlements			
3902	Social Housing Policy, the Guidelines and Social Housing Act (16/2008): Consolidated List of Restructuring Zones for the City of Cape Town	49325	115

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

Statistics South Africa / Statistieke Suid-Afrika			
2035	Statistics South Africa: Consumer Price Index: July 2023	49325	117
Trade, Industry and Competition, Department of / Handel, Nywerheid en Kompetisie, Departement van			
2036	International Trade Administration Commission of South Africa: Initiation Notice: Sunset review of the anti-dumping duty on unframed glass mirrors	49325	118
Transport, Department of / Vervoer, Departement van			
2037	Merchant Shipping Act (57/1951): Draft Merchant Shipping (Dangerous Goods) Amendment Regulations, 2023 ..	49325	126

BOARD NOTICES • RAADSKENNISGEWINGS

477	Pharmacy Act (53/1974): Guidelines for Work-Based Learning (WBL)	49325	155
-----	--	-------	-----



government
printing

Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICA

HIGH ALERT: SCAM WARNING!!!

TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

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

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

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

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

Example of e-mails these fraudsters are using:

PROCUREMENT@GPW-GOV.ORG

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

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

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

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

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

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

Fake Tenders

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

How tender scams work

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

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

OR

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

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

Protect yourself from being scammed

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

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

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

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

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

Closing times for **ORDINARY WEEKLY** **GOVERNMENT GAZETTE** **2023**

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

- **08 December**, Thursday for the issue of Thursday **15 December 2022**
- **15 December**, Thursday for the issue of Friday **23 December 2022**
- **22 December**, Thursday for the issue of Friday **30 December 2022**
- **29 December**, Thursday for the issue of Friday **06 January 2023**
- **06 January**, Friday for the issue of Friday **13 January 2023**
- **13 January**, Friday for the issue of Friday **20 January 2023**
- **20 January**, Friday for the issue of Friday **27 January 2023**
- **27 January**, Friday for the issue of Friday **03 February 2023**
- **03 February**, Friday for the issue of Friday **10 February 2023**
- **10 February**, Friday for the issue of Friday **17 February 2023**
- **17 February**, Friday for the issue of Friday **24 February 2023**
- **24 February**, Friday for the issue of Friday **03 March 2023**
- **03 March**, Friday for the issue of Friday **10 March 2023**
- **10 March**, Friday for the issue of Friday **17 March 2023**
- **16 March**, Thursday for the issue of Friday **24 March 2023**
- **24 March**, Friday for the issue of Friday **31 March 2023**
- **30 March**, Thursday for the issue of Thursday **06 April 2023**
- **05 April**, Wednesday for the issue of Friday **14 April 2023**
- **14 April**, Friday for the issue of Friday **21 April 2023**
- **20 April**, Thursday for the issue of Friday **28 April 2023**
- **26 April**, Wednesday for the issue of Friday **05 May 2023**
- **05 May**, Friday for the issue of Friday **12 May 2023**
- **12 May**, Friday for the issue of Friday **19 May 2023**
- **19 May**, Friday for the issue of Friday **26 May 2023**
- **26 May**, Friday for the issue of Friday **02 June 2023**
- **02 June**, Friday for the issue of Friday **09 June 2023**
- **08 June**, Thursday for the issue of Thursday **15 June 2023**
- **15 June**, Thursday for the issue of Friday **23 June 2023**
- **23 June**, Friday for the issue of Friday **30 June 2023**
- **30 June**, Friday for the issue of Friday **07 July 2023**
- **07 July**, Friday for the issue of Friday **14 July 2023**
- **14 July**, Friday for the issue of Friday **21 July 2023**
- **21 July**, Friday for the issue of Friday **28 July 2023**
- **28 July**, Friday for the issue of Friday **04 August 2023**
- **03 August**, Thursday for the issue of Friday **11 August 2023**
- **11 August**, Friday for the issue of Friday **18 August 2023**
- **18 August**, Friday for the issue of Friday **25 August 2023**
- **25 August**, Friday for the issue of Friday **01 September 2023**
- **01 September**, Friday for the issue of Friday **08 September 2023**
- **08 September**, Friday for the issue of Friday **15 September 2023**
- **15 September**, Friday for the issue of Friday **22 September 2023**
- **21 September**, Thursday for the issue of Friday **29 September 2023**
- **29 September**, Friday for the issue of Friday **06 October 2023**
- **06 October**, Friday for the issue of Friday **13 October 2023**
- **13 October**, Friday for the issue of Friday **20 October 2023**
- **20 October**, Friday for the issue of Friday **27 October 2023**
- **27 October**, Friday for the issue of Friday **03 November 2023**
- **03 November**, Friday for the issue of Friday **10 November 2023**
- **10 November**, Friday for the issue of Friday **17 November 2023**
- **17 November**, Friday for the issue of Friday **24 November 2023**
- **24 November**, Friday for the issue of Friday **01 December 2023**
- **01 December**, Friday for the issue of Friday **08 December 2023**
- **08 December**, Friday for the issue of Friday **15 December 2023**
- **15 December**, Friday for the issue of Friday **22 December 2023**
- **20 December**, Wednesday for the issue of Friday **29 December 2023**

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.gpwnonline.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.gpwnonline.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

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 3891

22 September 2023

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

The Director General
c/o Acting Director: Tenure Reform Implementation
Department of Agriculture, Land Reform & Rural Development

Private Bag X5001, KIMBERLEY, 8300; or Crn Stead & Knight Street, KIMBERLEY

File Reference: L0001

SCHEDULE

Applicant:

No.	Name and Surname	Identity Number
1.	Gert Visagie	5104235171084

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
418 Gordonia RD	PORTION 0 (Remaining extent) of the farm UAP no.418 Gordonia RD	ZF McGawu	FT716-GQI/22	U A P Trust	N/A



For DIRECTOR-GENERAL: DEPARTMENT OF AGRICULTURE, LAND REFORM & RURAL DEVELOPMENT

SIGNED BY: Thameley Mashune

ACTING DIRECTOR: TENURE REFORM IMPLEMENTATION / LABOUR TENANTS

DULY AUTHORISED

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 3892

22 September 2023

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

The Director General
c/o Acting Director: Tenure Reform Implementation
Department of Agriculture, Land Reform & Rural Development

Private Bag X5001, KIMBERLEY, 8300; or Crn Stead & Knight Street, KIMBERLEY

File Reference: NC6/5/NC/L0001

SCHEDULE

Applicant:

No.	Name and Surname	Identity Number
1.	Eliza Magdalena Franscinah Van Wyk	5310250154083

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
391 Barkly West	PORTION 0 of the farm no.391 Barkly West	Frances Baard	T2989/2006	Wild Olives Prop INV CC	N/A



For DIRECTOR-GENERAL: DEPARTMENT OF AGRICULTURE, LAND REFORM & RURAL DEVELOPMENT

SIGNED BY: *Itumeleng Mashune*

ACTING DIRECTOR: TENURE REFORM IMPLEMENTATION / LABOUR TENANTS
DULY AUTHORISED

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 3893

22 September 2023

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

The Director General
c/o Acting Director: Tenure Reform Implementation
Department of Agriculture, Land Reform & Rural Development

Private Bag X5001, KIMBERLEY, 8300; or Cnr Stead & Knight Street, KIMBERLEY

File Reference: NC6/5/NC/L00011

SCHEDULE

Applicant:

No.	Name and Surname	Identity Number
1.	Piet Andrew	610507 5247 081

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
169 Kuruman	Portion 1 of the farm No.169 Compton known as Doorndraai	Ga-Segonyane John Taolo Gaetsewe	T1059/1970	Sitwell Alan Edward	N/A



For **DIRECTOR-GENERAL: DEPARTMENT OF AGRICULTURE, LAND REFORM & RURAL DEVELOPMENT**

SIGNED BY: *Itumeleng Mashure*

ACTING DIRECTOR: TENURE REFORM IMPLEMENTATION / LABOUR TENANTS
DULY AUTHORISED

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 3894

22 September 2023

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

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

Reference	:	6/2/2/D/92/0/0/96
Claimant	:	Thandekile Maselana (On behalf of Mtyolo Community)
Property Description	:	Farm Mount Coke, Mission no. 2352 and Farm Puzana No. 2179, King Williams's Town under Buffalo City Municipality, Eastern Cape Province
Extent of Land	:	1418.8782 Hectares
Title Deed	:	T240/1904 / T1372/1957
Date Claim Submitted	:	02/09/1998
Current Owner	:	Buffalo City Metropolitan Municipality

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 ninety (90) days from the publication of this notice, any comments/information to:

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



**Mr. L.H. Maphutha
Regional Land Claims Commissioner**

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 3895

22 September 2023

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

Notice is hereby given in terms of Section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994), as amended, that a land claim for Restitution of Land Rights was lodged on the farm Wildebeeskraal 354 KT. This farm is situated in the Greater Tubatse (Fetakgomo-Tubatse) Local Municipality, Sekhukhune District of the Limpopo Province.

The late Mr. Mokabane Mamonkoame Frans lodged a restitution land claim on behalf of Batlokwa Ba Mokabane Community. Detailed Deeds information of the farm Wildebeeskraal 354 KT is indicated in the below table:


FARM WILDEBEEKSTKRAAL 354 KT						
Portion	Current Owners	Title Deed NO	Extent	Bonds/Endorsements	Hölder	
Portion 4	Wildebeeskraal Pty Ltd	T92490/2012PTA	63.8374 Ha	B1743/2017 B1910/2020 B23089/2015PTA B38853/2013PTA KT 354,4PTA	Firststrand Bank Ltd Firststrand Bank Ltd Firststrand Bank Ltd Firststrand Bank Ltd	
R/E of Portion 5	Antwepren Albert Stephanus Van	T55604/1988PTA	48.5368 Ha	I-8140/2006CPTA KT, 354,5PTA KT1052/1962SPTA EX2/2019 I-8140/2006CPTA	- - - - -	
R/E of Portion 10	Antwepren Albert Stephanus Van	T55604/1988PTA	9.9417 Ha	KT, 354,10PTA I-774/2021C	Joubert Salomon Wilhelmus	Ignatius
Portion 15	15&24 Wildebeeskraal Pty Ltd	T7895/2021	7.9311 Ha	I-8140/2006CPTA KT, 354,15PTA VA8509/2003PTA VA912/2021	Joubert Salomon Wilhelmus Joubert Salomon Wilhelmus	Ignatius Ignatius
R/E of Portion 16	Antwepren Albert Stephanus Van	T55605/1988PTA	415.6517 Ha	I-8140/2006CPTA KT, 354,16PTA	- -	

Portion 17	CG Van Antwepren & Seuns Pty Ltd	T93639/1992PTA	8.7637 Ha	K1183/1981SPTA	-	Standard Bank of South Africa Ltd
				B3211/2019	-	-
				I-8140/2006CPTA	-	-
				KT,354,17PTA	-	-
Portion 18	Antwepren Albert Stephanus Van	T55605/1988PTA	28.3421 Ha	I-8140/2006CPTA	-	-
				KT,354,18PTA	-	-
				K1183/1981SPTA	-	-
				K526/1984SPTA	-	-
Portion 19	Sansekop Boerdery (EDMS) LTD	T7551/2020	28.3421 Ha	I-8140/2006CPTA	-	-
				KT,354,19PTA	-	-
				K1183/1981SPTA	-	-
Portion 20	Almansrif CC	T124115/2001PTA	28.3421 Ha	I-8140/2006CPTA	-	-
				KT,354,20PTA	-	-
				K881/1985SPTA	-	-
Portion 21	Antwepren Cornelius Gerharcus Van	T43457/1982PTA	254.3911 Ha	I-8140/2006CPTA	-	-
				KT,354,21PTA	-	-
				K881/1982SPTA	-	-
Portion 22	Almansrif CC	T124115/2001PTA	254.3911 Ha	I-8140/2006CPTA	-	-
				KT,354,22PTA	-	-
				K881/1982SPTA	-	-
Portion 23	Joubert Susanna Elizabeth	T6208/2022	2.3604 Ha	I-8140/2006CPTA	-	-
Portion 24	15 & 24 Wildebeestkraal Pty Ltd	T7894/2021	51.7710 Ha	I-777/2021C	Joubert Wilhelmus	Ignatius
				I-8140/2006CPTA	-	-
				K2240/1995SPTA	-	-
				VA85102003PTA	Joubert Wilhelmus	Ignatius
				VA911/2021	Joubert Wilhelmus	Ignatius
				VA9859/2006PTA	Joubert Wilhelmus	Ignatius
Portion 26	Shock Proof INV 80 Pty Ltd	T56199/2013PTA	555.2665 Ha	I-8140/2006CPTA	-	-
Portion 27	Zalo Beleggings Pty Ltd	T1222/2000PTA	282.3852 Ha	B4400/2021	Bowwood&Main No 332 (RF) Pty Ltd	
				I-8140/2006CPTA	-	-
				VA619/2018	Lona Citrus Pty Ltd	
				VA620/2018	Lona Citrus Pty Ltd	

Portion 28	Shock Proof INV 80 Pty Ltd	T834/13/2006PTA	23.0687 Ha	I-8140/2C06CPTA	-
Portion 30	South African Agency Soc Ltd	T451/2/2019	2.0415 Ha	VA2071/2016PTA	Shock Proof INV 80 Pty Ltd
Portion 40	South African Agency Soc Ltd	T138/2/2017	7036.0000 SQM	EX2/2019	-
Portion 41	Telsap Pty Ltd	T138/3/2017	84.9658 Ha	I-150/2019C	-
Portion 42	3 Mile INV 7 Pty Ltd	T138/2/2017	10.9302 Ha	I-8140/2C06CPTA	-
				KT.354.19PTA	-
				-	-
				K92/2017S	-
				K93/2017S	-
				K94/2017S	-
				K92/2017S	-
				K93/2017S	-
				K94/2017S	-

Take Further Notice that the Office of the Regional Land Claims Commissioner: Limpopo, of the Department of Agriculture, Land Reform and Rural Development has investigated the land claim. Any party that has an interest in the above-mentioned properties is hereby invited to submit in writing within **60 Days** of the publication of this notice, any comments or detailed objections on this Land Claim to the Regional Land Claims Commissioner: Limpopo, using the under-mentioned contact details and under reference number: **KRP No. 11067.**

Office of the Regional Land Claims Commissioner: Limpopo OR Submission may also be delivered at:
 Private Bag X9552 13th -15th Thabakgolo Nedbank Building
 POLOKWANE 50-58 Landros Mare Street
 0700 POLOKWANE


LEBJAHE MAPHUTHA
 REGIONAL LAND CLAIMS COMMISSIONER
 COMMISSION ON RESTITUTION OF LAND RIGHTS
 DATE: 2024/07/05

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 3896

22 September 2023

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

Notice is hereby given in terms of section 11(1) of the Restitution of Land Rights Act, 1994 as amended) that a claim has been lodged for restitution of land rights on:

REF NO.	CLAIMANT	PROPERTY & EXTENT	CURRENT LAND OWNER	DEED OF TRANSFER	INTERESTED PARTIES
Z0131	Ms. Mantu Anna Malebye	Portion 57 of the farm Leeuwkloof 285 JR	Alibirops Pty Ltd 20	T57705/2019	Claimant; Current Landowners; City of Tshwane Metropolitan Municipality

Take further notice that the Commission on Restitution of Land Rights will conduct further investigations on the claim in terms of the provisions of section 12 read with Rule 5 of the Rules Regarding Procedure of Commission Established in terms of section 16 of Restitution of Land Rights Act as amended. Any interested party on the claim is hereby invited to submit, representations in terms of section 11A of the Restitution of Land Rights Act 22 of 1994 as amended within 90 (ninety) working days from the publication date of this notice, any comments/information may be send to:

Chief Directorate: Land Restitution Support Gauteng Province
Private Bag X03

ARCADIA
0007

Tel: (012) 310-6500

Fax: (012) 324-5812


MR. L.H MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER

DATE: 2023/03/15

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 3897

22 September 2023



CO-OPERATIVE THAT HAS BEEN DIRECTED TO CHANGE NAME BY THE REGISTRAR OF CO-OPERATIVES IN TERMS OF SECTION 11 OF CO-OPERATIVES ACT NO. 14 OF 2005, AS AMENDED.

Notice is hereby given in terms of section 11 of the Co-operatives Act of 2005 as amended, that co-operative names have been amended as follows:

- 1. FIRST CHOICE BAKERY PRIMARY CO-OPERATIVE LIMITED (2017/004524/24)** has been revoked and changed to **Zandspruit Bakery Primary Co-operative Limited**
- 2. MANDELA SMALL FARMERS PRIMARY CO-OPERATIVE LIMITED (2019/002152/24)** has been revoked and changed to **Kroonvale Small Farmers Primary Co-operative Limited**

REGISTRAR OF CO-OPERATIVES

Office of the Registrar of Co-operatives

The DTIC Campus

77 Meintjies Street

Sunnyside

0002

DEPARTMENT OF WATER AND SANITATION

NO. 3898

22 September 2023

ESTABLISHMENT OF LIMPOPO-OLIFANTS CATCHMENT MANAGEMENT AGENCY (CMA) THROUGH THE RECONFIGURATION OF LIMPOPO AND OLIFANTS WATER MANAGEMENT AREA IN TERMS OF SECTION 78 (3) OF THE NATIONAL WATER ACT, 1998 (ACT NO. 36 OF 1998)

I, Senzo Mchunu, Minister of Water and Sanitation, hereby, in terms of section 78 of the National Water Act, 1998 (Act No 36 of 1998), declare that –

- a) The Limpopo-Olifants Catchment Management Agency is established;
- b) The Catchment Management Agency name is the Limpopo-Olifants;
- c) The CMA area of operation incorporates the two former water management areas which are the Limpopo and Olifants as pronounced in the National Water Resource Strategy (NWRS2). The intention is that one CMA will manage the water resources in the Limpopo-Olifants water management area. The proposed amalgamated WMA for the Limpopo-Olifants consist of major rivers which include, Limpopo, Marico, Crocodile, Olifants, Rietspruit, Steenkoolspruit, Viskuite, Steelpoort and Blyde River. The Water Management Areas falls within parts of North West, Gauteng, Mpumalanga and Limpopo provinces. The amendment affects all properties in respect of which and person entitled to use water by virtue of entitlements in terms of section 22 (1) of the Act from-
 - (i) Any water resources situated outside the area described in paragraph (c)(i) above, which water resources and accompanying area, the Department of Water and Sanitation or the responsible authority may require the Vaal Orange CMA to control.
- d) All initial and delegated functions will be performed by the Limpopo-Olifants CMA; and
- e) Water resource management charge will be billed by the Limpopo-Olifants CMA in accordance with Section 57(2) of the National Water Act.



**MR SENZO MCHUNU, MP
MINISTER OF WATER AND SANITATION**

DATE: 8/9/23



NATIONAL DEVELOPMENT PLAN
Our Future - make it work

DEPARTMENT OF WATER AND SANITATION

NO. 3899

22 September 2023

ESTABLISHMENT OF LOWER MFOLOZI WATER USER ASSOCIATION, KWAZULU NATAL PROVINCE

I, Senzo Mchunu, the Minister of Water and Sanitation, hereby declare in terms of section 92(3) of the National Water Act, 1998 (Act No. 36 of 1998) that –

- (a) the Lower Mfolozi Water User Association is established.
- (b) the Association's name is the Lower Mfolozi Water User Association.
- (c) the area of operation aligns to the boundaries of the W21L, W22L W23 A, B, C, and D. The said area of operation of the WUA will encompass area from just above the confluence of the White and Black Mfolozi Rivers near the southern boundaries of the Hluhluwe Mfolozi Game Reserve up to the Mfolozi River Mouth at St Lucia.
- (d) the area lies within the Pongola Mtamvuna Water Management Area, which falls within the province of KwaZulu-Natal. The area of operation falls within the jurisdiction of King Cetshwayo, uMkhanyakude District Municipalities, Mbonambi and Mtubatuba Local Municipalities.
- (e) the constitution of the Lower Mfolozi Water User Association has been approved.
- (f) Delegation note of certain powers and functions of the Water User Association is attached.



MR SENZO MCHUNU, MP
MINISTER OF WATER AND SANITATION

DATE

8/9/23

DEPARTMENT OF WATER AND SANITATION

NO. 3900

22 September 2023

INVITATION TO SUBMIT WRITTEN COMMENTS IN TERMS OF SECTION 110 OF THE NATIONAL WATER ACT 1998 (ACT 36 OF 1998) ON THE CONSTRUCTION OF THE MOKOLO AND CROCODILE (WEST) RIVER WATER AUGMENTATION PROJECT (MCWAP) AND THE ENVIRONMENTAL IMPACT ASSESMENTS RELATING THERETO

The Minister of Water and Sanitation intend to construct the Mokolo And Crocodile (West) River Water Augmentation Project (MCWAP-2A) as government waterworks as contained in Part A of the Schedule hereto. The implementation of Phase 1 of the Mokolo and Crocodile (West) River Water Augmentation Project (MCWAP-1) is completed.

In terms of section 110(1)(b)(iii) interested parties are invited to submit written comments on the waterworks (Part A of Schedule) and the environmental impact assessment (Part B of Schedule), 60 days after date of publication. Comments must be submitted to the Director-General, Department of Water and Sanitation (DWS), Private Bag X313, Pretoria; and marked for attention of Mr. JA Bester, Chief Engineer, Directorate: Water Resources Development Planning.

SCHEDULE FOR THE CONSTRUCTION OF THE MOKOLO AND CROCODILE (WEST) RIVER WATER AUGMENTATION PROJECT (MCWAP) AND A SUMMARY OF THE ENVIROMENTAL IMPACT ASSESMENTS**A. DESCRIPTION OF THE SCHEME**

The objective of the MCWAP is to abstract and transfer water from the Mokolo River and the Crocodile (West) River to augment domestic, industrial and other users in Lephalale and surrounding areas. The project will further secure water for Eskom's newly built Medupi Powerstation which is a strategic user.

The MCWAP consists of the following phases (see attached **Figure 1**):

i. Mokolo Crocodile (West) River Water Augmentation Project Phase 1 (MCWAP-1)

MCWAP-1 consists of conveyance infrastructure from Mokolo Dam to the town of Lephalale and industrial users. The infrastructure consists of a pump station at Mokolo Dam, bulk water pipelines from Mokolo Dam to Lephalale Town (total length of 42,7 km), Grootegeeluk Mine, Matimba and Medupi Power Stations.

The MCWAP-1 was implemented at a capital cost of R1,86 billion.

ii. Mokolo Crocodile (West) River Water Augmentation Project Phase 2A (MCWAP-2A)

MCWAP-2A will abstract and transfer surplus return flows from the Crocodile (West) River to the new developments in the Lephalale Local Municipality.

MCWAP-2A has a design capacity of 75 million m³ /a and comprises of abstraction works at Vlieëpoort near Thabazimbi, pumping stations and bulk pipelines to the users in Lephalale and surrounding areas.

MCWAP-2A includes a River Management System (RMS) on sections of the Crocodile (West) River and its tributaries in order to assure water availability for the existing users and for the transfer scheme. The RMS will include the reach of the Crocodile (West) River downstream of Hartbeespoort Dam up to the proposed Vlieëpoort Abstraction Weir, the reach of the Moretele River downstream of Klipvoor Dam up to its confluence with the Crocodile (West) River, as well as to the reach of the Elands River downstream of Vaalkop Dam up to its confluence with the Crocodile (West) River.

DWS has also determined a high confidence reserve which was published in the Government Gazette (Gazette No. 45568) on 3 December 2021 in terms of Section 16 of the National Water Act, Act No. 36 of 1998, following a detailed technical study which included an extensive stakeholder participation process. The Reserve sets water quality and quantity limits for the water resources to ensure ecological sustainability and provision of basic human needs as per the requirements of the National Water Act.

The total estimated capital cost for the implementation of the MCWAP-2A amounts to R 15 billion (cost base December 2022 and exclusive of Value Added Tax (VAT))

B. SUMMARY OF THE ENVIRONMENTAL IMPACT ASSESMENTS

The environmental authorisation of MCWAP-1 and MCWAP-2A was done in accordance with the National Environmental Management Act, 1998 (Act No. 107 of 1998).

MCWAP-1: The environmental authorisation of MCWAP-1 was granted on 3 December 2010 by the Department of Forestry, Fisheries and the Environment (DFFE), stipulating the following key conditions:

- i. The ecological reserve requirements downstream of Mokolo Dam must be maintained.
- ii. A search and rescue operation should be conducted to identify vegetation material and plants which may be relocated or re-used during rehabilitation and landscaping of the servitude.
- iii. The appellant must have an ongoing invasive plant and weed monitoring and eradication programme for the servitude once construction is completed.
- iv. Liaison with land owners/farm managers is to be done prior to construction in order to provide sufficient time for them to plan their activities.
- v. Construction must include appropriate design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface water and subsurface flows. Drainage measures must promote the dissipation of storm water run-off and not enhance erosion.

All EA conditions were met in the implementation of MCWAP-1.

MCWAP-2A: The environmental authorisation of MCWAP-2A was granted as follows:

- a. Water Transfer Infrastructure - Environmental Authorisation was granted by the former Department of Environmental Affairs, which is now known as the Department of Forestry, Fisheries and the Environment (DFFE), on 18 March 2019; and
- b. Quarries and Borrow Pits – Environmental Authorisation was granted by the Department of Mineral Resources and Energy (DMRE) on 6 January 2022 and 22 September 2022 respectively.


The following specialist studies were done during the Environmental Impact Assessment (EIA) process; Baseline Aquatic and Impact Study, Terrestrial Ecological Impact Assessment, Agricultural Impact Assessment, Heritage Impact Assessment, Wetland Impact Assessment, Socio-Economic Impact Assessment, Wildlife Impact Assessment, Specialist Opinion on the Impact of the MCWAP-2A on Hartbeespoort Dam, Assessment of Greenhouse Gas Emissions, and an Environmental Noise Study. Additional studies included an assessment of the Bat cave, Heritage and Palaeontology, Greenhouse gas emissions of the project, Roads and Traffic Assessment, Sedimentation Assessment and Ambient Air Quality.

Some of the key conditions for MCWAP-2A that emanated from the EIA process include the following:

- i. The River Management System must be in place prior to the commissioning of the proposed transfer scheme.
- ii. Specific attention will need to be paid to managing impacts to road users for all public roads (including the D1649, D3677, R510 and D175) and private roads.
- iii. The land acquisition and compensation process need to adhere to all legal requirements, in negotiation with the affected landowners. This process must be undertaken fairly and must commence timeously prior to the construction phase.
- iv. Construction and operational activities need to be planned and coordinated in consultation with the affected landowners in order to minimise impacts on game farming, ecotourism and crop production.
- v. Ensure compliance with the biosecurity protocols of the relevant properties in relation to the construction and maintenance of the pipeline.
- vi. Manage the impacts associated with the scouring of sediment back to Crocodile (West) River from the desilting works during the operational phase.

Eight (8) appeals were lodged against the Environmental Authorisation for the MCWAP-2A Water Transfer Infrastructure during the Appeal Period from 18 March 2019 to 30 July 2019. The Minister of Environment, Forestry, and Fisheries dismissed all the appeals against the MCWAP-2A on 11 October 2020.

For further information please visit: <https://www.dws.gov.za/iwrrp/MCWAP/#>


MR SENZO MCHUNU, MP
MINISTER OF WATER AND SANITATION
DATE: 29/08/2023

MOKOLO AND CROCODILE RIVER (WEST) WATER AUGMENTATION PROJECT (MCWAP) RIVER MANAGEMENT SYSTEM (RMS) STUDY - LOCALITY PLAN

The map illustrates the Mokolo and Crocodile River (West) Water Augmentation Project (MCWAP) River Management System (RMS) Study. It shows the project area in South Africa, including the Mokolo and Crocodile rivers, various dams (Mokolo Dam, Vaalkop Dam, Roddekopjes Dam, Hartbeespoort Dam, etc.), and the project phases (MCWAP-1 and MCWAP-2A). The map also shows the surrounding regions (Botswana, North West, Gauteng) and major roads. A legend at the bottom defines symbols for active DWS gauging stations, new gauging stations, rivers, dams, project phases, power stations, national boundaries, provincial boundaries, and main roads. An inset map shows the project location within South Africa.

LEGEND

- ACTIVE DWS GAUGING STATIONS
- NEW GAUGING STATIONS SITE
- RIVERS
- DAMS
- MOKOLO AND CROCODILE RIVER (WEST) WATER AUGMENTATION PROJECT (PHASE 1)
- MOKOLO AND CROCODILE RIVER (WEST) WATER AUGMENTATION PROJECT (PHASE 2A)
- POWER STATION
- NATIONAL BOUNDARY
- PROVINCIAL BOUNDARIES
- MAIN ROADS

DEPARTMENT OF WOMEN, YOUTH AND PERSONS WITH DISABILITIES

NO. 3901

22 September 2023



REPUBLIC OF SOUTH AFRICA

**FIFTH ANNUAL PROGRESS REPORT
ON IMPLEMENTATION OF
THE WHITE PAPER ON
THE RIGHTS OF PERSONS WITH DISABILITIES**

April 2020 – March 2021

TABLE OF CONTENTS

TABLE OF CONTENTS	1
1. FOREWORD	2
2. EXECUTIVE SUMMARY	4
2.1 GENERAL OBSERVATIONS	4
2.2 HIGHLIGHTS	5
2.3 CHALLENGES	7
2.4 RECOMMENDATIONS	8
3. INTRODUCTION	13
3.1 Purpose	13
3.2 Reporting Period	13
3.3 Focus	13
3.4 Process Followed in Compiling the Annual Progress Report	14
4. PROGRESS ON THE IMPLEMENTATION OF PILLARS	15
4.1 Pillar 1 - Removing Barriers to Access and Participation	15
4.2 Pillar 2 - Protecting Persons with Disabilities at Risk of Compounded Marginalisation	29
4.3 Pillar 3 - Supporting Sustainable Integrated Community Life	34
4.4 Pillar 4 - Promoting and Supporting the Empowerment of Persons with Disabilities	40
4.5 Pillar 5 - Reducing Economic Vulnerability and Releasing Human Capital	49
4.6 Pillar 6 - Strengthening the Representative Voice of Persons with Disabilities	65
4.7 Pillar 7 - Building a Disability Equitable State Machinery	68
4.8 Pillar 8 - Promoting International Cooperation	73
4.9 Institutional Arrangements	75
5. RECOMMENDATIONS	77
6. CONCLUSION	81
ACRONYMS AND ABBREVIATIONS	83

1. FOREWORD

This year marks the 150th anniversary of the birth of Mme Charlotte Mannya Maxeke. The Government of South Africa declared 2021 the Year of Charlotte Mannya Maxeke to remember the legacy and immense contribution by this trailblazer and struggle icon. We are proud as a country of this historical significance because uMama Charlotte Maxeke's legacy lives on as a major contributor to the emancipation of women in South Africa. uMama Charlotte Mannya Maxeke will become the second woman to be honoured in this way since 2018 when our struggle icon Albertina Sisulu was honoured.

This, the 150th year since the birthday of uMama Charlotte Mannya Maxeke, is an important year for South Africa. We recognise women of courage and fortitude who pursued the same cause as struggle icons like Nelson Mandela, Walter Sisulu and Oliver Tambo, to name but a few. Mme Charlotte Mannya Maxeke made an indelible impact on many areas, including education, welfare, community development, faith and politics. She stood out as one of the leaders of the liberation struggle who fought for the empowerment of women.

On 26 March 2020, the President of the Republic of South Africa declared a National Disaster and put the country on lockdown due to the outbreak of the COVID-19 Pandemic. The purpose was to put measures in place to mitigate and combat the spread of the virus by ensuring safety and protection of all citizens. The World Health Organisation (WHO) declared COVID-19 as a global humanitarian crisis and emergency. The global crisis of COVID-19 is deepening pre-existing inequalities, exposing the extent of exclusion and highlighting that work on disability inclusion is imperative.

Even under normal circumstances, persons with disabilities are less likely to access health care, education, employment and to participate in the community. They are more likely to live in poverty, experience higher rates of violence, neglect and abuse, and are among the most marginalized in any crisis-affected community. The COVID-19 pandemic has further compounded this situation, disproportionately impacting persons with disabilities both directly and indirectly. Humanitarian emergencies have a significant impact on the lives of persons with disabilities.

Article 11, of the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD), requires that State Parties must put measures in place to ensure safety and protection of persons with disabilities during situations of armed conflict, national disasters, situations of risk and humanitarian emergencies. The requirements of Article 11 of the UN CRPD have been embedded into the White Paper on the Rights of Persons with Disabilities (WPRPD) which serves as an instrument to develop mechanisms for domestication of the UN CRPD.

The White Paper on the Rights of Persons with Disabilities, approved by Cabinet on December 9, 2015, incorporates the vision and objectives of the National Development Plan as well as the 2030 Agenda for Sustainable Development, with all these instruments working to achieve set targets by 2030.

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

Therefore, this report provides a full overview of how government departments have complied with the requirements of the WPRPD and the requirements to ensure the safety and protection of persons with disabilities during national disasters and situations of humanitarian emergencies. The COVID-19 pandemic made persons with disabilities even more vulnerable, and the purpose of this report is to reflect on interventions and measures adopted by government to reduce their vulnerability.

2. EXECUTIVE SUMMARY

Cabinet approved the White Paper on the Rights of Persons with Disabilities (WPRPD) and its Implementation Matrix on December 9, 2015. Cabinet further directed that the department responsible for national disability coordination must provide updates on the progress made on the implementation of the WPRPD on an annual basis. The emphasis of the WPRPD is on embedding disability inclusion within government's policy and legislative, planning, budgeting, programming, monitoring, evaluation and reporting systems.

This is the fifth Annual Progress Report which covers the period 1 April 2020- 31 March 2021. It focuses predominantly on a high-level assessment of the extent to which national government departments have embedded the policy directives of the WPRPD into their respective systems and highlighting key implementation challenges and sharing some evidence of good practice for benchmarking purposes.

The report assesses the progress of government interventions made during the state of national disaster and the impact of COVID-19 on the lives of persons with disabilities. To identify the challenges experienced by persons with disabilities and the interventions made by government, the Department of Women, Youth and Persons with Disabilities (DWYPD) hosted quarterly meetings and webinars. Furthermore, the DWYPD in partnership with the United Nations Office of the High Commissioner on Human Rights (UN OHCHR) conducted a research study on the Impact of COVID-19 on persons with disabilities. The stakeholder consultative engagements and the research study presents the results which is contextualised in accordance with all strategic pillars of the WPRPD.

2.1 GENERAL OBSERVATIONS

The fifth year of implementation was centred on ensuring that disability is embedded into Government-Wide Monitoring and Evaluation, planning and reporting systems and inclusion of disability specific indicators into the Medium-Term Strategic Framework (MTSF). The DWYPD also observed a huge decline in terms of compliance from reporting institutions due to lack of planning and mainstreaming strategies to implement the disability rights agenda and WPRPD policy directives. The

department also invested its efforts on providing technical support on disability specific reporting requirements to reporting institutions and these efforts assisted in collecting data for reporting for the year under review.

It was also observed that the WPRPD implementation Matrix targets were not properly consulted and negotiated with reporting institutions following the approval of the WPRPD policy in 2015. In addition to the above, an institutional survey on the policy implementation was conducted to determine challenges and possible solutions with regard to the reporting template / matrix. The survey results points that there is high reluctance to comply with the requirements of the policy directives. The proposed possible solution is to review the implementation matrix by developing a harmonised disability rights reporting framework which strengthens the integration of reporting obligations as well as evidence and a results-based approach.

The recommendations contained in this Report are aimed at strategic level action with the aim of accelerating embedding responsibility for implementation of the WPRPD within the governance and administrative systems of government.

2.2 HIGHLIGHTS

Some of the highlights emerging from the compliance reports, as well as engagements during the webinars and consultative meetings, include the following thematic areas:

- a) Access to health;
- b) Access to education;
- c) Access to information;
- d) Access to social services;
- e) Safety and protection;
- f) Access to economic opportunities;
- g) Access to quarantine and isolation sites; and
- h) Participation and consultation.

The inclusion of disability into the national state of disaster regulations, particularly on the protection and safety measures for persons with disabilities, was very progressive from government from a legislative point of view. The continuous provision of Sign Language Interpreters for the National Corona-Virus Command Council (NCCC)

briefing platforms was a significant intervention in terms of addressing access to information for persons with disabilities. SADA highlighted that the provision of Sign Language Interpreters was not always continuous, and some provincial briefing platforms were not always catered for. Testing sites were often overlooked in the provision of in-person or video remote sign language interpreting. The use of video remote communications (Virecom) interpreting technology was not deployed though it was available in South Africa.

The representation of DWYPD at the NCCC work streams was also a key highlight for disability mainstreaming and universal access during the state of the national disaster. The Department of Public Service and Administration (DPSA) and the Department of Labour and Employment (DoLE) announced measures for employees with disabilities, and this contributed to their safety and well-being in the employment environment.

The social relief packages for persons with disabilities and economic relief measures for entrepreneurs with disabilities were disability inclusive and also contributed immensely towards progressive realisation for the rights of persons with disabilities. Specific directives were issued by the Departments of Social Development and Basic Education to provide guidance and measures for persons with disabilities at residential facilities during the COVID-19 pandemic.

The ongoing work in strengthening disability disaggregation of statistics and non-financial administrative data, as well as the work done on the development of the Disability Inequality Index and standardising measure of disability, will ensure that the country is able to measure future progress in reducing inequality between persons with disabilities and those without.

South Africa is held in high regard for its approach to, and progress made with, implementing the UNCRPD. The country has appeared before the UN CRPD Committee for constructive dialogue on the baseline country report and the committee released their concluding observations emanating from the dialogue. The process is currently underway to put systems in place to implement and comply with the requirements of the committee. The country also participated, among others, in the thirteenth session of the Conference of States Parties to the UNCRPD, hosted virtually by the United Nations in New York in December 2020 and also participated at the

advocacy workshops to lobby for African Member States to sign and ratify the African Union Protocol on the Rights of Persons with Disabilities.

Through partnership with the UN Agencies, approximately **\$20 000** funding was made available to conduct a research study in order to explore the impact of COVID-19 on persons with disabilities in South Africa. The research study was completed during the year in review.

2.3 CHALLENGES

This report highlights the challenges with enforcement of legislation, regulations and minimum norms and standards, often due to weak accountability mechanisms. This applies across sectors, as well as across all three spheres of government. Behavioural change is a slow process and implementation of the WPRPD requires a significant shift in attitudes as well as behaviour towards persons with disabilities and their families from society in general, and public servants in particular.

Further challenges include:

- Lack of compliance with building regulations (SANS 10400 Part S);
- Universal design standards contained in the Integrated Public Transport Network Grant requirements;
- Continued exclusion of children with disabilities from compulsory education by placing them on long waiting lists or unavailability of accessible scholar transport;
- Deprivation of decision-making and self-determination rights of many persons with psychosocial, intellectual and/or severe communication disabilities;
- Lack of access to decent, accessible housing and neighbourhoods;
- Huge backlogs and long delays in the provisioning of even the most basic assistive devices required for education, mobility and communication;
- A downward trend in access to decent work for persons with disabilities; and
- A disability sector struggling to survive within the current economic climate.

All of these pose significant challenges in creating an environment in which children and adults with disabilities can thrive and participate as equal citizens.

There is a continuous lack of compliance with disability reporting requirements and failure by all spheres of government to institutionalise disability rights into departmental wide planning, responsive budgeting, monitoring and evaluation. The current disability mainstreaming strategies and planning is too fragmented and not process or results based.

According to the United Nations policy brief on persons with disabilities and COVID-19, issued during May 2020, “the global crisis of COVID-19 is deepening pre-existing inequalities, exposing the extent of exclusion and highlighting that work on disability inclusion is imperative. Persons with disabilities one billion people are one of the most excluded groups in our society and are among the hardest hit in this crisis in terms of fatalities.”

Even under normal circumstances, persons with disabilities are less likely to access information and services such as health care, education, employment and to participate in the community. They are more likely to live in poverty, experience higher rates of violence, neglect and abuse, and are among the most marginalised in any crisis-affected community. COVID-19 has further compounded the situation, disproportionately impacting persons with disabilities both directly and indirectly.

2.4 RECOMMENDATIONS

Having assessed progress made towards implementing the policy directives of the White Paper on the Rights of Persons with Disabilities within the national sphere of government, and having assessed systemic challenges reported and observed, the following corrective measures are recommended:

- a) Executive Authorities must strengthen efforts to champion implementation of the WPRPD within their respective departments/institutions.
- b) Accounting Officers must ensure that the WPRPD policy directives are embedded in departmental/institutions annual performance plans, operational

plans, standard operating procedures, responsive budgets, performance management and reporting systems.

- c) Department of Justice, Constitutional Development and Correctional Services must establish recourse mechanisms for defaulters and non-compliant institutions on Universal Design and Access Standards and ICASA's Code for Persons with Disabilities Regulations, 2021
- d) The Department of Cooperative Governance must take the lead to ensure disability inclusion during the national state of disaster, through planning and budgeting for access to information for persons with disabilities e.g. Provision of Sign Language Interpreters, Subtitles and close captioning in all national briefings during the state of disaster. They must ensure full representation of persons with disabilities in technical committees established to manage current and future national disasters.
- e) The Department of Health must ensure that all identified quarantine sites and isolation areas are fully accessible to all persons with disabilities. They must ensure that awareness material and information is made available in accessible formats. The department must also develop a more responsive system to eradicate backlogs of assistive devices, expand the range of assistive devices to all persons with disabilities, and improve on turnaround times for issuing of assistive devices.
- f) The Departments of Basic Education and Higher Education and Training must put measures in place to ensure safety and protection of learners and students with disabilities in all learning facilities during the COVID-19 pandemic and during other future national disasters. They must ensure that online learning initiatives are fully accessible to learners and students with disabilities.
- g) The Department of Social Development must ensure that measures are put in place for the protection of persons with disabilities in residential facilities. Further it must be ensured that persons with disabilities have continuous provision of social services and disability related grants and benefits without interruption during the state of national disaster.

- h) Accounting Officers must ensure that each institution has an approved WPRPD Implementation Plan, inclusive of organisational design, reasonable accommodation support provisioning for both staff as well as external programme participants, budgets, departmental skills plans, departmental employment equity plans, entity oversight etc.
- i) The Department of Public Service and Administration must prioritise the development of guidelines for formalising and strengthening the designation/appointment of disability rights coordinators in all public institutions, inclusive of organisational design.
- j) The National School of Government must prioritise the development of credit-bearing and non-credit bearing contact as well as accessible online universal design and disability inclusion courses contributing towards the implementation of the WPRPD and UNCRPD.
- k) The Department of Planning, Monitoring and Evaluation must ensure that a disability dimension, Programme of Action and that the relevant WPRPD directives are embedded in the development of the 2019-2024 Medium Term Strategic Framework. Establish mechanisms to ensure inclusion of disability into the key planning and monitoring instruments of government, enforce compliance for mainstreaming of Women, Youth and Persons with Disabilities on Strategic Plans and Annual Performance Plans.
- l) The Department of Labour and Employment must give consideration to the establishment of a Statutory Committee to develop a more coherent understanding of the downward trend in employment equity for persons with disabilities. This should culminate in the development of a more comprehensive cost employment support strategy for accelerated access to decent work for persons with disabilities.
- m) All government institutions must comply with the disability reporting requirements and report timeously.

COVID-19 Research Report Higher level recommendations:

- n) Consultation and participation of persons with disabilities (Self-Representation)
- In accordance with the internationally adopted disability slogan 'nothing about us without us', it is recommended that persons with disabilities must be fully consulted and involved in all government planning processes, policy development and decision-making structures established to manage current and future national disasters.
 - Relationships need to be built and maintained with DPOs and NGOs supporting persons with disabilities.
- o) Safety and protection of persons with disabilities
- It is recommended that the safety and protection of persons with disabilities are prioritised during the state of disaster and situation of humanitarian emergencies.
 - Prioritise safety and protection of persons with disabilities especially in institutional settings and care centres
 - Prioritise safety and protection of women and girls with disabilities experiencing gender-based violence during the state of national disaster.
- p) Accessibility to government services, information and communication, and the public environments.
- It is recommended that government must ensure access to basic services, information and communication, and access to identified screening and testing sites, quarantine, and isolation sites for all persons with disabilities during the national state of disaster.
 - Information and communication must be made available and be offered in all accessible formats to all persons with disabilities (braille, audio-visual, large prints, electronic and print media, social media, online education and training, sign language interpretation services, close-captioning, subtitles etc.)
 - The Departments of Cooperative Governance and Government Communication Information Services must set aside a budget to ensure that

all national/public briefing platforms on national disasters have sign language interpretation services, close-captioning, and subtitles for persons with disabilities.

q) Access to employment and economic opportunities

- It is recommended that government must ensure that persons with disabilities benefit equally to all announced employment and economic relief measures during the national state of disaster
- Employment environments need to provide reasonable accommodations to those that require it, especially to those with comorbidities.

r) Access to social services

- Provisioning of psychosocial support services.
- Provisioning of social grants and social relief of distress.
- Provisioning of food parcels.

s) Access to health

- Provisioning of PPE.
- Screening methods and procedures must be accessible.
- Healthcare information must be accessible.
- Transportation barriers need to be addressed.

t) Access to education

- Accessible online education including assistive devices and data devices.
- Prioritise special schools and school hostels.
- Safety and protection of learners.

u) Having disability-specific disaggregated data

- All government departments need to obtain specific disability data in order to develop evidence-based and appropriate interventions and support.

v) Benchmarking and partnerships

- Establish partnerships and benchmark on international and continental disability practices and interventions

3. INTRODUCTION

“Disability mainstreaming involves and is centred on ensuring that disability is at the centre of all development initiatives as a norm and undisputable principle; that all policies, budgets, plans and programmes address the individual needs of persons with disabilities; and the implications for persons with disabilities of any planned action; including legislation, policies and programmes is assessed. It is also about addressing all direct and indirect aspects of disability, as well as the causes and effects of disability thus ensuring that one develops a long term, holistic and more sustainable solution”.

White Paper on the Rights of Persons with Disabilities, 2015

3.1 Purpose

Cabinet approved the White Paper on the Rights of Persons with Disabilities (WPRPD) and its Implementation Matrix on December 9, 2015. Cabinet further directed that the department responsible for national disability coordination must provide an update on the progress made on the implementation of the WPRPD on an annual basis.

3.2 Reporting Period

This report covers the period 1 April 2020 – 31 March 2021.

3.3 Focus

This Fifth Annual Progress Report focuses primarily on the national sphere of government, with some anecdotal evidence on achievements and challenges in the provincial sphere.

This Report focuses predominantly on a high-level assessment of the extent to which national government departments have embedded the policy directives of the WPRPD into their respective planning, budgeting, and service delivery and reporting systems, whilst highlighting key implementation challenges and sharing some evidence of good practice for benchmarking purposes.

This report assesses progress against government interventions on persons with disabilities during the state of national disaster and the impact of COVID-19 on persons with disabilities in accordance with the WPRPD policy directives. The DWYPD in partnership with the United Nations Office of the High Commissioner on Human Rights (UN OHCHR) conducted a research study on the Impact of COVID-19 on persons with disabilities. The stakeholder consultative engagements and the research study presents the results which is contextualised in accordance with all strategic pillars of the WPRPD.

3.4 Process Followed in Compiling the Annual Progress Report

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

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

Accounting officers of all national government departments as well as provincial Directors Generals were provided with an outline of the quarterly reporting process and requirements from June 2020 to March 2021. The deadline for submissions were set for end of each quarter, and technical support from the DWYPD was made available and provided for departments which required support in compiling their quarterly reports. Information was also sourced from reporting institutions through the Integrated Disability Reporting Template which was used as a tracking tool for the implementation of the UN Concluding Observations and COVID-19 intervention measures.

Forty-two (42) national government departments were requested to report, with only twenty-five (25) reports were received within a set deadline. Six (6) out of nine (9) provinces submitted reports. This gives us a 60% compliance rate for national departments and a 67% compliance rate for provinces.

The National Disability Rights Quarter one (1) Reporting Meeting for Provincial Government was convened on the 13th July 2020 and 21st July 2020 for National Departments. Due to low attendance, a follow up meeting was convened on the 14th August 2020 for outstanding national departments to submit reports. The Quarter two (2) meeting was convened on the 30th October 2020 with both national departments and provincial governments, and the third quarter meeting was convened in March 2021. The purpose of the third quarter meeting was to synthesise and validate the draft report. A standard reporting PowerPoint presentation template was shared with reporting institutions in preparation for the quarterly meetings. The template focused more on disability quarterly reports and COVID-19 interventions. This process enabled robust and frank discussions, debates and proposals for accelerated implementation of the WPRPD. The template is being simplified to assist reporting for the respective spheres of government.

4. PROGRESS ON THE IMPLEMENTATION OF PILLARS

4.1 Pillar 1 - Removing Barriers to Access and Participation

The WPRPD identifies the following six dimensions to remove barriers to access and participation for persons with disabilities:

- Changing attitudes and behaviour;
- Access to the built environment;
- Access to transport;
- Access to information and communication;
- Universal design and access; and
- Reasonable accommodation measures.

Sixteen (16) national departments and institutions contribute towards 36 indicators under this pillar. These are the Departments of Social Development (DSD), Arts and Culture (DAC), Higher Education and Training (DHET), Basic Education (DBE), Public

Works and Infrastructure (DPWI), Cooperative Governance (DCOG), Human Settlement (DHS), Transport (NDOT), Telecommunication and Postal Services (DTPS), Trade, Industry and Competition (DTIC), Justice and Constitutional Development (DOJ&CD), National School of Government (NSG), National Treasury (NT), Independent Communications Authority of South Africa (ICASA), Pan South African Language Board (PANSALB) and South African Bureau of Standards (SABS).

The following departments have reported against the policy directives and indicators outlined in pillar 1: DBE, DoH, SARS, DWYPD, DME&R, NSG, DoT, DPWI, GCIS, DSD, DPSA, DCDT, COGTA, OPSC, SAPS, DoJ&CD, DTIC, DEFF, DCS, and The Presidency.

In the main, very few of the departments which submitted reports were able to provide evidence that the measures taken during the year were flowing from the WPRPD Policy Directives. Action was therefore more of a continuation of existing initiatives, with insufficient alignment between the WPRPD directives and plans, budgets and reports. A baseline of existing initiatives prior to approval and implementation of the WPRPD is being established to inform the impact evaluation scheduled for 2022/23.

Indicator 1.1 - Changing attitudes and behaviour

The development of a National Framework for Disability Rights Awareness Campaigns has been approved by the Minister for Women, Youth and Persons with Disabilities (DWYPD) in March 2021. This framework will inform all national, provincial, local governments, human rights and social cohesion campaigns and programmes. The process has been initiated by DWYPD to obtain Cabinet approval for the framework in 2021/22 financial year. The DWYPD also implemented the National Disability Rights Awareness month and disability specific campaign on 365 days awareness under the year in review.

The Department of Basic Education (DBE) developed the guidelines for schools with learners with selected categories of disabilities to provide guidance on the containment of the spread of COVID-19. The guidelines were for schools that have the following categories of learners: learners who are blind and partially sighted; learners who are Deaf and hard of hearing; learners with autism; learners with epilepsy; learners with physical disabilities; and learners with intellectual disabilities. In addition, adaptations

were made to the *Directions and Standard Operating Procedures for the Containment of COVID-19 for Schools and School Communities* to ensure that issues relating to learners with disabilities are adequately covered. Furthermore, guidelines for healthcare and social service professionals in education were developed.

The DBE also collaborated with stakeholders and service providers with a view to converting the DBE Rainbow Workbooks into audio MP3s. Collaborated with South African Guide Dogs Association and other stakeholders on the campaign to strengthen support for schools with learners who are blind and partially sighted learners.

The National Department of Health (NDoH) has initiated a process to integrate disability into HIV and TB programmes on an ongoing basis. The NDoH also developed and piloted an online short course for healthcare workers on the early identification of spinal TB. The department also designed and distributed material to address awareness with regards to HIV/TB and health related Abuse and Violence against persons with disabilities and COVID-19 information leaflets.

The National School of Government (NSG) has finalised the Universal Access Workshop which was handed over to the Training team for roll-out. The NSG also promoted the Basic Project Management for Disability Rights Awareness Month 2020 which was delivered through a hybrid online learning and self-paced learning.

The Office of the Public Service Commission (OPSC) has trained its employees on code of conduct, constitutional values and principles of good governance and disability management in the workplace.

The South African Revenue Service (SARS) rolled out the Basic Sign Language training to eliminate the gap of communication especially for taxpayers and employees within the deaf community, and provided a Sign Language Service at identified Branch Offices during September as part of Deaf Awareness Month. The Disability Ambassadors which form part of the Regional Employment Equity and Skills development Committees represented the interests of the disability community. SARS has developed videos with subtitles which are available on YouTube to help taxpayers with disabilities with e-Filing, the MobiApp and other tax matters.

The South African Police Service (SAPS) has raised awareness on the plight of persons with albinism through their Facebook page, Twitter and Instagram. These

includes dangerous myths attached to persons with albinism, security tips for parents and children with albinism.

The DWYPD released the media advisory statements on World Autism Awareness Day and International Albinism Awareness Day during the year under review.

The DOJ&CD continued to raise awareness on vulnerable groups (LGBTI sector, women, persons with disabilities and children) on remedies available, such as equality courts, for human rights violations during lockdown through various platforms:

- radio interviews with community radio stations on human rights related issues
- Develop and disseminate plain language human rights material aimed at raising awareness, imparting knowledge and building skills to communities at large
- translating the relevant constitutional and human rights material in all official languages and accessible formats to ensure accessibility by all persons;
- Convened seminars, dialogues and information sessions on the Constitution and human rights for relevant stakeholders; and
- Conducted training on access to courts for court officials to sensitise them on disability related challenges and solutions to improve access to justice services.

The Department of Mineral Resources and Energy (DMR&E) held awareness raising and information sharing campaigns with disability organisations regarding economic empowerment and job opportunity interventions.

To ensure capacity building and sensitisation of employees on disability issues, the Department of Tourism coordinated Disability Management Training in May 2020 where supervisors and managers of employees with disabilities were trained. Employees with disabilities also attended Disability Management training in October 2020. Also, a diversity in the workplace information sharing session with employees, which focused on accommodating persons with disabilities was facilitated by NCPD on 31 March 2021.

SADA highlighted that awareness raising needs to take place at all levels of government to increase understanding which will hopefully lead to greater commitment to embed provisions contained in the WPRPD. Community dialogues should be supported to raise awareness about disability and to stimulate local conversations about the social model of disability, inclusion, and the rights of persons with disabilities. Engagement with persons with disabilities is important and can foster deeper understanding for government departments as they act to embed provisions of the WPRPD. This understanding is important in all spheres of society if social inclusion is to become a reality and stakeholder dialogues are pivotal to shift perceptions. A three-year ShonaquipSE partnership project in the Northern Cape has shown that the benefit of awareness sessions included a shift in perception, an increased ability to identify barriers and an increased knowledge of the legal & policy framework in SA and how its existence influences the lives of persons with disabilities.

Indicator 1.2 - Access to the built environment

The Universal Design and Access Framework has been approved by the Minister for Women, Youth and Persons with Disabilities (DWYPD) in March 2021 for Cabinet consideration and approval. The framework will be lobbied across all sectors in order to promote compliance and ensure inclusive environments. It is also intended to be used as a practical guide providing information and advice on Universal Design and Access for government, the private sector, civil society, and including disability rights owners themselves.

The Department of Public Works and Infrastructure (DPWI), working with the Department of Trade and Industry (DTI), the Council for the Built Environment (CBE) and the South African Bureau of Standards (SABS) is the lead agency to coordinate access to the built environment.

Measures taken towards promoting universal design and access included:

- The DPWI has developed the draft built environment development strategy in March 2021. The purpose of the strategy is to address skills development, value chain empowerment initiatives and facilitation of registration into professional bodies for designated groups.

- The National Building Regulations Act of 1977 is currently under review, universal design and access principles were considered.
- The DPWI made provision for accessibility in identified quarantine and isolation sites.

Measures taken towards accelerating 100% compliance with the Building Regulations Code 0400 Part S for all buildings owned and/or leased by the national Department of Public Works and Infrastructure, included:

- Continued implementation of the DPWI Accessibility Programme with the aim of making state-owned buildings (under the custodianship of National Government) accessible to persons with disabilities;
- All new State-owned buildings were audited and are accessible to persons with disabilities;
- Accessibility requirements are included in the tender specification for the procurement of leased accommodation;
- The Council for Built Environment hosted a series of webinars and collaborative transformation committee meetings on Universal Design and Accessibility.

The Gauteng Provincial government appointed a service provider to develop the universal design and access plan, strategy and systems. The purpose of the strategy is to comply with the national building standards requirements and improve accessibility of environments and services for persons with disabilities in Gauteng Province.

During COVID-19, inaccessible built environments directly impacted on persons with disabilities' ability to access healthcare, particularly if they were not able to use public transportation and were therefore left to make their own way to healthcare facilities. Other environmental factors include uneven and rocky surfaces, as well as safety concerns. These remain a significant barrier for many persons with disabilities who have mobility, intellectual and visual impairments, which result in their increased vulnerability. For example, a person with cerebral palsy using crutches may have significant difficulty navigating their way across uneven surfaces, while persons with

intellectual impairments are more prone to being attacked, assaulted or taken advantage of. In addition, many buildings – including healthcare facilities – are not built with universal design principles in mind. Buildings that do not have ramps or grabrails, for example, generally pose significant challenges for persons with mobility impairments.

Lack of compliance and enforcement of the legal requirements of SANS 10400 Part S (2011, Edition 3) (National Building Regulations Act of 1977), remains a major challenge. The National Disability Rights legislation has been initiated by the South African Law Reform Commission. The legislation will provide recourse mechanisms for non-compliance on building regulations, poor implementation of universal design and access requirements.

DMR&E has conducted a Building Accessibility Audit for the National office (Matimba) and provincial audit still to be carried out.

Department of Tourism conducted internal assessment on the built environment with the purpose of providing Management with a report and recommendations on the universal accessibility of the building. Although the assessment was not conducted by an expert. However, an internal assessment was completed based on guidance received from the Department of Women, Youth and Persons with Disabilities and SANS 10400-S: 2011.

Indicator 1.3 – Access to Transport

Accessible public transport remains one of the main barriers to economic independence and participating in community life for persons with disabilities and their families. The National Department of Transport (NDoT) is mandated to implement universal design and access requirements for persons with disabilities within the transport sector and industries. The National Land Transport Act (NLTA) 2009 mandates the provision of universal access on all forms of road-based public transport (RSA, 2009a). In 2016, the DoT published the Comprehensive Integrated Transport Plan (CITP) with universal access being a minimum requirement (DoT, 2016b). Also, the DoT published standards for pedestrian crossings (DoT, 2016c) using SANS 10400 Part S, National Technical Requirement 1 (NTR 1) developed with persons with disabilities, as the WPRPD requires. The Universal Design Access Plan (UDAP) is an

output of the Public Transport Network Development (PTND). It records and measures progress towards a universally accessible transport system.

The NDoT hosted a virtual workshop for compliance reporting on universal design and access in public transport in November 2020. The purpose of the workshop was to provide the platform for municipalities to report on the implementation of infrastructure projects related to universal design and access in public transport. The COVID-19 pandemic had a huge impact on municipalities to fast track the implementation of universal design and access requirements into their infrastructure projects.

Throughout Africa, the majority of public transport such as trains, buses and minibus taxis remain inaccessible to persons with disabilities. This directly impacts on the ability of persons with disabilities to seek employment, receive an education and access healthcare thus creating economic, educational and health barriers. The lack of accessible transportation specifically negatively impacts on the ability of persons with disabilities to access healthcare services such as COVID-19 screening and testing sites, to obtain medication and receive therapeutic interventions, and to be admitted to clinics and hospitals. An inaccessible built environment directly impacts on a person with disabilities' ability to access healthcare, particularly if they are not able to use public transportation and are therefore left to make their own way to healthcare facilities.

Lockdown Level 5 challenges

When South Africa first went into hard lockdown during Level 5, no one was permitted to leave their homes other than to buy food or receive medical care. Another significant challenge was that public transportation was shut down so carers who did not have their own transportation were unable to make use of buses and trains to get to and from work. Majority of persons with disabilities rely on public transport to access work environments, schools, social services, and other economic opportunities. The lockdown caused severe challenges for persons with disabilities to access public transport due to limitation of loading capacity, travel restrictions and curfew.

The DBE is responsible to implement the National Scholar Transport programme for learners with disabilities. Although learners with disabilities are provided with

accommodation at special schools, majority of learners are still relying on transport to access education. Inadequate scholar transport for learners with disabilities remains a challenge especially during the COVID-19 pandemic.

Indicator 1.4 – Access to Information and communication

In accordance with the UNCRPD article 9, accessibility and the WPRPD specific policy directives, access to information and communication enables persons with disabilities to access services in various accessible formats. This indicator provides highlights and institutional performance reporting on implementation of the WPRPD specific policy directives on access to information and communication during the year under review.

The DWYPD as the custodian for national disability rights coordination mechanisms has provided leadership and played an advocacy role in terms of access to information and communication for persons with disabilities during the COVID-19 pandemic. This includes the provision of sign language interpreters in all briefing platforms of the National Coronavirus Command Council, the Presidential National Addresses and provided standard guidelines on procurement of sign language interpretation services to guide all government institutions.

The DWYPD also hosted a webinar on Deaf awareness month in partnership with Deaf Federation South Africa (DeafSA), in September 2020. The purpose of the webinar was to promote the South African Sign Language Charter and deaf awareness programmes, services and initiatives.

The NDoH has made provision for information, communication and awareness raising campaigns on COVID-19 related activities and guidelines to combat the spread of the virus in accessible formats to persons with disabilities.

SA Sign Language (SASL) Interpreting is being offered at designated SARS branches, every Friday during the month of September 2020. This service is meant to cater for the Deaf taxpayers, that is, facilitating communication between the agent and the taxpayer by means of Sign Language. The designated branches are: Nelspruit, Standerton, Rustenburg, Rissik Street, Pretoria CBD, Richards Bay, Durban, Port Elizabeth and Mthatha.

The Department of Communications and Digital Technologies (DCDT) as the custodian of inclusive communication, has put measures in place to ensure compliance with access to information, communication and technologies by broadcasting regulatory bodies, government institutions and private sector. The purpose was to ensure full compliance on inclusive communication for persons with disabilities during the COVID-19 pandemic.

Furthermore, the DCDT is embarking on digital inclusion for persons with disabilities such as connectivity of special schools and disability organisations and hosted an ICT Accessibility Symposium during the year under review. The DCDT is also implementing comprehensive child online protection programmes to ensure safety and protection of children with disabilities accessing information through online platforms.

The DWYPD, in partnership with GCIS, has hosted a workshop on Website accessibility during the year under review. The purpose of the workshop was to share best practice models on the design and implementation of accessible websites. The GCIS has provided national standard guidelines on the design and implementation of website accessibility (<https://www.gcis.gov.za/website-accessibility>).

The DWYPD also worked with GCIS to create a COVID-19 and persons with disabilities resource webpage (<https://www.gov.za/Coronavirus/disability>). The purpose of the webpage was to make available toolkits studies, policy directions for all government departments, private sector, and disability sector in terms of information sharing.

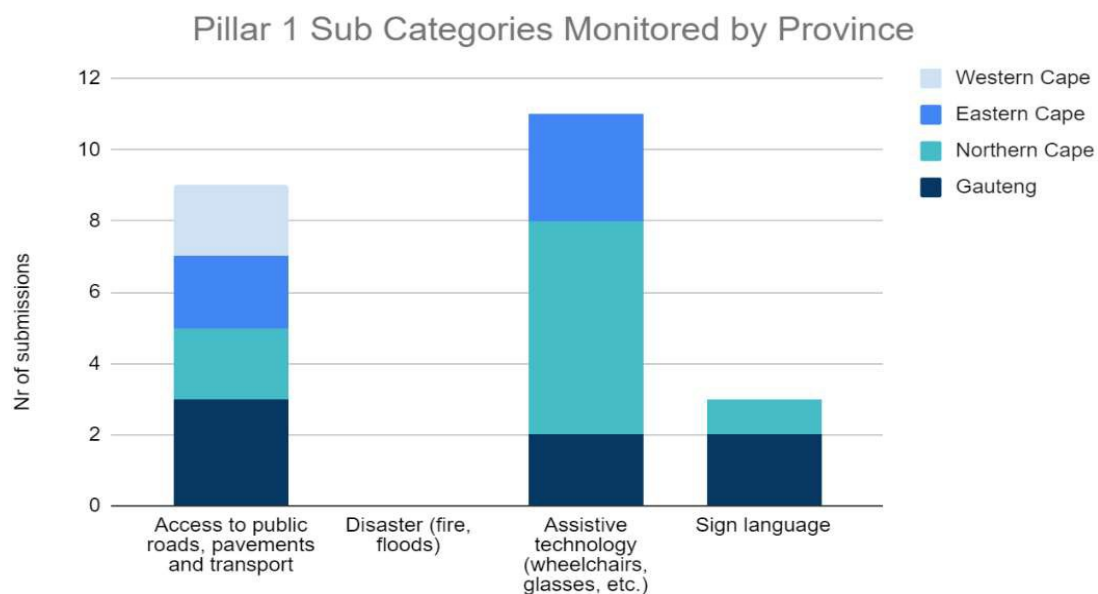
The disability sector has submitted formal complaints on government's lack of provision for information and communication in accessible formats such as close captioning, sub-titles, braille, large print and loop systems. The complaints were officially submitted to relevant departments for immediate interventions.

The DSD has, through a partnership with MTN, launched four accessible media centres in special schools, community centres and TVET Colleges in Limpopo targeting youth with intellectual disabilities, Deaf and blind youth for further development and keeping them aware of current developments.

Notable strides in the delivery of DHA Services towards advancing the rights of persons with disabilities include production of first marriage certificate in braille to a

blind couple. The smart card ID has braille features. These features are currently not present on the green-barcoded ID, therefore it advocated that persons with disabilities continue to apply for smart cards.

SADA in partnership with ShonaquipSE found families isolated from support and services, lacking the skills needed to provide fully for their children with disabilities. In order to support families, the Parent Network was established to increase support via WhatsApp, remote training and support. Another initiative sought to raise awareness about disability in partnership with Community Advice Offices South Africa (CAOSA) through disability awareness sessions across 5 Provinces. Referrals have been made by Advice offices to the parent network as a method to become more responsive to the needs of families affected by disability.



The SAPS Technology Management Services: Technology Centre of Excellence partnered with The SA National Deaf Association (SANDA) to pilot Virecom (Video Remote Communications) on Video Remote Interpreting (VRI) in Gauteng to provide communication access for Deaf people at five Police Stations, that is, Moroka, Orange Farms, Thembisa, Brooklyn and Johannesburg Central.

Indicator 1.5 – Universal Access and Design

The Universal Design and Access Framework has been approved by the Minister for Women, Youth and Persons with Disabilities (DWYPD) in March 2021 for cabinet consideration and approval. The framework will be lobbied across all sectors in order to promote compliance and ensure inclusive environments. It is also intended to be used as a practical guide providing information and advice on Universal Design and Access for government, the private sector, civil society, and including disability rights owners themselves.

The DWYPD also presented the country position statement on universal access and design during the 13th session of the Conference of State Parties to the UNCRPD, hosted virtually in December 2020.

The DHA on Compliance of Buildings to Universal Design - majority of the non-modernized DHA offices are not suitable for use by persons with disabilities as they do not comply with universal access norms and standards. The DHA is in the process of reviewing its current access model to deal with these challenges. However, a few newly procured buildings are disability compliant.

The Department of Tourism encouraged employees with disabilities to work from home during the COVID-19 pandemic. Continuous effort was made to determine the needs of employees with disabilities during remote work and provision of tools of trade were a priority and challenges raised were attended to.

Indicator 1.6 – Reasonable Accommodation Measures

The National Framework for Reasonable Accommodation has been approved by Cabinet in March 2021. The Framework provide structure to the roll-out of the Reasonable Accommodation Measures indicators in the WPRPD.

The DPSA has developed a report on the implementation of the policy on reasonable accommodation and assistive devices during the year under review.

The DHA has set aside a budget of R1 million to procure assistive devices for employees with disabilities (national and provincial) and such devices were procured as per their plan during the year under review. The Department has a COVID-19 Steering Committee which sits weekly to monitor developments on COVID-19 cases. Officials from Provinces/Ports of Entry/ Head Office report on various matters including

the risk assessment undertaken by their respective offices. DHA drafted circular 3 for a partial return of critical services. The DHA employees including Persons with Disabilities who formed part of such critical services, who are 60 years and above as well as those who have underlying co-morbidities that increase their risk to COVID-19, submitted doctors' letters to confirm their condition. As a result, subsequent arrangements were made to work from home or rarely work from office. Such was done with particular emphasis to protect high risk employees as earlier conveyed by DPSA Circular 15 of 2020.

COGTA has in line with the Occupational Health and Safety Act (OHSA), 1993, as amended, National Department of Health COVID-19 protocols, as well as the Department of Public Service and Administration guideline, put in place measures for the containment of the corona virus (COVID-19) in the department. In addition to the general prevention measures (e.g. PPE, hand wash, disinfection) of COVID-19 the department:

- Established the steering committee to monitor the implementation of COVID-19 protocols.
- Developed departmental guidelines on the management of COVID-19 cases.
- Allowed for remote working arrangements and vulnerable employees were required to submit departmentally designed declaration forms confirming their remote working.

The DEFF has encouraged employees with disabilities to work from home during the COVID-19 pandemic. The department has also ensured that Self-assessment questionnaires and temperature screening are in place to reduce the risks. Further, that assistants of persons with disabilities take care of assistive devices of persons with disabilities, by disinfecting them frequently (wheelchairs, walking canes, walkers, transfer boards, white canes, or any other product that is frequently handled and used at work), that their workstations are frequently cleaned/ disinfecting, that ablution facilities are accessible for Persons with disabilities (dedicated ablution facilities for persons with disabilities) and put a plan in place to ensure continuation of the care and support for employees with disabilities.

The DCS has put measures in place to ensure limited interruptions in the department by continuously exploring various COVID-19 response and recovery plans which are mindful of disability management with regard to business continuity. All COVID-19 related protocols as dictated by the Department of Health together with DPSA circulars are observed which include screening, social distancing, sanitising, establishment of committees across all departmental levels etc. The department does not have separate and special regulations for officials and offenders with disabilities in relation to COVID-19. In the event officials with disabilities have reported comorbidity, like all officials, they are permitted to be on lock down duty and work from home. And they are provided with necessary tools to work from home.

DMR&E has a provision of a reasonable accommodation to permanently employed officials with disabilities – (Sign language Practitioner). Following the country's national lockdown announced by the President and the uncertainty brought by COVID-19, majority of personnel worked remotely and there was frequent online communication through memos and social channels for reporting purposes and to ensure that restrictions and guidelines imposed by the lockdown were adhered to;

- It was Ensured that persons with disabilities had access to e-communication and virtual platforms to enable them to participate in consultations, transformation matters and decision-making processes to shape the policy documents and guidelines;
- Due to the restrictions, no physical contact was allowed, operations have been scaled down, but provision of departmental essential and critical services continued. Achievement with regards to COVID-19 interventions has been affected due to the technological challenges experienced and virtual interactions that excludes those with no access to modern and virtual technology.

The Presidency provided reasonable accommodation to employees with disabilities such as transport (from-to home and work), three (3) motorized wheelchairs, and allocated parking and provided employees with necessary work tools. The Presidency further established the Pandemic Management Task Team (PMTT), the SOP was developed on handling of employees' comorbidities, suspected and confirmed COVID-

19 cases. Screening process at all entries were mandatory in the Department, Residences etc., provision of PPE to all employees, a Rotational Schedule was implemented for employees in order to minimise the risk of contracting the virus in the workplace and employees with comorbidities were allowed to work from home, where possible.

The NSG has six (6) employees with disabilities who are accommodated through the Policy on Reasonable Accommodation and Assistive Devices. These employees were accommodated as follows during the lockdown:

No.	Type of disability	Gender		Age		Work from home	Rotation	Transport provided
		M	F	<35y	>35y			
1	Hard of hearing	1			1	1		
2	Mobility	1			1		1	1
3	Mobility		1		1		1	1
4	Speech	1		1			1	
5	Mobility	1			1		1	
6	Other	1			1	1		

Having moved to Level 1, 100% employees are expected back in the office. However, further accommodation is provided for all employees in line with the DPSA regulations.

4.2 Pillar 2 - Protecting Persons with Disabilities at Risk of Compounded Marginalisation

The WPRPD identifies the following four dimensions for specific protective measures to be taken to ensure that the rights of persons at risk of compounded marginalisation are protected and upheld:

- The right to life;
- Equal recognition before the law;
- Access to justice; and
- Freedom from torture or cruel, inhuman or degrading treatment or punishment, exploitation, violence and abuse.

Eleven (11) national departments and institutions contribute towards the 17 indicators under this pillar. These are the departments of Health (NDoH), Labour and Employment (DoLE), Home Affairs (DHA) and Correctional Services (DCS) respectively, and additionally, South African Police Services (SAPS) the DSD, DBE,

DPWI, DCOG, NDOT and DoJ&CD. All respondents reported against the matrix on progress made.

The following departments have reported against the policy directives and indicators outlined in pillar 2: NDoH, COGTA, DoJ&CD, DWYPD, SAPS, DSD, DBE, DHET and DCS.

Indicator 2.1 - The right to life

The NDoH has taken measures to protect the lives of persons with disabilities during the national state of disaster. These measures includes combatting the spread of the virus and raising awareness on safety and protection.

The Department of Cooperative Governance and Traditional Affairs in terms of section 27 (2) of the Disaster Management Act, 2002, the minister for COGTA issued the National Disaster Regulation 11B (7) which was published on 2nd April 2020 in the government gazette. This regulation included and provided safety and protection measures for persons with disabilities.

The Department of Home Affairs is also responsible for the implementation of the UN Convention on the Rights of Persons with Disabilities (UN CRPD). In this regard, the DHA is responsible for article 18 - liberty of movement and nationality and implement other articles of the convention to the extent they are applicable, e.g. article 27 – Work and employment and article 29 -Participation in political and public life to name a few.

The DHA renders its mandate to Persons with Disabilities in line with article 18 of the UN CRPD, which states:

- Liberty of movement and nationality - Persons with disabilities have the same freedom as others to obtain citizenship, cross borders and change nationality. Children with disabilities must be registered at birth and have the same rights as others to a name, nationality and, as far as possible, to be cared for by their parents.
- While the department renders services to persons with disabilities, the unfortunate part is that our the population register/certificates/other documents

provided by the department do not capture a person's status on disability as it is the case with other variables such as sex, age, names, citizenship etc.

- To remedy this discrepancy, the department has formed part of the consultation process led by Stats SA in a project to harmonise the definition of disability.
- The effect of this process will result in DHA capturing disability status when a child applies for a birth certificate, when a child applies for an ID, when someone registers a marriage and applies for a marriage certificate, and it will include capturing the disability status in a death certificate when someone is deceased.
- The implication of the disability harmonization project on the BMA will be to capture disability status on travel documents such as passport, visa and permit.
- The achievement of this project is critical for DHA and BMA as it will give effect to article 31 of the UN CRPD (statistics and data collection).

Indicator 2.2 - Equal recognition before the law

The DoJ&CD through the South African Law Reform Commission (SALRC) has finalised and released the approved report on project 122 "Assisted Decision-Making" to the public during the year under review.

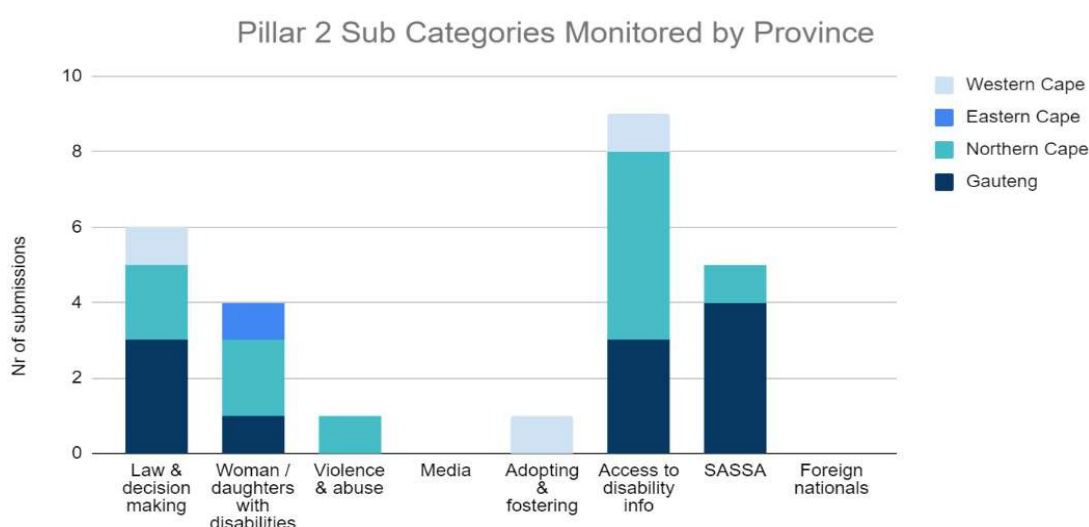
Indicator 2.3 - Access to justice

The DoJ&CD has put measures in place to ensure access to justice for persons with disabilities on an equal basis with others. These measures includes amongst others, the establishment of the South African Law Reform Commission Advisory Committee on the domestication of the UN CRPD, Project 148. The objectives and outcomes of the committee will determine the development of disability rights legislation. The SALRC has released the issue paper for project 148 under the year in review.

The DoJ&CD has embarked on capacity building programmes for their line-function officials at courts, judges, and legal representatives on access to justice for persons with disabilities. This capacity development programmes and training was conducted through the justice college and the Chief Directorate: Promotion of the Rights of Vulnerable Groups. The DoJ&CD promotes access to justice through the code of practice on Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (PEPUDA). The DoJ&CD developed a national policy framework on reasonable accommodations for court users with disabilities.

The DWYPD is supporting the process through technical, content and expert advice. Furthermore, the DWYPD has supported the process by means of hosting consultative meetings with relevant stakeholders to solicit inputs and public opinion on the issue paper for project 148.

The National Commissioner for the South African Police Services (SAPS) has approved the Draft Strategy on Provision of Services to Persons with Disabilities, which outlines the responsibilities of each business unit with regards to improving access to police services by persons with disabilities. The report on the implementation of SAPS action plan on policing persons with disabilities was put together from submissions of provincial commissioners and divisional commissioners. The report highlights progress made in ensuring disability inclusion within SAPS programmes. The SAPS has processed financial applications for assistive devices of officials with disabilities, but it was not finalised due to COVID-19 lockdown restrictions. Training of SAPS members on COVID-19 was arranged but was not fully implemented due to members reporting for duty on a rotational basis.



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

The WPRPD requires relevant state organs to take effective legislative, administrative, judicial or other measures to prevent persons with disabilities from being subjected to torture, or cruel, inhumane, degrading treatment or punishment. This applies mostly

to persons with disabilities who are temporarily or permanently based at institutional settings or government funded/non-funded and private residential facilities and protective workshops.

The Department of Social Development (DSD) has released directions and guidelines on measures to combat the spread of COVID-19 virus on residential facilities. These measures and mechanisms were inclusive of all residential facilities which accommodates persons with disabilities and were aimed at addressing protection and safety of persons with disabilities against torture, abuse, punishment, degrading treatment and also the COVID-19 virus. The DSD further developed Standard Operating Procedures and Guidelines for Residential facilities, Protective workshops and Partial Care Centres for children with disabilities in response to the COVID-19 pandemic, also with proposed services to be provided during and postthe pandemic. Further work on COVID-19 includes training of parents and partial care facilities (day-care centres) administrators on COVID-19.

The Department of Basic Education (DBE) has released directions and guidelines on measures to combat the spread of the COVID-19 virus on residential facilities particularly on schools for learners with special needs. These measures and mechanisms also provided risk assessment for the closure and re-opening of schools which were inclusive of all residential facilities which accommodates learners with disabilities and were aimed at addressing protection and safety of learners with disabilities against torture, abuse, punishment, degrading treatment and the COVID-19 virus.

The Department of Higher Education and Training (DHET) has released directions and guidelines on measures to combat the spread of the COVID-19 virus within Post School Education and Training institutions (PSET). These measures and mechanisms also provided risk assessment for the closure and re-opening of institutions which were inclusive of all residential facilities that accommodated students with disabilities and were aimed at addressing protection and safety of students with disabilities against torture, abuse, punishment, degrading treatment and the COVID-19 virus.

In April 2020, the Department of Correctional Services released directions and guidelines on measures to combat the spread of the COVID-19 virus. These measures

included protocols on visiting hours, protection and safety of offenders with disabilities including employees with disabilities against the COVID-19 virus.

In May 2020, SAPS released directions and guidelines on measures to combat the spread of the COVID-19 virus. These measures included protocols on visiting hours, protection and safety of offenders and victims of persons with disabilities against the COVID-19 virus. The SAPS had issued a code of conduct for enforcement of officers during the state of national disaster in order to manage and ensure protection for all citizens. Furthermore, SAPS was also responsible for issuing and verification of travel permits for care-givers and personal assistants to persons with disabilities.

The COVID-19 disability research report recommended that security and law enforcement agencies prioritise the safety and protection of persons with disabilities in institutional settings and care centres, women and girls with disabilities experiencing gender-based violence during the state of national disaster and situation of humanitarian emergencies.

4.3 Pillar 3 - Supporting Sustainable Integrated Community Life

The WPRPD identifies the following five dimensions for specific measures to be taken to support sustainable integrated community life:

- Building socially cohesive communities and neighbourhoods;
- Building and supporting families;
- Accessible human settlements/neighbourhoods;
- Access to community-based services supporting independent living; and
- Protection during situations of risk and disaster.

The following departments have reported against the policy directives and indicators outlined in pillar 3: DSD, DWYPD, DSAC, DHS, DWS, DCOG, COGTA, DPSA, DoLE, DPWI, NDoH, DHA, DTIC, DoT, SAPS, DoJ&CD, and DMV

Indicator 3.1 - Building socially cohesive communities and neighbourhoods

The DSD, in partnership with the Japan International Cooperation Agency (JICA) successfully implemented Phase 2 (2016 -2020) of a project focusing on piloting disability inclusive community development approaches in the social development

sector. The project has resulted in the development of practical Guidelines on the Empowerment of Persons with Disabilities and Disability Mainstreaming at district level. These guidelines aligned to the country's district development model. The launched guidelines were shared with the broader sector, national departments including DWYPD. The DSD facilitated capacity building on the guidelines and continue to monitor the implementation thereof. The project is a partnership between JICA and the DSD working in different districts/municipalities, prioritising the identification, mobilising and profiling of disability organisations & persons with disabilities in different districts and municipalities.

The Department of Sports, Arts and Culture remains an important tool in building social cohesion and inclusion in communities. Sports is a major contributor to economic and social development. Its role is well recognised by Governments, including in the Political Declaration of the 2030 Agenda, which reflects on “the contribution sports makes to the empowerment of women and of young people, individuals and communities, as well as to health, education and social inclusion objectives.”

Since its onset, the COVID-19 pandemic has spread to almost all countries of the world. Social and physical distancing measures, lockdowns of businesses, schools and overall social life, which have become commonplace to curtail the spread of the disease, have also disrupted many regular aspects of life, including sport and physical activity. To safeguard the health of athletes and others involved, most major sporting events at international, regional and national levels have been cancelled or postponed from marathons to football tournaments, athletics championships to basketball games, handball to ice hockey, rugby, cricket, sailing, skiing, weightlifting to wrestling and more.

The Olympics and Paralympics, for the first time in the history of the modern games, have been postponed, and will be held in 2021. The closure of education institutions in South Africa due to COVID-19 has also impacted the sports education sector, which is comprised of a broad range of stakeholders, including national ministers and local authorities, public and private community, teachers, scholars and coaches, parents and young learners.

The global outbreak of COVID-19 resulted in the closure of gyms, stadiums, pools, dance and fitness studios, physiotherapy centres, parks, and playgrounds. Many

individuals are therefore not able to actively participate in their regular individual or group sporting or physical activities outside of their homes. Under such conditions, many tend to be less physically active, have longer screen time, irregular sleep patterns as well as worse diets, resulting in weight gain and loss of physical fitness. Low-income families are especially vulnerable to negative effects of stay-at-home rules as they tend to have sub-standard accommodations and more confined spaces, making it difficult to engage in physical exercise.

Lack of access to exercise and physical activity also led to mental health impacts, which compounded stress or anxiety that many people have experienced in the face of isolation from normal social life. Possible loss of family member or friends from the virus and impact of the virus on one's economic and social wellbeing and access to nutrition exacerbated these effects.

Indicator 3.2 - Building and supporting families

The DSD has initiated the process to advertise the Terms of Reference for the appointment of a service provider in order to finalise the draft Minimum Norms and Standards for Respite Care Services to Families with Children with Disabilities in 2020. The service provider is expected to be appointed in 2021/22 financial year.

Indicator 3.3 - Accessible human settlements/neighbourhoods

The Department of Human Settlements, Water and Sanitation has been very active to get emergency water and sanitation services to vulnerable areas since the national disaster was announced in South Africa in March 2020.

The COVID-19 pandemic has widened existing spatial, social, and economic inequalities in cities, making the virus more harmful in a self-perpetuating negative spiral. Deep-rooted inequalities in South Africa heavily influenced the degree and nature of COVID-19 impacts. It has become clear that vulnerability to COVID-19 depends on several conditions: where in a city a person lives and works, gender, age, pre-existing health conditions, income level, type of home, and access to public services, such as health facilities, transportation, and clean water. This has led to the

pandemic having a disproportional impact on groups that were already in a situation of greater vulnerability.

Meanwhile, there is evidence that tackling COVID-19 became more challenging in rural areas with high levels of crime and violence, poor infrastructure and housing and weak local governance with ill-equipped or under-resourced frontline workers. Limited access to healthcare, basic services and adequate housing and/or public space has further undermined COVID-19 responses.

Informal settlements and high-density areas prove to be a very high risk when it came to implementing social distancing and effective sanitation practices, which is why the sector focused on bringing additional services to these areas, and where necessary moved people to safer spaces where possible.

The Department of Cooperative Governance (DCOG) is currently implementing the Integrated Urban Development Framework which is disability inclusive. The new Framework embeds the rights of persons with disabilities across all nine (9) policy levels, but its accompanying implementation plan regrettably failed to include a universal access and design and disability inclusion perspective.

The Department of Water and Sanitation has allocated budget for disability mainstreaming which amounts to R8 million (R5 million for personnel and R3 million for implementation of projects). Furthermore, the department continues to monitor and advocate for the inclusion of persons with disabilities in major infrastructural projects and programmes.

Unfortunately, there was No information reported by Department of Human Settlements during the year under review.

Indicator 3.4 - Access to community-based services supporting independent living

The DSD put measures in place to mitigate the spread of the COVID-19 virus with regards to Persons with disabilities in DSD-funded facilities and centres. DSD issued directions /regulations on the prevention, containment and management of COVID-19

in Residential facilities, protective workshops and Respite care facilities. They further developed an easy read Standard Operating Procedure (SOP) on the prevention, containment and management of COVID-19 in day care centres for children with disabilities. This translated into trained parent/families, youth with disabilities and centres on the SOP. Further training of Social Workers working with Persons with disabilities, parents & care givers and Youth with disabilities

The DSD continued to implement an Independent Living Pilot Project in partnership with JICA, focusing on strengthening community living options and quality standard of life for persons with predominantly mobility disabilities across other provinces.

Indicator 3.5 - Protection during situations of risk and disaster

In accordance with the WPRPD policy directives, state institutions should take all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters. On the 26th of March 2020, the President of the Republic of South Africa declared the state of national disaster due to the COVID-19 pandemic. The United Nations and the World Health Organisation had issued a policy brief and joint statement to all countries, providing guidelines and measures to combat the spread of the virus against persons with disabilities..

In terms of section 27 (2) of the Disaster Management Act, 2002, the minister of Department of Cooperative Governance and Traditional Affairs, (COGTA) issued the National Disaster Regulation 11B (7) which was published on 2nd April 2020 in the government gazette. This regulation included and provided safety and protection measures for persons with disabilities.

The DWYPD in partnership with the United Nations Office of the High Commissioner on Human Rights (UN OHCHR) conducted a research study on the Impact of COVID-19 on persons with disabilities. The research study report was consulted widely for validation before it was approved by the Minister for immediate implementation by all state institutions in March 2021.

The DPSA and DoLE has issued a guidelines and directions on measures to protect and ensure safety of employees including persons with disabilities at employment environments within the public and private sector.

The DSD has issued guidelines and directions on measures to combat the spread of the COVID-19 virus, to ensure safety and protection of persons with disabilities at residential facilities. SASSA has also issued guidelines and made adjustments on provision of social grants in order to protect grants beneficiaries against COVID-19 at all service and pay points.

The DPWI and NDoH has issued guidelines on establishment of quarantine sites to national and provincial governments. The purpose of the guidelines was to ensure that identified quarantine sites meet the required standards in terms of safety protocols and accessibility for persons with disabilities. The DoH was leading as mandatory to implement primary health care, COVID-19 mitigation measures and driving the safety awareness campaigns on measures to combat the spread of the COVID-19 virus.

The DHA has also issued directions and safety protocols to mitigate the spread of the virus against clients in all their service delivery key points and customer care centres.

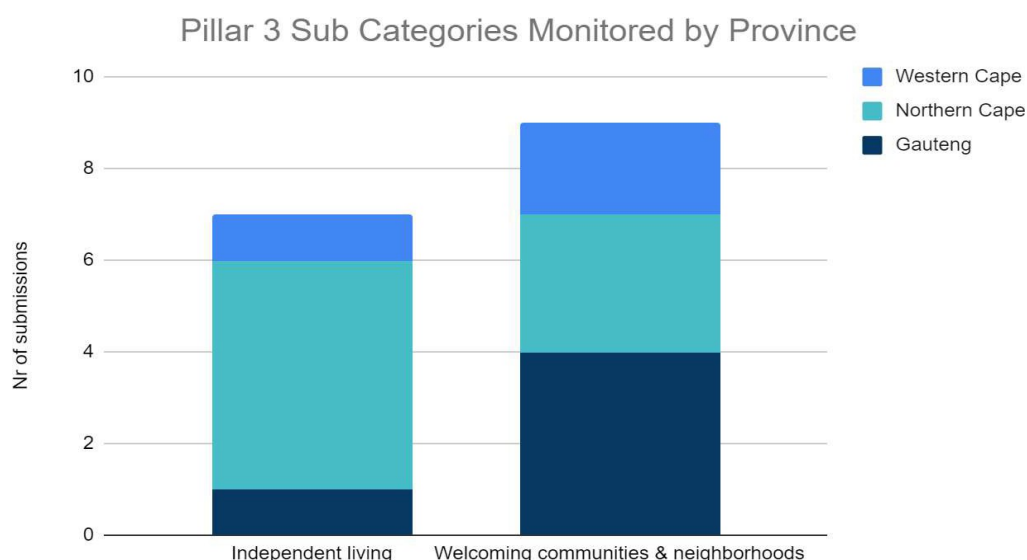
The DTIC has provided and put measures in place to protect persons with disabilities against the COVID-19 virus at all their post office service points and outlets, especially during the collection of social grants.

The DoT has issued policy directions in terms of loading capacity for public and private transport and COVID-19 safety protocol measures at all transport service points and public transport stations.

The SAPS issued guidelines and directions on safety and protection of all citizens in terms of access to police stations. Furthermore, the SAPS was also mandated to enforce law and order during the state of the national disaster.

The Department of Defence and Military Veterans (DMV) have deployed the military/ national defence force to help with the maintenance of law and order during the COVID-19 pandemic. The department also provided a comprehensive written response to the questionnaire received from the special rapporteur on protecting persons with disabilities during armed conflict. The responses provided measures and legislations which guarantees safety and protection for persons with disabilities during armed conflict.

The DoJ&CS had also issued directions dealing with the adjustments of visiting hours at correctional centres and specific measures to provide guidance on access to courts for all citizens during the COVID-19 pandemic.



4.4 Pillar 4 - Promoting and Supporting the Empowerment of Persons with Disabilities

The WPRPD identifies the following five dimensions for specific measures to promote and support the empowerment of persons with disabilities throughout their life cycles—

- Early childhood development (ECD)
- Lifelong education and training
- Social integration support
- Access to healthy lifestyle support
- Supported decision-making

National departments contributing towards the implementation of this pillar include the Departments of Social Development (DSD), Basic Education (DBE), Higher Education and Training (DHET), Health (DoH), Labour (DoLE), Home Affairs (DHA), Justice and Constitutional Development (DoJ&CD), Small Business Development (DSBD) and the

South African Police Services (SAPS) and South African Social Security Agency (SASSA).

The following departments have reported against the policy directives and indicators outlined in pillar 4: DSD, DHET, DWYPD, DBE, NDoH, DoJ&CS.

Indicator 4.1 – Early Childhood Development (ECD)

In June 2020, the DSD issued standard operating procedures (SOP) and guidelines for an early childhood development (ECD) programmes and partial care facilities that provide an after-school care on measures to prevent and combat the spread of COVID-19. These SOP and guidelines were applicable to ECD programmes and partial care facilities which are registered or conditionally registered in terms of sections 95 or 98 of the Act.

Indicator 4.2 – Lifelong Education and Training

In June 2020, the Department of Higher Education Science and Innovation in consultation with the National Skills Authority (NSA) issued directions for reopening of institutions offering qualifications on the occupational qualification sub-framework (OQSF) as part of a risk-adjusted strategy for a phased-in return of skills development activities. These directions were issued in terms of the disaster management act, 2002 (act .57 of 2002). The purpose of these directions is to manage the gradual reopening of institutions for learning, training and assessment, and to address, prevent and combat the spread of COVID-19 to all students including students with disabilities. Furthermore, they provided measures and mechanisms for online learning in order to mitigate the spread of COVID-19 and to cover the previous academic calendar period which was lost due to lockdown restrictions.

However, the disability sector and students with disabilities were finding it difficult to access e-learning due to reasonable accommodation issues, affordability of data and airtime, computable and accessible learning equipment, assistive devices and poor network connectivity, particularly in rural areas.

Students with disabilities had challenges in terms of accessing funding from the National Student Financial Aid Scheme (NSFAS), e.g., some students' stipends/

allowances were terminated without notice during the course of the pandemic under the year in review. Public Sector Education and Training (PSET) institutions were provided with testing, education, and peer-support on COVID-19 preventative measures in accordance with approved health protocols.

The DHET established a steering committee on COVID-19 which provided education and support to all officials, including officials with disabilities.

The DWYPD provided content support to DHET for the development of a Request for Proposal (RFP) for disability specific National Skills Fund (NSF) guidelines. The guidelines will provide a qualification criterion to national disability organisations dealing with skills development programmes.

The DBE issued standard operating procedures for the containment and management of COVID-19 for schools and school communities (including schools for learners with special needs) in September 2020. The purpose of the SOP was to provide guidelines for all administrators on the approved steps to prevent and contain the spread of the virus within the Basic Education sector. The guidelines were for schools that have the following categories of learners: Learners who:

- are blind and partially sighted ;
- are deaf and hard of hearing;
- are on the autism spectrum ; ;
- have physical disabilities;
- have intellectual disabilities; and
- Learners with epilepsy.

In addition, adaptations were made to the *Directions and Standard Operating Procedures for the Containment of COVID-19 for Schools and School Communities* to ensure that issues relating to learners with disabilities are adequately covered. Furthermore, guidelines for healthcare and social service professionals in education were developed.

Training of Educators on inclusive education

- The training of educators in inclusion remains one of the priorities identified for special schools, as well as the improvement of teacher competencies and qualifications in specialised areas.
- The monitoring of training in specialised areas for teachers are: Screening Identification Assessment and Support (SIAS), learning to read, write and teach braille; SASL as a Language of Learning and Teaching (LoLT), Autism, Attention Deficit Hyperactivity Disorder (ADHD), Augmentative and Alternative Communication (AAC) and different forms of dyslexia other disabilities, their accommodations and concessions. This is to ensure that inclusive education principles are translated into the benefits to learners in classrooms.
- Furthermore, the collaboration between DBE (Inclusive Education), British Council, DHET and MIET Africa on the Teaching for All project, has been finalised to about 98%. The curriculum for Inclusive Education will be taught at 2nd year B.Ed. Degree at 12 universities. The team also finalised the CPTD course which can be accessed by teachers via Spoodle either online or offline. 171 officials and university officials were trained on the administration of the CPTD via Spoodle.

Access to education for learners with severe to profound intellectual disability

- The National Treasury approved the request from DBE for PEDs to deviate from approved Provincial Business Plans in order to procure PPEs for learners and staff in special care centres, strengthen COVID-19 prevention consumables and relevant technology to support remote delivery of the Learning Programme for LPID for special care centres.
- Furthermore, they developed a guideline for implementing the Learning Programme for LPID trimmed Lesson Plan with children who, due to COVID-19, are learning from home..
- Collaborated with Departments of Social Development (DSD) and Health (DoH) regarding re-opening of special care centres and clarification of roles and responsibilities of different government departments in supporting special care centres.

Strengthening of special schools through the provision of ICT platforms and specialised assistive devices

- The USAO project led by ICASA, in collaboration with DBE and Department of Communications and Digital Technologies (DCDT) which Obligates MTN, Vodacom, Liquid Telecoms and Cell-C to provide all special schools with ICT equipment's (standard list set) and assistive devices and technology.
- Three out of the four pilot schools have been completed and MTN, Vodacom and Liquid have all completed assessments of their allocated schools.
- Implementation was halted because of COVID-19, but thus far Vodacom has begun with implementation in GP, and MTN has targeted to complete 31 schools in NW, GP, EC, and LP by end of the financial year 2020/2021.
- MTN also provided a link of all the zero-rated educational materials.

Monitoring of the implementation of the Screening Identification Assessment and Support (SIAS) Policy

- To date, the following numbers of officials have been trained on the implementation of the Policy of SIAS: 1 648 teachers; 161 Grade R Practitioners; and 192 officials.
- For the period under review, training reached teachers in 848 schools.
- As part of this, 2 508 learners were identified and assessed, and 2 272 Individual Support Plans (ISP) were developed for the learners.
- 575 cases were successfully resolved by schools, with 1 725 cases referred to DBSTs and 386 successfully resolved by the DBST during the period under review.
- 449 schools were monitored for the functionality of SBSTs by DBSTs and 398 schools were monitored for the implementation of the Policy on SIAS.

Draft Guidelines on Resourcing of an Inclusive Education and Training System

- The guidelines were drafted in order to close the gaps within the education system and resource inclusive education, especially looking at

critical posts in special school hostels, increasing and improving access to therapeutic services for all learners at schools and at district level.

- The guidelines have been costed, and the proposal is that implementation would be best done in a phased in approach, where focus in the first year would be on special school hostels and the resourcing of personnel in these hostels.
- The implementation plan is to be presented to senior managers for approval.

Incremental introduction of the NCS CAPS Grade R-5 for Learners Severe Intellectual Disabilities (SID)

- This curriculum consists of 21 subjects, allocated into 80% skills and 20% theory. The curriculum is being incrementally introduced in 177 special schools.
- This initiative sought to ensure that there is equitable participation of all learners in education. The fifteen (15) elective subjects of CAPS Grades 4-6 were aligned to Intermediate Phase programme according to National Policy Pertaining to the Programme and Promotion Requirements of the NCS.
- The curriculum has also been extended to grade 6, so that a learner can complete foundation (R-3) and intermediate (4-6) phase.
- To align the programme to the CAPS framework, the following six (6) subjects in the Intermediate Phase are recommended: Home Language, Mathematics, First Additional Language, Life Skills, Consumer Studies and Agricultural Sciences and Technology.

The development of directions, guidelines, and standard operating procedures on COVID-19

- Guidelines for schools with learners with selected categories of disabilities were developed to provide guidance on the containment of the spread of COVID-19.
- The guidelines were for schools that have the same categories of learners as in indicator 4.2 above.

- In addition, adaptations were made to the *Directions and Standard Operating Procedures for the Containment of COVID-19 for Schools and School Communities* to ensure that issues relating to learners with disabilities are adequately covered. Furthermore, guidelines for healthcare and social service professionals in education were developed.

Support for visually impaired schools on Orientation and Mobility (O & M)

- Training in O & M for learners who are blind and visually impaired, was agreed with the South African Guide Dogs Association and other stakeholders to strengthen support for schools. .

Conversion of 2020 DBE Rainbow Workbooks into audio MP3s

- The DBE is collaborated with stakeholders and service providers with a view to converting the DBE Rainbow Workbooks into audio MP3s.

Support to therapists

- The department made several presentations and collaborated with organisations/departments such as OTASA, SBOT, and DHET on return to work for healthcare and social professionals when schools re-opened and furthermore on how students in final year doing work integrated learning at schools would be supported.

In terms of the results of the impact of COVID-19 on persons with disabilities research study, the DBE & DHET must prioritise accessible online education including assistive devices, data and devices; Prioritise protection and safety of learners / students at special schools, learning environments and school hostels; and ensure that all health protocols are observed and adhered to.

Ensure distance learning is accessible to, and inclusive of, students with disabilities.

Education officials need to take measures to ensure continuity of learning for students with disabilities and return to school programmes. This may include providing specialised equipment to support their learning, including assistive technology and devices, and support to caregivers/parents of children with disabilities.

Address impacts that go beyond learning.

For many children with disabilities, peer relations, social perception and social competence are significant aspects of their Individual Education Plans, all of which are challenged in the context of school closures. School closings meant that many children with disabilities did not access complementary services, such as food, medical check-ups, or referral mechanisms for abuse and neglect.

Ensure that return to school programmes are inclusive.

Education authorities need to ensure that return to school programmes are inclusive of children and young persons with disabilities, in recognition of the increase in the learning/achievement gap. This may include development of plans for accelerated education, remedial, and catch-up programmes.

Fourteen (14) employees with disabilities from the Department of Tourism attended Disability Management training in October 2020, facilitated by the NSG.

Indicator 4.3 – Social Integration Support

Rehabilitation services and access to relevant and affordable assistive devices are crucial for the social integration process of persons with disabilities. The following progress has been made by the NDoH:

- Developed the guidelines for rehabilitation services, quarantine and self-isolation during COVID-19;
- They have integrated disability into HIV and TB Programmes;
- They have developed and piloted online short course for health care workers on the early identification on Spinal TB;
- Designed and distributed IEC material with regard to HIV/TB, health related abuse and violence against persons with disabilities;
- Coordinated and supported health and wellness activities, screening and testing in selected provinces (Gauteng, Kwa-Zulu Natal, North-West and Western Cape);
- Developed information leaflets to persons with disabilities on raising awareness on HIV, TB and COVID-19;

- They have implemented the Framework and Strategy for Disability and Rehabilitation (FSDR), 2016-2020. This framework promotes coordinated actions from role players across health, education, and social development to disrupt the cycle of poverty and to support persons with disabilities;
- They have included disability in the development and costing of a basket of rehabilitation services to be included in next phase of National Health Insurance (NHI); and
- They are tracking and monitoring the provisioning, backlogs and quality of services in terms of access to assistive devices through District Health Information Systems.
- There was no available data/information on rehabilitation professionals
- The DSD has finalised the Terms of Reference to appoint the service provider who will develop the costing of minimum norms and standards for residential care facilities; respite care services and protective workshop services, in order to work towards costing models for full subsidisation of services rendered by NGOs.
- The DWYPD in partnership with the United Nations Development Programme (UNDP) has developed Terms of Reference for the appointment of a service provider to conduct the research study on the Elements and Economic Cost of Disability for children and persons with physical disabilities, part 2. The main objective of the research study is to identify information in term of cost analysis for children and persons with physical disabilities. Part 2 of the study will further provide evidence on cost estimates for, among others, the determination of social security benefits and subsidization of services targeting persons with disabilities, as well as reasonable accommodation support. In that regard, the study will provide distinct costing of reasonable accommodation measures intended to remove barriers to participation for children and persons with physical disabilities. The study is expected to be completed in March 2022.

Indicator 4.4 – Access to Healthy Lifestyle Support

The Department of Social Development has put measures in place to ensure persons with disabilities access the Gender Based Command Call Centre as an integral part

of its Victim Empowerment Programme during the COVID-19 lockdown. The NDoH promoted access to healthy lifestyle support through COVID-19 messaging and awareness raising programmes (washing of hands, sanitising etc.).

Indicator 4.5 – Supported Decision-Making

The DoJ&CS through the South African Law Reform Commission (SALRC) finalised and released the approved report on project 122, Assisted Decision-Making to the public during the year under review.

4.5 Pillar 5 - Reducing Economic Vulnerability and Releasing Human Capital

The WPRPD is aligned with the National Development Plan (NDP), approved in 2012, and envisages a South Africa in 2030 which has eliminated poverty and has reduced inequality, a “country wherein all citizens have the capabilities to grasp the ever-broadening opportunities available”. The NDP acknowledges that many persons with disabilities are not able to develop to their full potential due to a range of barriers, namely physical, information, communication and attitudinal barriers and states that “Disability must be integrated into all facets of planning, recognising that there is no one-size-fits-all approach”.

An analysis of the NDP as a strategy to reduce inequality, eradicate poverty and promote employment of persons with disabilities, was conducted and is currently being utilised in determining actions and targets for purposes of implementation of the WPRPD. As a point of departure, it is important to reflect on mainstreaming the Medium-Term Strategic Framework (MTSF) outcomes in line with the disability-disaggregated National Development Plan.

The WPRPD identifies the following four (4) dimensions for specific measures to be taken to reduce economic vulnerability and release the human capital of persons with disabilities –

- Disability, Poverty, Development and Human Rights;
- Access to Decent Work and Employment Opportunities;

- Persons with Disabilities as Owners of the Economy; and
- Reducing the Cost of Disability for Persons with disabilities and their families

According to the Implementation Matrix, there are fourteen (14) national departments and institutions contributing towards the twenty-six (26) indicators under this pillar. They are: The Financial Services Board (FSB), South African Revenue Services (SARS), Departments of Women, Youth and Persons with Disabilities (DWYPD) and Planning, Monitoring and Evaluation (DPME) and additionally, DSD, DBE, DPW, NT, DCOG, DTPS, the DTI, DoLE, NDoH and DSBD.

The following departments have reported against the policy directives and indicators outlined in pillar 5: DSD, DWYPD, DoLE, DPSA, DSBD, NT, DME&R, and SARS.

Indicator 5.1 – Disability, Poverty, Development and Human Rights

Reducing economic vulnerability from persons with disabilities helps to alleviate poverty, unemployment, and inequality. In response to this policy directive, the DSD has distributed food parcels to households of persons with disabilities through their Sustainable Community Development Programme and Social Relief of Distress Grant during the COVID-19 pandemic.

The DWYPD in partnership with the United Nations Development Programme (UNDP) has developed Terms of Reference for the appointment of a service provider to conduct the research study on the Elements and Economic Cost of Disability for children and persons with physical disabilities, part 2. The main objective of the research study is to cover the gap in information in term of cost analysis for children and persons with physical disabilities.

Part 2 of the study will further provide evidence on cost estimates for, among others, the determination of social security benefits and subsidization of services targeting persons with disabilities, as well as reasonable accommodation support. In that regard, the study will provide distinct costing of reasonable accommodation measures support intended to remove barriers to participation for children and persons with physical disabilities. The study is expected to be completed in March 2022.

The DWYPD also conducted a research study on the socio-economic impact of COVID-19 on persons with disabilities during the year under review. The research study addressed thematic areas related to poverty, unemployment and inequality for persons with disabilities during the course of the COVID-19 pandemic.

The DWYPD received a donations of hygiene products (sanitary dignity packs, accessories, and personal care) at the value of R2 070 930.43 from Procter & Gamble SA. The donations were distributed to organisations of persons with disabilities in the following identified provinces: Gauteng, Eastern Cape and KwaZulu-Natal. The purpose of these donations was to provide persons with disabilities who are in poverty and in need of support for sanitary dignity packs during the COVID-19 lockdown.

The Department of Tourism has distributed food parcel, clothes, and sanitizers to the organisation with Disability.

The DMR&E intends to reduce economic vulnerability of persons with disabilities through proffering meaningful empowerment project/s which are supported by both energy and mining companies.

Indicator 5.2 – Access to Decent Work and Employment Opportunities

The WPRPD policy directives promote equal employment and access to economic opportunities for persons with disabilities in private and public sector. These measures afforded employees with disabilities who were at risk of contracting the virus due to their disability, comorbidities, and health conditions to apply for working at home during the lockdown period.

The DoLE also released the Annual Employment Equity report with disability employment statistics for both the private and public sector through the Commission for Employment Equity (CEE). The disability employment statistics for the year under review are as follows:

Workforce Profile, Workforce Movement and Skills Development at the Top Management Level by population group, gender and disability

Figure 7: Top management – Disability- 2018 to 2020

Figure 7: Top management - Disability

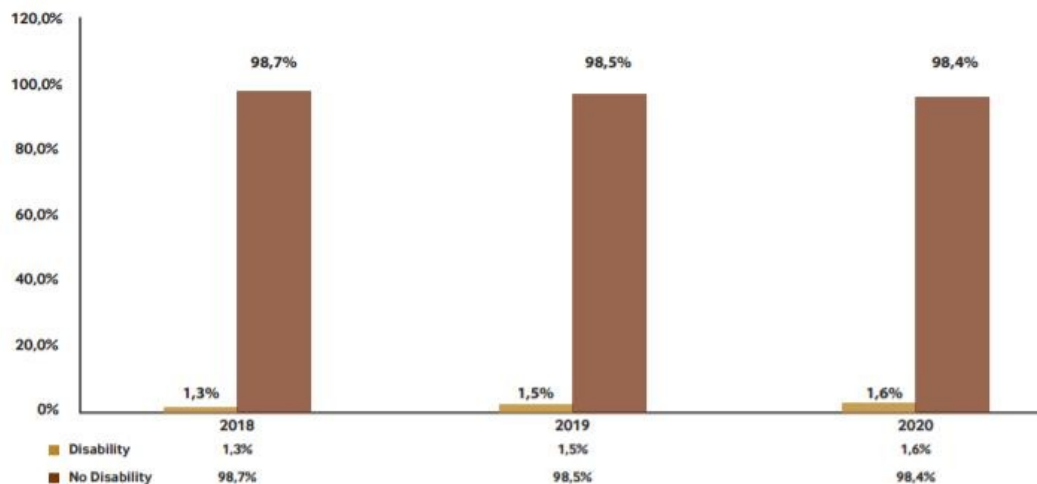


Figure 7 shows a steady increase in the representation of persons with disabilities at this occupational level from 1.3% in 2018 to 1.6% in 2020. (Source 21st CEE 2020/21)

Workforce Profile, Workforce Movement and Skills Development at the Senior Management Level by population group, gender and disability

Figure 10: Senior management - population & gender - 2018 to 2020

Figure 10: Senior management - population group and gender

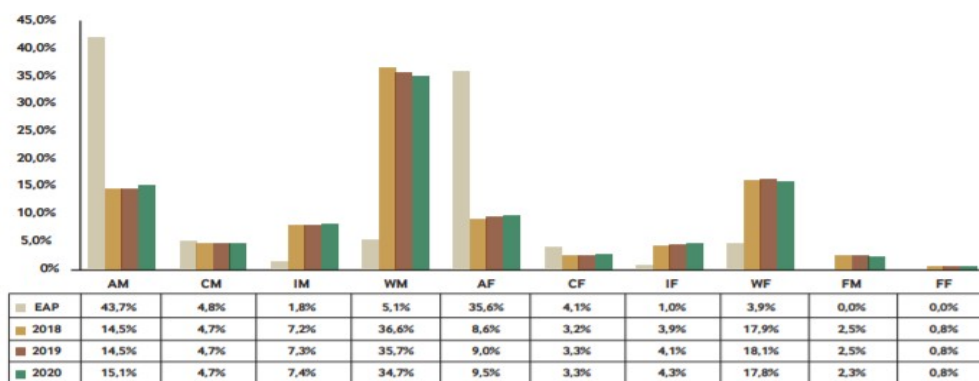


Figure 10 gives more depth to the female representation as reflected in Figure 9. White and Indian females are the majority of the female representation at this level, whilst the African and Coloured females are less represented. The aforementioned groups, that is African and Coloured females, have hardly had any increase since 2018, especially if their EAP is taken into consideration.

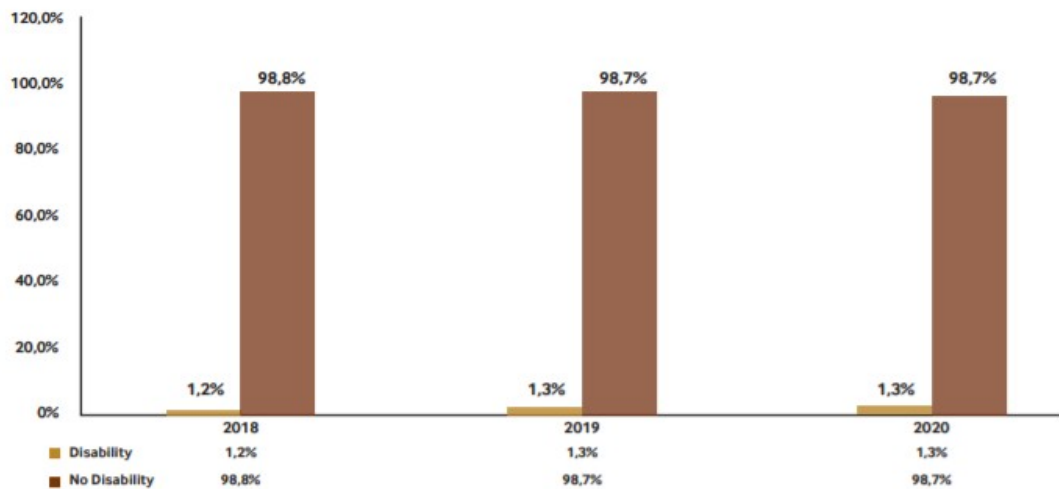
Figure 11: Senior management – disability - 2018 to 2020**Figure 11: Senior management - Disability**

Figure 11 shows that the representation of persons with disabilities from 2018 to 2020 remained stagnant at this occupational level. In terms of percentages, disability representation is marginally better at this occupational level.

(Source 21st CEE 2020/21)

Workforce Profile, Workforce Movement and Skills Development at the Professionally Qualified Level by population group, gender and disability

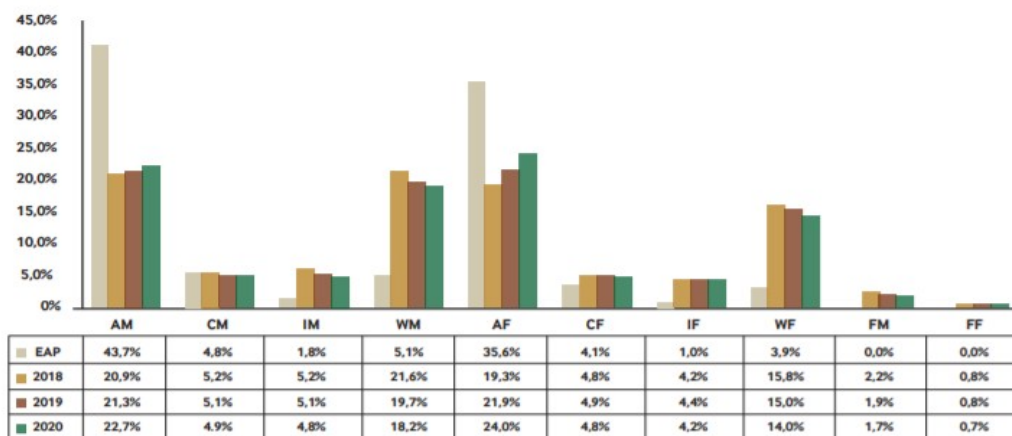
Figure 14: Professionally qualified – population group & gender - 2018 to 2020**Figure 14: Professionally qualified population group and gender**

Figure 14 illustrates that White and Indian females remain overrepresented in terms of affirmative Action and, as a result, are well above their EAP at this occupational level. Coloured and African females also show an increase in their representation, which is approximately an annual average increase of 1% over three years.

(Source 21st CEE 2020/21)

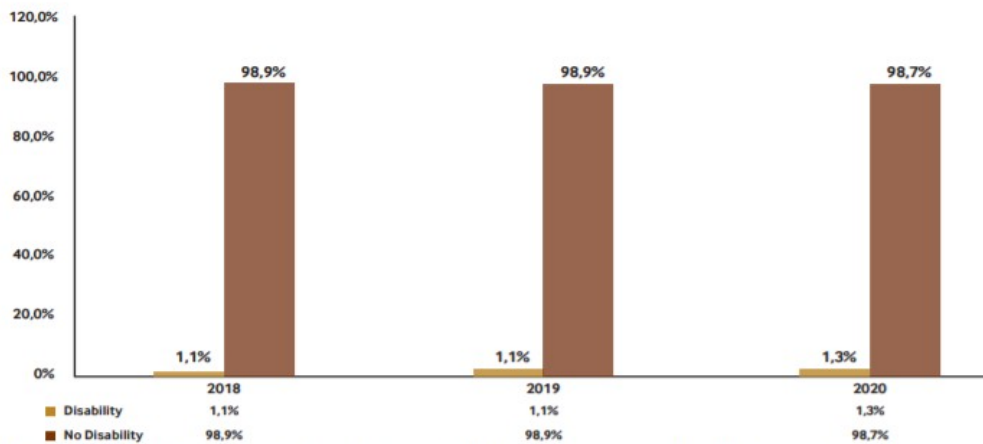
Figure 15: Professionally Qualified - Disability- 2018 to 2020**Figure 15: Professionally qualified - Disability**

Figure 15 shows that the representation of Persons with Disabilities increased slightly over the past three years at the professionally qualified level.

(Source 21st CEE 2020/21)

Workforce Profile, Workforce Movement and Skills Development at the Skilled Level by population group, gender and disability

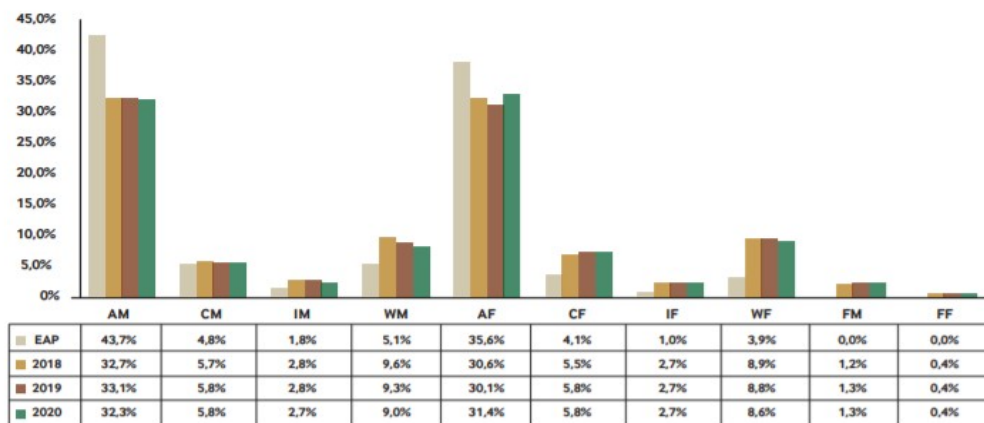
Figure 18: Skilled – population group & gender - 2018 to 2020**Figure 18: Skilled - population group and gender**

Figure 18 reflects that the African population group is the only group with representation below their EAP at this level. There has been a decline in the representation of African males at this level compared to 2019, while the African females has seen a 1,3% increase over the same period. This suggests the increase in representation of African females may have off-set the decrease in representation of African males over the period at this occupational level.

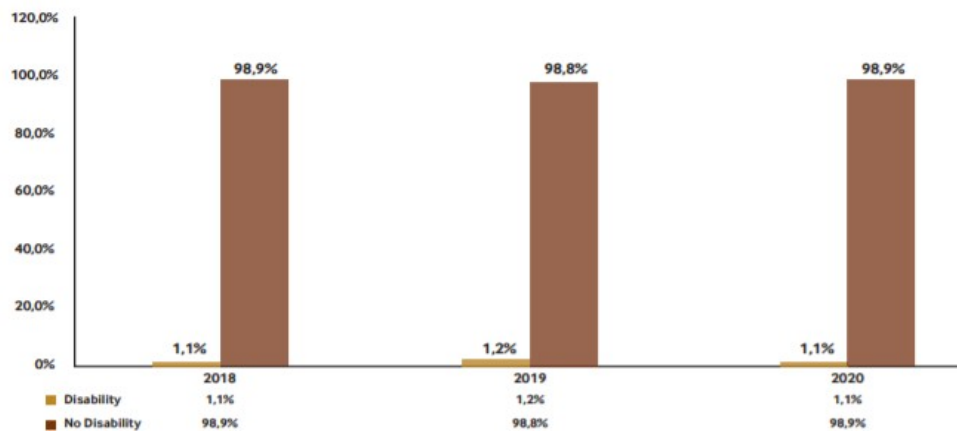
Figure 19: Skilled – Disability - 2018 to 2020**Figure 19: Skilled - Disability**

Figure 19 shows that the representation of persons with disabilities remained slightly above 1% over the past three years at this occupational level (*Source 21st CEE 2020/21*).

Workforce Profile Trend for the representation of Persons with Disabilities from 2018 to 2020

Table 30: Representation of Persons with Disabilities from 2018 to 2020		
2018	2019	2020
1%	1,1%	1,3%

Table 30 indicates that the representation of Persons with Disabilities in the **total workforce** increased slightly from 2018 to 2020, which still remained slightly above 1% for the past two years.

(*Source 21st CEE 2020/21*)

The DoLE has also finalised the review of the Technical Assistance Guidelines on the Employment of Persons with Disabilities (Disability TAGs) to streamline the implementation of EEA with regards to persons with disabilities in the year 2020.

The public sector, as a major employer and as custodian of policies promoting the empowerment of persons with disabilities, is under particular obligation to ensure that employment of persons with disabilities is achieved. The main focus is the 2% representation of persons with disabilities across all levels and the 50% representation of women at SMS. Departments that have achieved both the 50% and 2% targets are highlighted in order for other departments that are struggling to meet the targets to be able to contact them and share best practices.

All national and provincial government departments are mandated to report annually to DPSA on progress made with implementation of the Job Access Strategic Framework for the Recruitment, Appointment, and Retention of persons with disabilities. During the compilation of this annual compliance report, the Employment Equity report for 2020/2021 financial year for the public service was still in draft format hence the 2019/2020 Employment Equity report was considered for this purpose. The status for employment representation of persons with disabilities in the public service as from March 2020 was as follows:

Representation of persons with disabilities by gender and disability status.

As at 31 March 2020 there were 1 215 057 employees in the Public Service of which 12 560 (1.03%) were employees with disabilities. Women were 6 607 (52.60%) and men were 5 953 (47.40%). The representation of persons with disabilities had increased by 398 between March 2019 and March 2020. An additional 11 741 employees with disabilities need to be employed in order for the entire Public Service to achieve the 2% representation target.

Representation by Disability and Gender as on 31 March 2020

Gender	Disabled		Notdisabled		Total
	N	%	N	%	
Female	6607	52.60	738 674	61.43	745 281
Male	5953	47.40	463 823	38.57	469 776
Total	12 560	100.00	1 202 497	100.00	1 215 057

Representation of persons with disabilities by age.

The table below shows the representation of persons with disabilities by age. The number of youths with disabilities in the Public Service is continuing to decrease, from 1 290 to 1 197 between March 2019 and March 2020. Most of the employees with disabilities are between the ages 35 to 59 amounting to 10 629 which represent 84.62%. Effective strategies need to be employed to recruit more youth with disabilities in the Public Service.

Representation of Persons with Disabilities by Age as on 31 March 2020

Age	Disabled		Not disabled		Total
	N	%	N	%	N
-20	0	0	147	100.00	147
20-24	38	0.16	23 180	99.84	23 218
25-29	358	0.35	100 965	99.65	101 323
30-34	801	0.56	143 452	99.44	144 253
35-39	1 301	0.74	173 665	99.26	174 966
40-44	1 689	0.96	173 951	99.04	175 640
45-49	2 670	1.32	199 436	98.68	202 106
50-54	2 818	1.41	196 889	98.59	199 707
55-59	2 151	1.46	144 684	98.54	146 835
60-64	728	1.58	45 270	98.42	45 998
65-69	6	0.92	649	99.08	655
70-74	0	0	141	100.00	141
75-79	0	0	43	100.00	43
80-84	0	0	20	100.00	20
85+	0	0	5	100.00	5
Total	12 560	1.03	1 202 497	98.97	1 215 057

Representation of persons with disabilities by salary levels.

This paragraph depicts the representation of persons with disabilities according salary levels. The largest number of persons with disabilities are still employed between salary levels 05 and 08 with a total number of 8 091 which translates to 64.41%. There are 1 759 (14%) employees with disabilities between levels 09 and 10, 605 (4.81%) between levels 11 and 12 and 153 (1.22%) between levels 13 and 15. There is still no representation of persons with disabilities in level 16.

Compliance with meeting the 2% equity target for public servants with disabilities

Between the end March 2019 and the end March 2020 the number of departments that surpassed the 2% representation of persons with disabilities increased from 52 to 55. National departments maintained their number at 15, Gauteng province had a significant increase from 7 to 10 departments, the North-West increased from 7 to 8 departments and the Northern Cape increased from 2 to 3 departments. KwaZulu-Natal decreased from 3 to 2 departments and the Western Cape decreased from 6 to 5 departments.

The other provinces maintained their numbers, namely, the Eastern Cape 3, the Free State 1, Limpopo 3 and Mpumalanga 5, respectively.

Number of Departments by the Proportion of Persons with Disabilities as at 31 March 2020

Trends	EC	FS	GP	KZN	LMP	MPU	NAT	NC	NW	WC	Total
Departments below 1%	6	3	1	3	2	2	10	7	2	2	38
Departments between 1% and < 2%	4	8	3	9	6	5	18	1	2	6	62
Departments that met the 2% target	3	1	10	2	3	5	15	3	8	5	55

Departments that achieved 2% representation of persons with disabilities

Provincial departments had an increase of three departments which achieved the 2% representation of persons with disabilities from thirty-seven to forty, whilst national departments maintained their number at fifteen during this reporting period. The 15 National Departments that have achieved or surpassed the 2% representation of persons with disabilities are; The Department of Arts and Culture, Department of Economic Development, Department of Environmental Affairs, Government Communication and Information System, Department of Labour, National School of Government, Department of Public Service and Administration, Department of Science and Technology, Department of Small Business Development, The Presidency, Department of Trade and Industry, Department of Tourism, Department of Traditional Affairs, Independent Police Investigative Directorate and Department of Women now known as Department of Women, Youth and Persons with Disabilities.

Gauteng is still the province with highest number of departments that have achieved the 2% representation of persons with disabilities with 10, followed by North-West province with 8 departments, Mpumalanga, and the Western Cape provinces with 5 departments each, the Northern Cape, Limpopo and the Eastern Cape provinces with 3 departments each and KwaZulu-Natal province with 2 departments. The Free State is still the only province with one department that has met the 2% target.

Ranking of Public Servants with disabilities per Province 31March2020

Rank	Province	N	%
1	Gauteng	4442	2.65
2	National	4883	1.47
3	North West	382	0.60
4	Mpumalanga	417	0.58
5	Western Cape	431	0.53
6	Limpopo	501	0.48
7	Free State	263	0.47
8	KwaZulu-Natal	698	0.38
9	Eastern Cape	467	0.37
10	Northern Cape	76	0.32

The above rankings depict the representation of persons with disabilities per province. Gauteng is the only province that have exceeded the 2% representation of persons with disabilities and the province with the highest number of persons with disabilities (4 442) representing 2.65% of the workforce in that province. National departments have 4 883 (1.47%) employees with disabilities which is an increase of 171 employees as compared to the previous financial year at second position.

The North-West province maintained their third position with 382 (0.60%) and Mpumalanga at fourth position with 417 (0.58%), followed by Western Cape 431 (0.53%), Limpopo 501 (0.48%), Free State 263 (0.47%) and KwaZulu-Natal improved to the eighth position with 698 (0.38%), whilst the Eastern Cape succumbed to the ninth position with 467 (0.37%). The Northern Cape remained at the bottom of the ranking for the fifth consecutive year 76 (0.32%). The Eastern Cape Province experienced the highest decline of the representative of persons with disabilities by 24 from 491 to 467, followed by Western Cape by 12 from 443 to 431, Northern Cape by 5 from 81 to 76 and lastly Mpumalanga by 1 from 418 to 417.

The DPSA has issued specific regulations, guidelines and directions to designated employers on measures to combat the spread of the COVID-19 virus at employment environments in order to ensure protection and safety of employees including persons with disabilities.

Subsequent to the President of the Republic of South Africa declaring the national lockdown with effect from 27 March 2020, the Department of Public Service and Administration issued a number of circulars to give guidance and ensure continuity of service delivery.

Circular 15 issued 25/03/2020

This circular gave directions in respect of service delivery and business continuity for the Public Service during COVID-19. The objectives of circular 15 are:

- 1.3 To provide for arrangements of remote work for employees following the outbreak of COVID-19 in South Africa for which a national state of disaster had been declared;
- To provide for arrangements of remote working for the duration of the National State of Disaster declared by Government Notice R 313 of 15 March 2020. This notice was issued in terms of Section 3 of the Disaster Management Act of 2002, and its direction were made under Section 27 (1) and (2) of the Act. The remote work arrangements was based on a management philosophy of trust and mutual benefit;
- 6.4 A head of department must implement plans for business and service delivery continuity.

Circular 07 of 2020

It gave guidelines for the containment of the spread of the coronavirus (COVID-19) in the Public Service.

- Regulation 5.3 provides that the HoD shall establish and maintain a safe and healthy working environment for employees of the department. It must also be linked to:
- Occupational Health and Safety Act;
- Risk assessment;
- Health and safety provisions;

- Steering committees including organised labour; and
- Guidelines, action plans and protocols.

Circular 18 issued 01/05/2020

This circular gave guidance to the Public Service for its return to work after the easing of the national lockdown. The objectives of Circular 18 are to:

- Preparation of the workplace in response to the easing of the lockdown;
- Staggered return to work;
- Remote work arrangements; and
- Employees' return to work.

The Department of Tourism had programmes that support sustainable integrated community life.

During the year of reporting 4000 beneficiaries benefitted from the Tourism relief fund:
:

- 533 of these entries were Youth owned (13,33 %);
- 2459 were Women owned, (61.48%);
- 1008 were owned by neither Youth or Women – (25,20%)

Number of work opportunities created through EPWP:

Total number of work opportunities:

- Total number of Women: 1 660
- Total number of Youth: 2 313
- Total number of PWD: 36

Three (3) incubators

- Manyeleti: Mpumalanga (50) – 1 person with disabilities.
- Phalaborwa: Limpopo (50)
- Mier: Northern Cape (50) - 1 person with disabilities

All departments are required to report annually to the Department of Public Service and Administration (DPSA) on progress made with implementation of the JobACCESS

Strategic Framework for the Recruitment, Appointment and Retention of Persons with Disabilities Implementation Plan.

Indicator 5.3 – Persons with Disabilities as Owners of the Economy

On Friday, 22 May 2020, the DWYPD hosted a webinar on Persons with Disabilities and COVID-19 in South Africa under the theme “*Ensuring Accessibility: Upholding the rights of persons with disabilities*”. The two-and half-hour webinar hosted 169 participants who joined the conversation to discuss and engage the department on this very important topic. The webinar was led by Minister in the Presidency: Women, Youth and Persons with Disabilities, Maite Nkoana-Mashabane and Deputy Minister in the Presidency: Women, Youth and Persons with Disabilities Professor, Hlengiwe Mkhize.

The Deputy Minister of Small Business Development Ms Rosemary Capa also addressed guests on economic interventions structured for persons with disabilities affected by the lockdown regulations. In her address, she touched on:

- The WPRPD compels the DSBD to build a disability inclusive SA, and also to ensure that no one is left behind by adopting a universal access and design approach.
- The DM also talked about the lifetime opportunity to come up with a sustainable programme inclusive of persons with disabilities, stating that this is beginning to emerge within the District Development Model, whereby all spheres of government, different departments as well as NGOs have an opportunity to entrench an ideal inclusive Rights Programme. This provides an opportunity to mainstream disability issues and to monitor it through accurate aggregated data progress on different aspects of a person’s life.

The DSBD has issued directions and guidelines on economic relief measures to help entrepreneurs (including entrepreneurs with disabilities) to recover and sustain their business during the COVID-19 pandemic. The measures included economic recovery packages which were structured for the development of small businesses which were in distress due to the effects of lockdown and the impact of COVID-19.

No progress was reported for the year under review on the implementation of the Amavulandela Funding Scheme which was launched in 2016 and which focused on

serving entrepreneurs with disabilities through both financial and non-financial business development support services.

The National Treasury is the custodian for driving the Central Supplier Database (CSD) which aims at promoting equality, transparency, openness and fairness to all entrepreneurs (including entrepreneurs with disabilities). Through this database, collection and categorisation of suppliers according to specified categories is in line with the PPPFA through which persons with disabilities have been accommodated to benefit equally on all procurement opportunities offered by government institutions. Below is the summary and disaggregated information on procurement opportunities awarded to persons with disabilities during the year under review:

<u>Spend on Woman</u>	
952 Woman owned companies received payments	36,07%
1547 NOT Woman owned companies received payments	58,62%
140 Unspecified (Listed etc.) companies received payments	5,31%
R948 085 164,85 was paid to companies that are owned by woman	38,04%
R1 347 468 412,18 was paid to companies that are NOT owned by woman	54,07%
R196 670 176,98 was paid to companies that are Unspecified (Listed etc.)	7,89%

<u>Spend on Youth</u>	
743 Youth owned companies received payments	28,15%
1756 NOT Youth owned companies received payments	66,54%
140 Unspecified (Listed etc.) companies received payments	5,31%
R439 097 826,44 was paid to companies that are owned by youth	17,62%
R1 856 455 750,59 was paid to companies that are NOT owned by youth	74,49%
R196 670 176,98 was paid to companies that are Unspecified (Listed etc.)	7,89%

<u>Spend on people with Disabilities</u>	
26 companies owned by people with disabilities received payments	0,99%
2473 companies NOT owned by people with disabilities received payments	93,71%
140 Unspecified (Listed etc.) companies received payments	5,31%
R10 464 717,73 was paid to companies that are owned by people with disabilities	0,42%
R2 285 088 859,30 was paid to companies that are NOT owned by people with disabilities	91,69%
R196 670 176,98 was paid to companies that are Unspecified (Listed etc.)	7,89%

The DMR&E hosted a webinar workshop on 08 October 2020, targeting external stakeholders with disabilities to reflect on the impact of COVID-19 and on opportunities for persons with disabilities.

Indicator 5.4 – Reducing the Cost of Disability for Persons with Disabilities and Their Families

The South African Revenue Services (SARS) embarked on a review of disability related tax benefits during the reporting period. SARS has established a dedicated Disability Help Desk with a permanent resource to assist taxpayers who have registered for disability tax rebates and benefits.

Due to COVID-19, SARS has enhanced its digital functionality for all taxpayers, which is aimed at making it easier for taxpayers to complete their returns. However, some taxpayers still insist on visiting their branches to get assistance with their taxes. It is against this background that SARS had provided special services for Deaf taxpayers, as well as those with other disabilities during September 2020, which was also Deaf Awareness Month.

Despite facing severe economic challenges, SARS had committed itself to make a difference, in providing employment opportunities for young people. They were able, despite resource constraints, to employ 184 graduate trainees, who had come to the end of their extended contracts during September 2020. Without this, many would have ended up as unemployed in an environment where youth unemployment is a huge societal challenge for South Africa.

During 2020 SARS had also published a draft amendment document for public comments on the qualifying criteria for disability expenditure and physical impairment. The purpose of the new amended criteria is to simplify the definitions and for tax rebate claims under qualifying medical expenses. These include expenses for personal care attendants, travel and transport and for disability aids and other assistive devices.

The DWYPD in partnership with the United Nations Development Programme (UNDP) has developed Terms of Reference for the appointment of a service provider to conduct the research study on the Elements and Economic Cost of Disability for children and persons with physical disabilities, part 2. The main objective of the research study is to cover the gap in information in term of cost analysis for children and persons with physical disabilities.

Part 2 of the study will further provide evidence on cost estimates for, among others, the determination of social security benefits and subsidisation of services targeting

persons with disabilities, as well as reasonable accommodation support. In that regard, the study will provide distinct costing of reasonable accommodation measures support intended to remove barriers to participation for children and persons with physical disabilities. The study is expected to be completed in March 2022.

4.6 Pillar 6 - Strengthening the Representative Voice of Persons with Disabilities

The WPRPD identifies the following five dimensions for specific measures to strengthen the representative voice of persons with disabilities:

- Strengthening Access and Participation through Self-Representation;
- Recognition of Representative Organisations of Persons with Disabilities;
- Strengthening the diversity and capacity of DPOs and Self-Advocacy Programmes;
- Public Participation and Consultation Programmes;
- Self-Representation in public life.

All national departments and institutions contribute towards the 13 indicators under this pillar. Four (4) national departments lead in the five focus areas. These are the Department of Social Development (DSD), the Department of Public Service and Administration (DPSA), the Department of Justice and Constitutional Development (DoJ&CD) and the Department of Home Affairs (DHA).

The following departments have reported against the policy directives and indicators outlined in pillar 6: DWYPD, DSD, and COGTA.

Indicator 6.1 – Strengthening Access and Participation through Self-Representation

The DWYPD has initiated a process in obtaining Cabinet approval for the Self-Representation framework in the 2021/22 financial year. The objectives of this framework are to move from policy to action/ institutionalising self-representation for persons with disabilities by focusing on the following work:

- a) Strengthening access and participation through self-representation;

- b) Official recognition of representative organisations of and for persons with disabilities (inclusive of parent organisations);
- c) Strengthening diversity and self-advocacy programmes for persons with disabilities (taking into consideration intersectionality issues);
- d) Self-representation in public life;
- e) Constitutional and legal imperatives towards an obligation to legislate the right to self-representation.

COVID-19 has exposed the risk of exclusion of persons with disabilities to participate equally in the planning, design and implementation of national coronavirus intervention measures. According to the WPRPD, persons with disabilities must be consulted and self-represented in various structures of government in order to make meaningful inputs about matters affecting them. This is in line with the internationally adopted disability slogan of *“nothing about us without us”*.

The research report on the impact of COVID-19 on persons with disabilities has included consultations and participation as a thematic area and a priority. The aim was to assess if government has put measures in place to consult and ensure inclusion of persons with disabilities at the National Coronavirus Command Council (NCCC) and Provincial Command Council (PCC). The research report outlined the experiences and opinions of persons with disabilities on this thematic area. The disability sector and persons with disabilities at large have raised serious concerns of being excluded in the national planning and coordinating structures for COVID-19.

The research furthermore recommends that persons with disabilities must be fully represented and participate equally in all COVID-19 intervention structures and mechanisms.

The Department has a functional internal Disability Management Forum and internal Transformation and Human Resource Consultative Forum where the disability agenda was addressed.

The DMR&E developed a terms of reference for a document intended to enhance a close working relationship, as well as the endearment of the voice of the disability sector in the country.

Indicator 6.2 – Recognition of Representative Organisations of Persons with Disabilities (inclusive of parents' organisations)

The DWYPD initiated a process in obtaining Cabinet approval for the Self-Representation framework in 2021/22 financial year. The framework will assist in institutionalising disability and the recognition of representative organisations of and for persons with disabilities (inclusive of parents' organisations).

Indicator 6.3 – Strengthening the Diversity and Capacity of DPOs and Self-Advocacy Programmes

The DWYPD has implemented the recommendations of the report by the independent expert on albinism from United Nations. These include the provision of support on the establishment of a national task team to coordinate albinism in South Africa. The DWYPD hosted a series of consultative meetings with the albinism sector to strengthen the coordination mechanism for albinism advocacy programmes.

The DSD continued to provide funding and support to under-represented groups through their non-profit organisations funding mechanism. For this purpose, the DSD provided technical support to a marginalised group, Short Statured Persons, to establish the organisation and register as a non-profit organisation.

Indicator 6.4 – Public Participation and Consultation Programmes

COGTA launched a District Development Model (DDM) to accelerate service delivery and ensure a coordinated approach within district municipalities. The DDM is a presidential programme and is inclusive of all vulnerable groups (including persons with disabilities) as target beneficiaries and participants. Each and every sphere of government is expected to consult with persons with disabilities within these district municipalities.

The DWYPD advocated for inclusion of women, youth and persons with disabilities in the DDM. Furthermore, the DWYPD developed a guideline on disability inclusive DDM for the purpose of effective disability mainstreaming by all spheres of government.

Through the National Disability Rights Awareness Month (NDRAM), the DWYPD has hosted a series of consultations with the disability sector on specific thematic areas outlined in the NDRAM activities and programmes. This included participation and consultation between political principals and the disability sector (Presidential Working Group on Disability met with the President on the 3rd of December 2020).

Indicator 6.5 – Self-Representation in Public Life

The DWYPD initiated a process in obtaining Cabinet approval for the Self-Representation framework in the 2021/22 financial year. The framework assisted in ensuring that persons with disabilities represent themselves equally in public life.

4.7 Pillar 7 - Building a Disability Equitable State Machinery

The WPRPD identifies the following five dimensions for specific measures to build a disability equitable state machinery which is able to implement the WPRPD –

- Disability Equitable Planning, Budgeting and Service Delivery;
- Monitoring, Evaluation, Reporting, Research, Data and Statistics;
- Public Procurement and Regulation;
- Capacity Building and Training;
- Strengthening Accountability;

All government departments and institutions have to abide by these measures, but 14 national departments and institutions lead in giving direction for the implementation of the 25 indicators under this pillar. These are the South African Qualifications Authority (SAQA), Statistics South Africa (STATS SA), the Department of Public Enterprise, (DPE), the Department of Rural Development and Land Reform (DRDLR), the Department of International Relations and Cooperation (DIRCO), the Department of Public Service and Administration (DPSA) the DSD, DHET, DBE, NT, DCOG, DoJ&CD, DPME and DWYPD.

The following departments have reported against the policy directives and indicators outlined in pillar 7: NT, DWYPD, DPME, DSD, DHET, STATS SA, DoJ&CS, and NSG.

Indicator 7.1 – Disability Equitable Planning, Budgeting and Service Delivery

The NT has initiated the budget tagging framework to provide guidance to all spheres of government on expenditure tracking and to determine how much is currently being spent on gender, youth and persons with disabilities. The budget workbooks for 2020 MTEF guidelines for the first time included for the Department to populate equitable budget allocations on gender, youth and persons with disabilities.

The DWYPD has reviewed the Gender Responsive Budgeting, Auditing, Planning, Monitoring and Evaluation Framework to ensure that youth and disability are included. They have also developed a framework which provides guidelines on inclusion of women, youth and persons with disabilities in the development of strategic plans and annual performance plans for national and provincial government departments.

The DPME is leading on Government-wide Performance Monitoring and Evaluation. Through the partnership between the DPME and the DWYPD, an inclusive Medium Term Strategic Framework (MTSF) has catered for disability specific indicators. This basically means that all spheres of government must ensure proper alignment and implementation of disability specific indicators in their planning, budgeting, monitoring and evaluation programmes.

The NT is in the process of developing the guidelines on expenditure tagging for the purposes of tracking disability related expenditures within the national budget allocations.

The DSD has developed the Terms of Reference for the appointment of the service provider in order to finalise the draft Minimum Norms and Standards for Respite Care Services to Families with Children with Disabilities in 2020. The service provider will be appointed in the 2021/22 financial year.

The DWYPD has provided content support to DHET for the development of a disability specific Request for Proposal (RFP) for the National Skills Fund (NSF) guidelines. The guidelines provided a qualification criterion to national disability organisations dealing with skills development programmes.

The Department of Tourism's Director General's Performance Agreement 2020/21 included disability mainstreaming to strengthen accountability. The Department has also developed annual plans and purposeful interventions to empower women, youth

and persons with disabilities in its employment as well and in the tourism sector with the purpose of sustainable tourism development for inclusive economic growth in South Africa. Disability equitable budgeting is included in Programme and project budgets.

The Department of Tourism strive to attract the requisite skills and retain a capable and ethical workforce in a caring and diverse environment that represents targeted groups that include youth, women and people living with disabilities.

Indicator 7.2 – Monitoring, Evaluation, Reporting, Research and Statistics

In the year 2020, STATS SA had conducted a research study on the standardisation and harmonisation of disability definitions in accordance with the Washington Group Model Sets of Questions. The purpose of the research study was to ensure uniformity on disability definitions and to improve availability of disability administrative data and statistics.

The DWYPD has developed the disability COVID-19 tracker and the integrated disability reporting framework for the purpose of monitoring and performance tracking for all national and provincial government departments. They have also supported the SAHRC on the development of a business case to strengthen the SAHRC's capacity as the independent monitoring mechanism (IMM) in accordance with Article 33 of the UNCRPD, following promulgation of the South African Human Rights Act of 2014. The IMM was released by the SAHRC for public comments.

The DOJ&CD had hosted two sittings to account and implement learning experiences from the European Study Tour on the establishment of the IMM. Furthermore, the department had obtained and presented the legal opinion on the designation of the IMM.

The Department of Tourism's Employment Equity data is disaggregated into race, gender and disability. They maintain the minimum of 3% persons with disabilities representation which is 1% higher than the 2% target set by government.

No progress had been reported on the development of a national disability rights research agenda to guide research institutions.

Indicator 7.3 – Public Procurement and Regulation

The NT put measures in place to implement the WPRPD policy directives in terms of the development of public procurement bills and regulations. The draft Bill provided for the Minister of Finance to consult with the Minister responsible for, inter alia, women, youth, and persons with disabilities before making a regulation under the chapter dealing with preferential procurement. It included policy directives in preferential procurement for institutions on spend by sex/gender, age and persons with disabilities. The draft Bill was released by NT for public comments.

The Department of Tourism had implemented a system to track resource allocation to disability inclusion across the entity: 100% of expenditure achieved on procurement from enterprises on B-BBEE contributor status levels 1 to 5 was achieved. Data was disaggregated by sex, age, persons with disabilities and SMMEs.

Achieved 2020/21:

- 100% Level 1 – 5 B-BBEE spent
- Women: 20.89%
- Youth: 21.2 %
- Persons with disabilities: 0.5%

Indicator 7.4 – Capacity Building and Training

The National School of Government (the NSG) reported that the WPRPD had been integrated into their existing disability management training materials for a Disability management in the Public Sector (credit-bearing) course, as well as a Workshop on Disability Management (Non-credit-bearing) course. The concept and issues relating to disability was integrated into all NSG courses.

The NSG implemented and provided the induction programme “Breaking barriers to entry in public service” to new and old public servant employees. The NSG has an eLearning platform that aims to be fully accessible and usable for the widest range of users. The platform complied with Web Content Accessibility Guidelines and Authoring Tool Accessibility Guidelines which cover a wide range of recommendations for making Web content more accessible to persons with disabilities, including blindness and low vision, deafness and hearing loss, and photosensitivity. The platform was compatible with assistive technologies for the visually impaired, such as screen-

readers and screen-magnifiers. Hearing impaired participants were accommodated by providing transcripts for all materials and activities that depend on audio as a feature. The eLearning unit further conducted a quick survey to elicit feedback on the learning experience from learners with disabilities. Of the almost 6 000 participants in Nyukela, 20 indicated that they are either visually or hearing impaired. .

The (NSG) in partnership with Department for Women, Youth and Persons with Disabilities (DWYPD) launched a five-day virtual gender programme which covered Gender Mainstreaming, Gender Based Violence and Gender Responsive Planning and Budgeting. This initiative was aligned with the Global Generation Equality Campaign with the theme “Realising Women’s Rights for An Equal Future”. The course supported the Medium-Term Strategic Framework priority one: Building a capable, ethical and developmental state for inclusive growth.

Through this partnership, the UNFPA agreed to sponsor thirty (30) government officials with visual impairment to participate in the course. Following the global event of the COVID-19 pandemic, the NSG adapted the offering of courses from face to face to online through virtual modalities and made the course accessible to all persons with disabilities. Reasonable accommodation measures were put in place to ensure access for all participants and all barriers eliminated. The course is fully accredited and is offered online through virtual platforms to government officials with hearing impairment and the course programme will officially run in February 2021.

Future Interventions:

- The Universal Access Workshop was finalised and was handed over to the Training team for roll-out.
- The department marketed the Basic Project Management course for Disability Rights Awareness Month in 2020, which was delivered through a hybrid of synchronous online learning and self-paced learning.

Several departments and provinces reported that they had institutionalised regular sessions for officials on the obligations contained in the UNCRPD as well as the WPRPD. The initiatives included workshops on managing disability at the workplace and disability mainstreaming.

Indicator 7.5 – Strengthening Accountability

The Ministry for DOJ&CS approved the establishment of an expert committee to advise and consolidate public comments on the development of the Disability Rights Bill. The SALRC is leading the process for the development of the Disability Rights Bill and released the Issue Paper for public comments. The DWYPD, in partnership with the SALRC conducted public consultations with government and disability stakeholders during the year under review.

The DWYPD had strengthened accountability in terms of performance planning, monitoring and evaluation for all reporting institutions through the disability inclusive MTSF, strategic plans and annual performance plans.

The Department of Tourism coordinated two Disability Management Training sessions conducted in May and October 2020. The first one was for supervisors and managers of employees with disabilities and the second one for employees with disability. Furthermore, employees from Department of Tourism participated in a five-day virtual gender programme covering Gender Mainstreaming, Gender Based Violence and Gender Responsive Planning and Budgeting.

4.8 Pillar 8 - Promoting International Cooperation

The WPRPD identifies the following 3 indicators to foster international solidarity and cooperation for accelerated implementation of the UNCPRD, the 2030 Agenda for Sustainable Development and the African Union Agenda 2063:

- Include disability in all international engagements and agreements;
- Support Disability Mainstreaming and Strengthening participation in the Pan African Parliament, AU, SADC, and other such organisations;
- Develop and Implement a National Disability Agenda on International Cooperation.

Two (2) national departments contributed towards the three (3) indicators under this pillar. These are DIRCO and the DSD. The DWYPD had reported against the policy directive outlined in pillar 8: DWYPD

Indicator 8.1 Include disability in all international engagements and agreements

In February 2020, the DWYPD entered into bilateral agreements with the Ministry of Social Justice and Empowerment and the government of India in the form of joint letter of intent for cooperation in disability sector. The purpose of the agreement in the joint letter of intent was to outline the cooperation between the two parties on the following:

1. Sharing of information on disability policy and delivery of services.
 - a. Lessons learnt from the India Disability Act, 2016;
 - b. What disability measure and monitoring system is used to track progressive realisation of rights;
 - c. What disability mainstreaming strategies were employed across government e.g., Employment of persons with disabilities;
 - d. Models adopted to include the disability sector to enhance service delivery;
 - e. Access.
2. Exchange of Information and Knowledge.
3. Development of projects of mutual interest in disability sector:
 - a. Skills transfer in respect of local production of assistive devices /technologies;
 - b. Share models of local production to enhance District Development Model;
 - c. Closed captioning technologies;
 - d. Website accessibility, disability rights information portal;
 - e. Relationship with National Human Rights Institution / Independent Monitoring mechanism;
 - f. Robotics and support to learners with disabilities;
 - g. Empowerment of persons with disabilities through ICT.
4. Exchange of Experts, Academics and Administrative staff.

In November 2020, the DWYPD hosted bilateral consultative meetings with the government of the Federal Republic of Nigeria for cooperation in the field of women empowerment, youth empowerment and rights of persons with disabilities. The purpose of the meeting was to review the signed agreement between the two parties and to develop Memorandum of Understanding (MOU) to formalise the cooperation.

In December 2020, the DWYPD and DIRCO participated in the 13th Conference of State Parties (COSP) to the UNCPRD on behalf of South Africa. The delegation provided content support and delivered country position statements on thematic areas of the conference. The conference report was developed and approved by the Ministry for women, youth and persons with disabilities in December 2020.

Indicator 8.2 Support Disability Mainstreaming and Strengthening participation in the Pan African Parliament, AU, SADC, and other such organisations

In March 2021, the DWYPD participated in the SADC virtual meeting of senior officials to present and discuss the draft Regional Indicative Strategic Development Plan (RISDP) 2020-2030 which provided a comprehensive tenure development agenda on social, economic, peace, security, political and governance issues. The DWYPD also participated in the SADC virtual regional workshop to validate the draft guideline on developing and implementing national gender action plan.

Indicator 8.3 Develop and Implement a National Disability Agenda on International Cooperation

The DWYPD developed a draft strategy on international relations and cooperation during the year under review. The strategy is inclusive of disability.

4.9 Institutional Arrangements

The WPRPD highlights 6 focus areas aimed at strengthening institutional arrangements for implementation of the WPRPD. The following departments have reported against the policy directives outlined in pillar 9: the DWYPD and STATS SA.

The DWYPD has developed a draft guideline for the professionalising and institutionalisation of gender, youth and disability coordination in all spheres of government. Furthermore, the DWYPD developed the framework for joint machineries and stakeholder consultative forums during the year under review.

STATS South Africa completed the first term of Disability Statistics Advisory Group in March 2020, since its establishment in 2017. The members of the advisory group provided guidance on research, development, testing, validity and analysis of disability

question(s) and inclusion of disability in the national Census, household, labour and other socio-economic surveys.

The Disability Advisory Group has also provided content support on the research study to harmonise and standardise definitions of disability on administrative data and statistics in accordance with the Washington Group Model.

Disability has been mainstreamed through the use of the Washington Group Short Set of Questions in a number of household surveys:

- Annual General Household Survey
- Governance, Public Safety and Justice Survey
- National Household Travel Survey
- Census 2021

Data collection methodology were revised from the Face-to-face collection to Computer-Assisted Telephone Interviewing (CATI) and Computer-Assisted Web Interview (CAWI). There are plans for Census 2021 to adjust the content and methodology to accommodate persons with disabilities e.g., questionnaire will be made available in audio, bigger font, braille etc.

No progress report was received from the DTI on implementation of the WPRPD directive that the South African Bureau of Standards should strengthen its universal design capacity in the work of their design institute and standard setting bodies.

No progress report was received from the Department of Science and Technology on implementation of the WPRPD directive that the CSIR strengthen its capacity to promote universal design in its research, technological innovation as well as industrial and scientific development programmes.

No progress report was received from the Department of Higher Education and Training on implementation of the WPRPD directive that the South African Qualifications Authority (SAQA) should strengthen its capacity to promote and coordinate the development of a national universal design qualifications framework.

5. RECOMMENDATIONS

Having assessed progress made towards implementing the policy directives of the White Paper on the Rights of Persons with Disabilities within the national sphere of government, and having assessed systemic challenges reported and observed, the following corrective measures are recommended:

- a) Executive Authorities must strengthen efforts to champion implementation of the WPRPD within their respective departments/institutions.
- b) Accounting Officers must ensure that the WPRPD policy directives are embedded in departmental/institutions annual performance plans, operational plans, standard operating procedures, responsive budgets, performance management and reporting systems.
- c) The Department of Justice, Constitutional Development and Correctional Services must establish recourse mechanisms for defaulters and non-compliant institutions on Universal Design and Access Standards and ICASA's Code for Persons with Disabilities Regulations, 2021
- d) The Department of Cooperative Governance must take a lead to ensure disability inclusion during national states of disaster, through planning and budgeting for access to information for persons with disabilities e.g. provision of Sign Language Interpreters, subtitles and close captioning in all national briefings during states of disaster. Ensure full representation of persons with disabilities in technical committees established to manage current and future national disasters.
- e) The Department of Health must ensure that all identified quarantine sites and isolation areas are fully accessible to all persons with disabilities. It must ensure that awareness material and information is made available in accessible formats. The department must also develop a more responsive system to eradicate backlogs of assistive devices, expand the range of assistive devices to all persons with disabilities, and improve on turnaround times for issuing of assistive devices.

- f) The Departments of Basic Education and Higher Education and Training must ensure that there are measures put in place to ensure safety and protection of learners and students with disabilities in all learning facilities during the COVID-19 pandemic and other future national disasters. They must ensure that online learning initiative are fully accessible to learners and students with disabilities.
- g) The Department of Social Development must ensure that measures are put in place for the protection of persons with disabilities in residential facilities. It must ensure that persons with disabilities have continuous provision of social services and disability related grants related benefits without interruption during states of national disaster.
- h) Accounting Officers must ensure that each institution has an approved WPRPD Implementation Plan, inclusive of organisational design, reasonable accommodation support provisioning, budgets, departmental skills plans, departmental employment equity plans, entity oversight etc for both staff and external programme participants,.
- i) The Department of Public Service and Administration must prioritise the development of guidelines for formalising and strengthening the designation/appointment of disability rights coordinators in all public institutions, inclusive of organisational design.
- j) The National School of Government must prioritise the development of credit-bearing and non-credit bearing content as well as accessible online universal design and disability inclusion courses contributing towards the implementation of the WPRPD and UNCRPD.
- k) The Department of Planning, Monitoring and Evaluation must ensure that a disability dimension, Programme of Action and that the relevant WPRPD directives are embedded in the development of the 2019-2024 Medium Term Strategic Framework. It must establish mechanisms to ensure inclusion of disability into the key planning and monitoring instruments of government, enforce compliance for mainstreaming of Women, Youth and Persons with Disabilities on Strategic Plans and Annual Performance Plans.

- l) The Department of Labour must give consideration to the establishment of a Statutory Committee to develop a more coherent understanding of the downward trend in employment equity for persons with disabilities. This should culminate in the development of a more comprehensive cost employment support strategy for accelerated access to decent work for persons with disabilities.
- m) All government institutions must comply with the disability reporting requirements and report timeously.

COVID-19 Research Report Higher level recommendations:

- n) There must be consultation and participation of persons with disabilities (Self-representation)
- In accordance with the internationally adopted disability slogan ‘nothing about us without us’, it is recommended that persons with disabilities must be fully consulted and involved in all government planning processes, policy development and decision-making structures established to manage current and future national disasters.
 - Relationships need to be built and maintained with DPOs and NGOs supporting persons with disabilities.
- o) Safety and protection of persons with disabilities is of prime importance.
- It is recommended that the safety and protection of persons with disabilities should be prioritised during states of disaster and situations of humanitarian emergencies.
 - Prioritise safety and protection of persons with disabilities especially in institutional settings and care centres.
 - Prioritise safety and protection of women and girls with disabilities experiencing gender-based violence during states of national disaster.

- p) Accessibility to government services, information, and communication, and public environments should be prioritised for persons with disability.
- It is recommended that government must ensure access to basic services, information and communication, and access to identified screening and testing sites, quarantine, and isolation sites for all persons with disabilities during the national state of disaster.
 - Information and communication must be made available and be offered in all accessible formats to all persons with disabilities (braille, audio-visual, large prints, electronic and print media, social media, online education and training, sign language interpretation services, close-captioning, subtitles etc.)
 - The Department of Cooperative Governance and Government Communication Information Services must set aside a budget to ensure that all national/public briefing platforms on national disasters have sign language interpretation services, close-captioning, and subtitles for persons with disabilities.
- q) Access to employment and economic opportunities.
- It is recommended that government must ensure that persons with disabilities benefits equally to all announced employment and economic relief measures during national states of disaster.
 - Employment environments need to provide reasonable accommodations to those that require it, especially to those with comorbidities.
- r) Access to social services
- Provide psychosocial support services.
 - Provide social grants and social relief of distress.
 - Provide food parcels timeously.
- s) Access to health
- Provide PPE's.
 - Screening methods and procedures must be accessible.
 - Healthcare information must be accessible.
 - Transportation barriers need to be addressed.
- t) Access to education
- Accessible online education including assistive devices, data and devices.
 - Prioritise special schools and school hostels.

- Safety and protection of learners.
- u) Having disability-specific disaggregated data
 - All government departments need to obtain specific disability data in order to develop evidence-based and appropriate interventions and support.
- v) Benchmarking and partnerships
 - Establish partnerships and benchmark on international and continental disability practices and interventions.

6. CONCLUSION

The First Annual Progress Report to Cabinet on Implementation of the White Paper on the Rights of Persons with Disabilities has focused predominantly on progress made within the national sphere of Government.

The Combined Second, Third and Fourth Annual Progress Report to Cabinet, focusing on implementation during 2017 - 2019, incorporated a detailed account of implementation at provincial level.

It is quite clear that it has been business as usual for the majority of departments, and that most departments have not sufficiently engaged with the new policy and have thus not taken on board the policy directives in their planning, budgeting, and day to day operations.

It is equally clear that unless every department, every accounting officer, every programme manager, and every public servant take responsibility for implementation of the WPRPD, the lives of persons with disabilities in South Africa will not change for the better, and the inequality gap between South Africans with disabilities, and those without, will widen.

The recommendations contained in this Report are aimed at intervening at strategic levels with the aim of embedding responsibility for implementation within the governance and administrative systems of government.

In the words of Oliver Reginald Tambo -

“Working together as fellow South Africans, we have it within our power to transform this country into the land of plenty for all...”

ACRONYMS AND ABBREVIATIONS

AT	-	Assistive Technologies
AU	-	African Union
BBBEE	-	The Broad-Based Black Economic Empowerment
CAPS	-	Curriculum Assessment Policy Statements
CBE	-	Council for the Built Environment
CGE	-	Commission of Gender Equity
CITP	-	Comprehensive Integrated Transport Plan
CSC	-	Community Service Centre
CSIR	-	Council for Scientific and Industrial Research
CSPID	-	Children with Severe to Profound Intellectual Disability
DAC	-	Department of Sport, Arts and Culture
DBE	-	Department of Basic Education
DCOGTA	-	Department of Cooperative Governance and Traditional Affairs
DCS	-	Department of Correctional Services
DDM	-	District Development Model
DeafSA	-	Deaf Federation of South Africa
DHA	-	Department of Home Affairs
DHET	-	Department of Higher Education and Training
DHIS	-	District Health Information System
DHS	-	Department of Human Settlement
DIRCO	-	Department of International Relations and Cooperation
DOJ&CD	-	Department of Justice and Constitutional Development
DoLE	-	Department of Labour and Employment
DWYPD	-	Department of Women, Youth and Persons with Disabilities
DPE	-	Department of Public Enterprise
DPME	-	Department of Planning, Monitoring and Evaluation
DPSA	-	Department of Public Service and Administration
DPWI	-	Department of Public Works and Infrastructure
DMRE	-	Department for Mineral Resources and Energy
DMV	-	Department of Defence and Military Veterans
DRDLR	-	Department of Rural Development and Land Reform
DSBD	-	Department of Small Business Development

DSD	-	Department of Social Development
DTIC	-	Department of Trade and Industry and Competition
DTPS	-	Department of Telecommunication and Postal Services
ECD	-	Early Childhood Development
EU	-	European Union
FOSAD	-	Forum of South African Director Generals
FSB	-	Financial Services Board
FSDR	-	Framework and Strategy for Disability and Rehabilitation
GCIS	-	Government Communication and Information System
ICASA	-	Independent Communications Authority of South Africa
ICT	-	Information and Communications Technology
IPTN	-	Integrated Public Transport Network Grant IUDF
	-	Integrated Urban Development Framework JICA
	-	Japan International Cooperation Agency
LGBTI	-	Lesbian, Gay, Bisexual, Transgender and Intersex
MMS	-	Middle Management Services
MPAT	-	Management Performance Assessment Tool
NCCC	-	National Coronavirus Command Council
NDoH	-	National Department of Health
NDOT	-	National Department of Transport
NDRM	-	National Disability Rights Machinery
NDP	-	National Development Plan
NGO	-	Non-Governmental Organisation
NHI	-	National Health Insurance
NISPIS	-	National Integrated Social Protection Information System
NSA	-	National Skills Authority
NSG	-	National School of Government
NSLA	-	National Strategy on Learner Attainment
NT	-	National Treasury
OPSC	-	Office of the Public Service Commission
PANSALB	-	Pan South African Language Board
PCC	-	Provincial Command Council
PSET	-	Post School Education and Training institutions

PEPUDA	-	Promotion of Equality and Prevention of Unfair Discrimination Act, 2000
PSS	-	Psychosocial Support programme
PWGD	-	Presidential Working Group on Disability
SABS	-	South African Bureau of Standards
SADA	-	South African Disability Alliance
SADC	-	Southern African Development Community
SAFMH	-	SA Federation for Mental Health
SAHRC	-	South African Human Rights Commission
SAJEI	-	South African Judicial Education Institute
SALRC	-	South African Law Reform Commission
SANDA	-	South African National Deaf Association
SAPS	-	South African Police Services
SAQA	-	South African Qualification Authority
SARS	-	South African Revenue Services
SASL	-	South African Sign Language
SASSA	-	South African Social Security Agency
SIAS	-	Screening, Identification, Assessment and Support
SITA	-	State Information Technology Agency
SMS	-	Senior Management Services
SRSA	-	Sport and Recreation South Africa
StatsSA	-	Statistics South Africa
TAG	-	Technical Assistance Guidelines
TEIT	-	Teacher Education for Inclusive Teaching Project
UNCRPD	-	United Nations Convention on the Rights of Persons with Disabilities
UNDP	-	United Nations Development Programme
UN OHCHR	-	United Nations Office of High Commissioner for Human Rights
UNPRPD	-	UN Partnership to Promote the Rights of Persons with Disabilities
WPRPD	-	White Paper on the Rights of Persons with Disabilities

DEPARTMENT OF HUMAN SETTLEMENTS

NO. 3902

22 September 2023

The Department of Human Settlements hereby publishes for public information the following additional Restructuring Zones in terms of the Social Housing Policy, the Guidelines and Social Housing Act, 2008 (Act No. 16 of 2008).

Consolidated List of Restructuring Zones for the City of Cape Town

No	Province	Municipality	Area	Description of Restructuring Zones
1	Western Cape	City of Cape Town	CBD and Surrounds	Bokaap, Waterfront, Green Point, Sea Point, Camps Bay, Hout Bay, Vredehoek, Gardens and Surrounds (Salt River, Woodstock, Walmer Estate and Observatory)
2			Northern	Parklands, Table view and surrounds
3			Northern Near	Milnerton and Killarney
4			Northern Central	Bellville, Bothasig, Goodwood and surrounds
5			Southern	Strandfontein, Mitchells Plain, Mandalay and surrounds
6			Southern Near	Claremont, Newlands, Kenilworth and Rondebosch
7			Southern Central	Westlake- Steenberg
8			Far South	Muizenberg, Fish Hoek and Simonstown
9			South Eastern	Somerset West, Strand and Gordon's bay
10			Eastern	Brackenfell, Durbanville, Kraaifontein, Kuils River
11			Cape Flats	Athlone, and surrounds (Pinelands to Ottery)
12			Khayelitsha CBD	Khayelitsha CBD
13			Tokai and Retreat CBD	Tokai/Retreat and surrounds
14			Wynberg CBD	Wynberg and surrounds

15			Corridors	Blaauwberg, Melkbos and surround, Blackheath/Saxonburg and surrounds, Metro South East Corridor, Voortrekker Road Corridor, Southern Corridor, Ysterplaat, Brooklyn, Rugby, Century City Corridor, Wetton-Lansdowne Road Corridor, Constantia, Plumstead and Diep River
----	--	--	-----------	---

Consolidated list of Restructuring Zones for the Swartland Local Municipality

No	Province	Municipality	Area	Description
1	Western Cape	Swartland Municipality		Malmesbury CBD, Suikerbekkie, Dalsig, Garden Village, Newclair, Abbotsdale, De Hoop and Sunnyside

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

STATISTICS SOUTH AFRICA

NOTICE 2035 OF 2023

STATISTICS SOUTH AFRICA

THE HEAD: STATISTICS SOUTH AFRICA notifies for general information that the Consumer Price Index is as follows:

Consumer Price Index, Rate (**Base Dec 2021=100**)

Rate: **July 2023 – 4.7**

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 2036 OF 2023

**INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF
SOUTH AFRICA****NOTICE OF INITIATION OF SUNSET REVIEW OF THE ANTI-DUMPING DUTY ON
UNFRAMED GLASS MIRRORS OF A THICKNESS OF 2MM OR MORE BUT NOT
EXCEEDING 6MM CLASSIFIABLE UNDER TARIFF SUBHEADING 7009.91
ORIGINATING IN OR IMPORTED FROM THE PEOPLE'S REPUBLIC OF CHINA
("CHINA")**

In accordance with the provisions in Article 11.3 of the World Trade Organization Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade, any definitive anti-dumping duty shall be terminated on a date not later than five years from its 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 within a reasonable period of time prior to that date, that the expiry of the duties would likely lead to continuation or recurrence of dumping and injury.

On 15 June 2022, the International Trade Administration Commission of South Africa ("the Commission") notified interested parties through Notice No. 1087 of 2022 in *Government Gazette* No. 46550, that unless a substantiated request is made indicating that the expiry of the anti-dumping duty against imports of unframed glass mirrors originating in or imported from China would likely lead to the continuation or recurrence of dumping and injury, the anti-dumping duty on unframed glass mirrors originating in or imported from China would expire on 12 December 2023.

THE APPLICANT

The application was lodged by PFG Building Glass, a division of PG Group (Pty) Ltd (“the Applicant”), being the only producer of the subject product in the Southern African Customs Union (“SACU”).

The Applicant alleges that the expiry of the duty would likely lead to the recurrence of dumping and material injury. The Applicant submitted sufficient evidence and established a *prima facie* case to enable the Commission to arrive at a reasonable conclusion that a sunset review investigation of the anti-dumping duty on unframed glass mirrors originating in or imported from China, should be initiated.

THE PRODUCT

The anti-dumping duty subject to this sunset review is applicable to unframed glass mirrors originating in or imported from China, classifiable under tariff subheading 7009.91.

THE ALLEGATION OF THE RECURRENCE OF DUMPING

The allegation of recurrence of dumping is based on the comparison between the normal values and the export prices.

In calculating the normal value for China, the independent consultant on behalf of the Applicant obtained a quotation for the domestic selling prices of the subject product in China.

In calculating the export price for China, the Commission used audited South African Revenue Service (SARS) statistics to determine the export price for purposes of

initiation. In order to calculate the export price, import statistics of unframed glass mirrors for the period 1 January 2023 to 31 May 2023 were used.

The dumping margin was determined to be 55.94%.

On this basis, the Commission found that there was *prima facie* proof of the likelihood of the recurrence of dumping.

THE ALLEGATION OF RECURRENCE OF MATERIAL INJURY

The Applicant alleges that although it is evident from the information submitted that it is not experiencing material injury over the period of investigation, there is a likelihood of recurrence of material injury should the anti-dumping duty expires.

On this basis, the Commission found that there was *prima facie* proof of the recurrence of material injury if the duty expires.

PERIOD OF INVESTIGATION

The investigation period for dumping is from 01 January 2022 to 31 December 2022 and the injury investigation involves the evaluation of the data for the period 01 January 2020 to 31 December 2022. The Commission will also consider estimates of what the situation will be, if the anti-dumping duty expires.

PROCEDURAL FRAMEWORK

Having decided that there is sufficient evidence and a *prima facie* case to justify the initiation of an investigation, the Commission has begun an investigation in terms of section 16 of the International Trade Administration Act, 2002 (“the ITA Act”). The Commission will conduct its investigation in accordance with the relevant sections of the

ITA Act, the World Trade Organisation Agreement on Implementation of Article VI of the GATT 1994 ("the Anti-Dumping Agreement") and the Anti-Dumping Regulations of the International Trade Administration Commission of South Africa ("ADR"). Both the ITA Act and the ADR are available on the Commission's website (www.itac.org.za) or from the Trade Remedies section, on request.

In order to obtain the information, it deems necessary for its investigation, the Commission will send non-confidential versions of the application and questionnaires to all known importers and exporters and known representative associations. The trade representative of the country of origin has also been notified. Importers and other interested parties are invited to contact the Commission as soon as possible in order to determine whether they have been listed and were furnished with the relevant documentation. If not, they should immediately ensure that they are sent copies. The questionnaire has to be completed and any other representations must be made within the time limit set out below.

CONFIDENTIAL INFORMATION

Please note that if any information is considered to be confidential then a non-confidential version of the information must be submitted for the public file, simultaneously with the confidential version. In submitting a non-confidential version, the following rules are strictly applicable and parties must indicate:

- X where confidential information has been omitted and the nature of such information;
- X reasons for such confidentiality;
- X a summary of the confidential information which permits a reasonable understanding of the substance of the confidential information; and
- X in exceptional cases, where information is not susceptible to summary, reasons

must be submitted to this effect.

This rule applies to all parties and to all correspondence with and submissions to the Commission, which unless indicated to be confidential and filed together with a non-confidential version, will be placed on the public file and be made available to other interested parties.

If a party considers that any document of another party, on which that party is submitting representations, does not comply with the above rules and that such deficiency affects that party's ability to make meaningful representations, the details of the deficiency and the reasons why that party's rights are so affected must be submitted to the Commission in writing forthwith (and at the latest 14 days prior to the date on which that party's submission is due). Failure to do so timeously will seriously hamper the proper administration of the investigation, and such party will not be able to subsequently claim an inability to make meaningful representations on the basis of the failure of such other party to meet the requirements.

Subsection 33(1) of the ITA Act provides that any person claiming confidentiality of information should identify whether such information is *confidential by nature* or is *otherwise confidential* and, any such claims must be supported by a written statement, in each case, setting out how the information satisfies the requirements of the claim to confidentiality. In the alternative, a sworn statement should be made setting out reasons why it is impossible to comply with these requirements.

Section 2.3 of the ADR provides as follows:

"The following list indicates "information that is by nature confidential" as per section 33(1)(a) of the Main Act, read with section 36 of the Promotion of Access to Information Act (Act 2 of 2000):

- (a) management accounts;*
- (b) financial accounts of a private company;*
- (c) actual and individual sales prices;*
- (d) actual costs, including cost of production and importation cost;*
- (e) actual sales volumes;*

- (f) *individual sales prices;*
- (g) *information, the release of which could have serious consequences for the person that provided such information; and*
- (h) *information that would be of significant competitive advantage to a competitor;*

Provided that a party submitting such information indicates it to be confidential

ADDRESS

The response to the questionnaire and any information regarding this matter and any arguments concerning the allegation of dumping and the resulting material injury must be submitted in writing to the following address or on the emails below:

Physical address

The Senior Manager: Trade Remedies I
International Trade Administration Commission
Block E – The DTI Campus
77 Meintjies Street
SUNNYSIDE
PRETORIA
SOUTH AFRICA

Postal address

The Senior Manager:
Trade Remedies I
Private Bag X753
PRETORIA
0001
SOUTH AFRICA

PROCEDURES AND TIME LIMITS

The Senior Manager: Trade Remedies I, should receive all responses, including non-confidential copies of the responses, not later than 30 days from the date hereof, or from the date on which the letter accompanying the abovementioned questionnaire was received. The said letter shall be deemed to have been received seven days after the day of its dispatch.

Late submissions will not be accepted except with the prior written consent of the

Commission. The Commission will give due consideration to written requests for an extension of not more than 14 days on good cause shown (properly motivated and substantiated), if received prior to the expiry of the original 30-day period. Merely citing insufficient time is not an acceptable reason for an extension. Please note that the Commission will not consider requests for extension by the Embassy on behalf of foreign producers.

The information submitted by any party may need to be verified by the Investigating Officers in order for the Commission to take such information into consideration. The Commission may verify the information at the premises of the party submitting the information, within a short period after the submission of the information to the Commission. Parties should therefore ensure that the information submitted would subsequently be available for verification. Specifically, it is planned to verify the information submitted by the foreign producers within three to five weeks subsequent to the submission of the information. This period will only be extended if it is not feasible for the Commission to do it within this time period or upon good cause shown, and with the prior written consent of the Commission, which should be requested at the time of the submission. It should be noted that unavailability of, or inconvenience to appointed representatives, will not be considered to be good cause.

Parties should also ensure when they engage representatives that they will be available at the requisite times, to ensure compliance with the above time frames. Parties should also ensure that all the information requested in the applicable questionnaire is provided in the specified detail and format. The questionnaires are designed to ensure that the Commission is provided with all the information required to make a determination in accordance with the ITA Act and the ADR. The Commission may therefore refuse to verify information that is incomplete or does not comply with the format in the questionnaire, unless the Commission has agreed in writing to a deviation from the required format. A failure to submit a non-confidential version of the response that complies with the rules set out above under the heading *Confidential Information* will be regarded as an incomplete submission.

Parties, who experience difficulty in furnishing the information required, or submitting information in the format required, are urged to make written applications to the Commission at an early stage for permission to deviate from the questionnaire or provide the information in an alternative format that can satisfy the Commission's requirements. The Commission will give due consideration to such a request on good cause shown.

Any interested party may request an oral hearing at any stage of the investigation in accordance with Section 5 of the ADR, provided that the party indicates reasons for not relying on written submissions only. The Commission may refuse an oral hearing if granting such hearing will unduly delay the finalisation of a determination. Parties requesting an oral hearing must provide the Commission with a detailed agenda for, and a detailed version, including a non-confidential version, of the information to be discussed at the oral hearing at the time of the request.

If the required information is not received in a satisfactory form within the time limit specified above, or if verification of the information cannot take place, the Commission may disregard the information submitted and make a finding on the basis of the facts available to it.

Should you have any queries, please do not hesitate to contact us at the following e-mail addresses: Mr Busman Makakola at bmakakola@itac.org.za or Mr Emmanuel Manamela at emanamela@itac.org.za.

DEPARTMENT OF TRANSPORT**NOTICE 2037 OF 2023****MERCHANT SHIPPING ACT, 1951 (ACT NO. 57 OF 1951)****DRAFT MERCHANT SHIPPING (DANGEROUS GOODS) AMENDMENT REGULATIONS, 2023**

The Minister of Transport hereby in terms of section 356(1) of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), publishes for comments the draft Merchant Shipping (Dangerous Goods) Amendment Regulations, 2023 as indicated in the Schedule.

Interested persons are invited to submit written comments on this draft Merchant Shipping (Dangerous Goods) Amendment Regulations, 2023, within 30 days from the date of publication of this notice in the Government Gazette.

All comments should be posted or emailed to the Director-General Department of Transport for attention of Mr TM Matlala at:

Department of Transport

Private Bag x 193

Pretoria

0001

E-mail: Matlalatm@dot.gov.za

Tel: 012 309 3799

SCHEDULE

MERCHANT SHIPPING ACT, 1951 (ACT NO. 57 OF 1951)**DRAFT MERCHANT SHIPPING (DANGEROUS GOODS) AMENDMENT REGULATIONS, 2023****GENERAL EXPLANATORY NOTE:**

[] Words in bold type in square brackets indicate omissions from existing Regulations.

_____ Words underlined with a solid line indicate insertions in existing Regulations.

Definition

1. In this Schedule “the Regulations” means the Merchant Shipping (Dangerous Goods) Regulations, 1997 published in Government Gazette No. 17921 by Government Notice No. R. 574 dated 18 April 1997.

Amendment of Arrangement of Regulations (Table of Contents) of the Regulations

2. The Arrangement of Regulations (Table of Contents) is hereby substituted for the following Arrangement of Regulations (Table of Contents):

“SCHEDULE***Arrangement of regulations*****PART 1
GENERAL**

CONTINUES ON PAGE 130 OF BOOK 2

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 699

22 September 2023
September

No. 49325

PART 2 OF 2

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

ISSN 1682-5845



9 771682 584003

4 9 3 2 5



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

Regulation No.

1. Definitions
2. Application
3. Exemptions
4. Document of compliance, inspection and certification
- 4A. Survey and Certification**
- 4B. Cancellation of Certificate of Fitness**
- 4C. Inspection and packing of containers**
5. Duty to report certain incidents involving **[packaged]** dangerous goods or marine pollutants
6. General duties of shipowner, master or employer **[and master]**
7. General duties of employee aboard **[ship] vessel**
8. Conduct endangering the **[ship] vessel** or persons aboard **[ship]vessel**
- 8A. Training**

PART 2**CARRIAGE OF PACKAGED DANGEROUS GOODS**

9. Documentation required aboard a vessel
- [10. Packing certificates**
- 11. List, manifest or stowage plan]**
12. Packaging of goods, stowage, loading and carriage of a container
- [13. Marking and labelling**
- 14. Stowage**
- 15. Carriage of explosives**
- 16. Carriage of packaged dangerous goods in passenger ships]**

PART 3**CARRIAGE OF DANGEROUS GOODS OR MARINE POLLUTANTS IN BULK**

17. Carriage in bulk
- [18. Documentation**
- 19. List, manifest or stowage plan]**

PART 3A
**CARRIAGE OF PACKAGED IRRADIATED NUCLEAR FUEL, PLUTONIUM AND HIGH-
LEVEL RADIOACTIVE WASTES ON BOARD**

19A. Application

19B. Compliance with the INF Code

19C. Duty to hold a certificate of Fitness

PART 4
**ENFORCEMENT, REPEAL OF REGULATIONS, AND SHORT TITLE AND
COMMENCEMENT**

- 20. Power to detain
- 21. Penalties and defences
- 22. Offences due to fault of another person
- 23. Repeal of regulations
- 24. Short title and commencement

Amendment of regulation 1 of the Regulations

PART 1
GENERAL

Definitions

3. Regulation 1 of the Regulations is hereby amended—

- (a) by the deletion of the definition of “**1974 SOLAS Convention**”;
- (b) by the substitution for the definition of “Authority” of the following definition:

““**Authority**” means the [Director-General or as respects his or her functions being discharged by another authority or person, that authority or person]South African Maritime Safety Authority established by section 2 of the South African Maritime Safety Authority Act, 1998 (Act No. 5 of 1998).”;

- (c) by the deletion of the definition of “**Bulk Cargoes Code**”;
- (d) by the insertion after the definition of “BCH Code” of the following definitions:

“**cargo transport unit**” means a road transport tank or freight vehicle, a railway transport tank or freight wagon, a multimodal freight container or portable tank, or an MEGC;”;

“**certificate of fitness**” means the International Certificate of Fitness referred to in regulation 4 for the Carriage of INF Cargo referred to in paragraph 1.3.2 of the INF Code;”;

“**certificate of inspection**” means the certificate issued in terms of regulation 4(2)(b);”;

“**classify**” means to determine whether goods are dangerous goods or marine pollutants for the purposes of sea transport and is a determination, by an appropriate method, of whether the goods possess the hazardous characteristics of classes from 1 to 9 of the IMDG Code in accordance with the most hazardous property of the goods and further extends to goods—

(a) listed in the IMDG Code;

(b) not specifically listed but falling within the defining criteria for the classes from 1 to 9 of the IMDG Code; and

(c) where there is any cause to suspect that the substance is a marine pollutant as defined by the IMDG Code;”;

“**company**” means the owner of the vessel or any other organisation or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the vessel from the owner of the vessel and who on assuming such responsibility has agreed to take over all the duties and responsibilities imposed by the International Safety Management Code;”;

“**competent authority**” means any statutory body or authority designated or otherwise recognised as such for any purpose in connection with these Regulations;”;

“**consignee**” means any person, organisation or Government which is entitled to take delivery of a consignment;”;

“**consignment**” means any package or packages, or load of dangerous goods, presented by a consignor for transport;”;

“**consignor**” means any person, organisation or Government which prepares a consignment for transport;”;

“**container**” means a container as defined in the International Convention for Safe Containers;”; and

“**contravene**”, in relation to a provision of these Regulations, includes failing or refusing to comply with that provision;”;

- (e) by the deletion of the definition of “correct technical name”;
- (f) by the substitution for the definition of “dangerous goods” of the following definition:

“**dangerous goods**” includes-

- (a) goods classified in the IMDG Code or in any other IMO publication referred to in these Regulations as dangerous for carriage by sea, and any other substance or goods the properties of which might be dangerous if that substance or those goods were carried by sea;
 - (b) empty receptacles and residues in empty tanks or cargo holds that have been used previously for the carriage of dangerous goods, unless such receptacles, empty tanks or cargo holds have been cleaned and dried, purged, gasfreed or ventilated, as appropriate or, in the case of radioactive materials, both cleaned and adequately closed, but does not include goods forming part of the equipment or stores of the ship in which they are carried; and
 - (c) harmful substances, as defined in Article II of the International Convention for the Prevention of Pollution from Ships, 1978;”;
- (g) by the insertion after the definition of “dangerous goods declaration” of the following definition:

“document of compliance to carry dangerous goods” means:

- (a) for a South African vessel - a document of compliance referred to in regulation 4 to carry dangerous goods; or
 - (b) for a foreign vessel - a document of compliance referred to in regulation 19.4 of Chapter II-2 of the Safety Convention to carry dangerous goods and “certificate of compliance” has a corresponding meaning;”;
- (h) by the insertion after the definition of “durably marked” of the following definition:

“EGC Code” means the code for existing ships carrying liquified gassed in bulk;”;

- (i) by the substitution for the definition of “flammable liquid” of the following definition:

“flammable liquid” means a liquid [the flash point of which is] ~~1~~, or mixtures of liquids, or liquids containing solids in solution or suspension which give off a flammable vapour at or below [61 °C (closed cup) in respect of packaged dangerous goods]60°C closed-cup test, corresponding to 65.6°C open-cup test, normally referred to as the “flashpoint” and includes:

- (a) liquids offered for transport at temperatures at or above their flashpoint; and
 - (b) substances transported or offered for transport at elevated temperatures in a liquid state, which give off a flammable vapour at temperatures equal to or below the maximum transport temperature;”;
- (j) by the substitution for the definition of “forwarder” of the following definition:

“forwarder” means the person by whom the dangerous goods [are delivered] declaration or marine pollutants declaration and packing certificate are received, and any person responsible for packing the goods into a cargo transport unit, for eventual delivery to a [ship]vessel or its agent;”;

- (k) by the insertion after the definition of “handling” of the following definitions:

“high-level radioactive waste” means “liquid waste” as defined in the INF Code;”; and

“**IBC Code**” means the International Code for the construction and equipment of ships carrying dangerous chemicals in bulk, as defined in Chapter VII regulation 8.1 of the Safety Convention;”;

- (l) by the insertion after the definition of “IMO” of the following definitions:

“**IMSBC Code**” means the International Maritime Solid Bulk Cargoes Code;”;

“**incident**” means —

- (a) any damage to, failure or breakdown of, a vessel carrying dangerous goods or that—
 - (i) affects the safety of the vessel, including a collision, grounding, fire explosion, structural failure, flooding or cargo shifting; or
 - (ii) results in the impairment of the safety of navigation, including the failure or breakdown of steering gear, propulsion system, electrical generating system or essential shipborne navigational aids; or
- (b) any occurrence or probable occurrence that results or may result in the dangerous goods being introduced into the sea;”;

“**INF cargo**” means packaged irradiated nuclear fuel, plutonium and high-level radioactive wastes cargo carried as cargo in accordance with Class 7 of the IMDG Code;” and

“**INF Code**” means the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships;”;

- (m) by the insertion after the definition of “in bulk” of the following definitions:

“**irradiated nuclear fuel**” means the material as defined in the INF Code;”;

“**marine pollutant**” means a substance classified as such in the IMDG Code, or as a noxious liquid substance in the IBC Code, or in any other applicable code;”;

“**MEGC**” means a multiple element gas container;” and

“**operator**”, in relation to a vessel, includes any owner, charterer, manager or agent of the vessel;”;

- (n) by the substitution for the definition of “package” of the following definition:

“**package**” means [a package or receptacle described in the IMDG Code and includes a freight container or a portable tank or tank container or tank vehicle or other vehicle or other cargo transport unit containing dangerous goods for shipment] the complete product of the packing operation, consisting of the packaging and its contents prepared for transport, and “packaged” has a corresponding meaning;”;

- (o) by the insertion after the definition of “package” of the following definitions:

“**packaging**” means one or more approved receptacles and any other components or materials necessary for the receptacles to perform their containment and other safety functions;”;

“**plutonium**” means the material as defined in the INF Code;”; and

“**Safety Convention**” means the International Convention for the Safety of Life at Sea done at London on 1 November 1974, the English text of which is set forth in the Second Schedule as modified by any amendment made under Article VIII of that Convention that has entered into force for the Republic and, after the date on which the Protocol of 1978 relating to the Safety Convention enters into force for the Republic, as also modified by that Protocol;”;

- (p) by the substitution for the definition of “shipper” of the following definition:

“**shipper**” [means a person who, whether as principal or agent for another, consigns dangerous goods for carriage by sea] for the purpose of these Regulations, has the same meaning as consignor;”; and

- (q) by the insertion after the definition of “shipper” of the following definition:

“**South African vessel**” means a vessel having South African nationality in terms of section

3 of the Ship Registration Act, 1998:”.

Substitution of regulation 2 of the Regulations

4. The following regulation is hereby substituted for regulation 2 of the Regulations:

“Application

2.(1) Subject to section 235(4) of the Act, these **[regulations]**Regulations apply to every **[ship]**vessel carrying dangerous goods in bulk or packaged form.

(2) These Regulations do not apply to dangerous goods forming part of the equipment or stores required for the navigation, safety or maintenance of a vessel or required for the intended operations of the vessel.

(3) The Merchant Shipping (Carriage of Cargoes) Regulations, 2004 apply to vessels and dangerous goods to which these Regulations apply.

(4) Subject to subregulation (5), these Regulations apply to every vessel carrying INF cargo, and so apply to—

(a) every South African vessel wherever the vessel may be; and

(b) any other vessel when in the Republic or its territorial waters.

(5) These Regulations do not apply to a vessel owned or operated by the government of another State and used, for the time being, only on government non-commercial service if appropriate measures have been adopted, in accordance with Chapter VII regulation 15.2 of the Safety Convention, in relation to such a vessel.”.

Substitution of regulation 3 of the Regulations

5. The following regulation is hereby substituted for regulation 3 of the Regulations:

“Exemptions

3.(1) The Authority may, with or without conditions, grant exemption from any provision of these Regulations for classes of cases or individual cases and may, subject to giving **[reasonable]** written notice, amend or cancel any such exemption: Provided the exemption is in accordance with the IMDG Code, IMSBC Code or INF Code.

(2) An exemption is subject to the following:

- (a) The owner of a vessel must carry on board the vessel a copy of the exemption for inspection; and
- (b) Compliance with any other condition imposed by the Authority under these Regulations.”.

Amendment of regulation 4 of the Regulations

6. Regulation 4 of the Regulations is hereby amended—

- (a) by the substitution for subregulation (1) of the following subregulation:

“Document of compliance, inspection and certification

4.(1) **[No dangerous]**Dangerous goods may not be taken on board a **[ship built after 31 August 1984]**vessel unless the **[ship]**vessel has on board a valid document of compliance, a certificate of compliance or a certificate of fitness, issued by the Authority or the competent authority of the country in which the **[ship]**vessel is registered or, in the absence of registration, whose flag it is entitled to fly, to the effect that the spaces in which the goods are to be carried comply with the provisions **[of regulation II-2/41 or 54]** regarding the special requirements for vessels carrying dangerous goods in Chapter II-2 regulation 19 of the Safety Convention and paragraph 7.17 of the High Speed Craft Code, 2000, as applicable, **[of the 1974 SOLAS Convention]** and appropriate to the classification of those goods intended for stowage in or on those spaces.”;

- (b) by the substitution for subregulation (2) of the following subregulation:

“(2)(a) Whenever dangerous goods are to be loaded at a port in the Republic, the shipowner or master must advise the **[proper officer]** Authority at the port of loading of the intention to load dangerous goods and must furnish copies of all dangerous goods declarations relating to the goods to be loaded and a copy of the proposed special list, manifest or stowage plan detailing the location in the **[ship]**vessel of any dangerous goods already on board, and to be loaded.

- (b) The Authority, after taking into account the type, quantity and proposed stowage of the dangerous goods, may[, **but in the case of explosives**

must,] cause **[the ship]**a vessel to be inspected by a surveyor—

(i) before loading to determine whether—

(aa) the **[ship]**vessel is equipped and in all other respects suitable to carry such goods;

(bb) the proposed stowage complies with these **[regulations]**Regulations; and

(ii) during loading and upon completion of loading to determine whether the goods are being and have been handled and stowed in accordance with these **[regulations]**Regulations and whether all reasonable and necessary precautions are being and have been taken to ensure the safety of the **[ship]**vessel, its crew and other personnel during the voyage, and, in both cases, the surveyor must, in the case of explosives, if [he or she is]satisfied with the arrangements, issue the master with a certificate of inspection.

(c) The Authority may, before stuffing cause a container to be inspected by a surveyor to determine whether the container is compliant with the IMDG Code and if satisfied, issue a container inspection report.

(d) The Authority may—

(i) before stuffing, cause documentation required in terms of the IMDG Code to be reviewed by a surveyor, to determine whether the segregation of the contents of a container are safe for stowage in the container in accordance with the IMDG Code, and if satisfied, issue a container inspection report; and

(ii) after stuffing, cause the contents of a container to be inspected by a surveyor, to determine whether the stowage, segregation, securing of the contents of a container are in in accordance with the requirements of subparagraph (i) and if satisfied, issue a container inspection report.”;
and

(c) by the substitution for subregulation (3) of the following subregulation:

“(3) If **[the shipowner or master]**a shipowner, master or representative of the shipowner or master fails to comply with this regulation **[he or she]**the shipowner, master or representative of the shipowner or master is guilty of an offence.”.

Insertion of regulations 4A, 4B and 4C of the Regulations

7. The following regulations are inserted in Part 1 of the Regulations after regulation 4:

“Survey and certification

4A. (1) If, after considering the report of a surveyor, the Authority is satisfied that the structure, equipment, fittings, arrangements and material of a South African vessel comply with the requirements of the IMDG Code, IMSBC Code or INF Code the Authority may issue a Certificate of Fitness, Document of Compliance or a Certificate of Compliance certifying compliance with the IMDG Code, IMSBC Code or INF Code.

(2) A vessel that has been certificated pursuant to subregulation (1) is subject to inspection in accordance with the applicable provisions of sections 190(2), 192, 193 and 194 of the Act for the purpose of ensuring that the structure, equipment, fittings, arrangements and material comply with the requirements of the codes in subregulation (1).

(3) A certificate or document issued under subregulation (1) ceases to be valid—

- (a) if any inspection of the vessel required by section 190(2) of the Act has not been carried out or has shown that the vessel does not comply with the requirements of the applicable code;
- (b) upon the expiry, in accordance with section 197 of the Act of a certificate of the vessel; or
- (c) upon the cancellation, under section 198 of the Act of a certificate of the vessel.

Cancellation of Certificate of Fitness, Document of Compliance or Certificate of Compliance

4B. (1) The Authority may, by written notice, cancel any Certificate of Fitness, Document of Compliance or Certificate of Compliance issued under these regulations where the Authority believes on that the certificate was issued on false or wrong information.

(2) The Authority may require that any Certificate of Fitness, Document of Compliance or Certificate of Compliance issued under these Regulations, that has expired or has been cancelled, be surrendered to the Authority as directed.

(3) It is prohibited for any person to—

- (a) intentionally alter a Certificate of Fitness, Document of Compliance or Certificate of Compliance;
- (b) in connection with any inspection pursuant to these regulations, knowingly or recklessly furnish information that is false or misleading;
- (c) with intent to deceive, use, lend or allow to be used by another, a Certificate of Fitness, Document of Compliance or Certificate of Compliance;
- (d) fail to surrender a Certificate of Fitness, Document of Compliance or Certificate of Compliance required to be surrendered under subregulation (2); or
- (e) forge any Certificate of Fitness, Document of Compliance or Certificate of Compliance.

Inspection and packing of containers

4C.(1) A surveyor may, prior to packing, inspect a container to ensure that the condition of the container, the packing and securing of the dangerous goods is in accordance with the IMDG Code.”.

Amendment of regulation 5 of the Regulations

8. Regulation 5 of the Regulations is hereby amended—

- (a) by the substitution for subregulation (1) of the following subregulation:

“Duty to report certain incidents involving [packaged] dangerous goods or marine pollutants

5.(1)(a) Where an incident occurs in relation to a **[ship]vessel** involving the loss or likely loss overboard of **[packaged] dangerous goods, marine pollutants or INF cargo** into the sea, the master of the **[ship]vessel** must, without delay, notify the appropriate authority giving such particulars in relation to the incident as that authority requires. **[If the appropriate authority is not so notified the master is guilty of an offence.]**

- (b) The appropriate authority is—

- (i) in relation to **[ships]vessels** of South African nationality, the nearest proper officer and, where a foreign country is the nearest coastal state to the place where the incident occurred, the government of that foreign country; and

- (ii) in relation to any other **[ship]**vessel, the nearest proper officer.
 - (c) If the appropriate authority is not so notified as required in this subregulation, the master is guilty of an offence.”;
- (b) by the insertion after subregulation (1) of the following subregulations:
 - “(1A) The reporting requirements of Chapter VII regulation 7-1 of the Safety Convention shall apply both to the loss or likely loss of INF cargo overboard and to any incident involving release or probable release of INF cargo, whatever the reason for such loss or release, including for the purpose of securing the safety of the vessel or saving life at sea.
 - (1B) If an incident occurs in relation to a vessel, the vessel’s master must, without delay, notify, in accordance with subregulation (1C)—
 - (a) where the Republic is the nearest coastal State to the place where the incident occurred, the Authority; or
 - (b) where another country is the nearest coastal State to that place, the government of that State.
 - (1C) (a) Notification of an incident pursuant to subregulation (1B) must be given using the fastest available means of communication.
 - (b) Notification to the Authority may be given by communicating the incident to the principal officer or duty surveyor at any of the Authority’s marine survey offices in the Republic.
 - (c) The notification in this regulation must contain the following information:
 - (i) the vessel’s name and call sign, if any, and its flag of registry;
 - (ii) the day and time of the incident;
 - (iii) the vessel’s position when the incident happened and at the time of reporting;
 - (iv) the vessel’s course and speed;
 - (v) whether the vessel has been damaged and, if so, the extent of the damage;
 - (vi) the type and extent of the release;
 - (vii) prevailing weather conditions; and
 - (viii) the vessel’s size and type.

(1D) A person who, pursuant to subregulation (1B), has notified the Authority or a government of an incident must, if so requested by the Authority or that government, as the case may be, give a report to the Authority or that government, as the case requires, about the incident, the report must be given in the form approved by the Authority and within 24 hours of being requested.

(1E) It is prohibited for any person to, in a notice given to the Authority or a government pursuant to subregulation (1B), or in a report given to the Authority or a government pursuant to subregulation (1D), knowingly or recklessly make a statement that is false or misleading in a material particular.”;

(c) by the substitution for subregulation (2) of the following subregulation:

“(2) It is a good defence to a charge under subregulation (1) for a person to show that **[he or she]**the person was unable to comply with the subregulation in relation to the incident concerned.”;

(d) by the substitution for subregulation (3) of the following subregulation:

“(3) Where—

- (a) the master is unable to comply with subregulation (1) in relation to an incident;
or
- (b) an incident occurs in circumstances in which the **[ship]**vessel is abandoned,

the **[owner, charterer, manager or operator of the ship]**company or an agent of the **[owner, charterer, manager, or operator of the ship]**company must comply with subregulation (1) in relation to the incident. **[If this subregulation is not so complied with each of those persons is guilty of an offence.]**

(c) If this subregulation is not so complied with, each of those persons required by this regulation to so comply is guilty of an offence.”;

(e) by the substitution for subregulation (4) of the following subregulation:

- “(4) It is a good defence to a charge under subregulation (3) for a person to show—
- (a) that **[he or she]**the person was not aware of the incident concerned; or
 - (b) in the case of an incident to which subregulation (3)(a) applies, that **[he or she]**the person neither knew nor suspected that the master was unable to comply with subregulation (1) in relation to the incident.”; and

(f) by the substitution for subregulation (5) of the following subregulation:

“(5) If in pursuance of this regulation a person furnishes information that **[he or she]**the person knows or ought to know to be false or misleading **[in a material particular he or she]**the person is guilty of an offence.”.

Substitution for regulation 6 of the Regulations

9. The following regulation is hereby substituted for regulation 6 of the Regulations —

“General duties of shipowner, master or employer [and master]”;

“6.(1) [Every]A shipowner **[and], master or** employer of persons aboard a **[ship and every master of a ship] vessel** must ensure, as far as is reasonably practicable, that **[when]** dangerous goods or marine pollutants are **[being]** handled, stowed or carried in the **[ship nothing]vessel** in **[the]a** manner in which **[those]the handling, stowage and carriage of the goods [are handled, stowed or carried is such as might] or marine pollutants shall not** pose a risk to the health or safety of any person or the environment.”;

“(2) [Without limiting the generality of the]The shipowner’s, **[or]** employer’s or master’s duty under subregulation (1)include—

[(a) the matters to which the duty of the shipowner [and], master or the employer extends include, in particular—]

[(i)](a) the provision and maintenance of the **[ship’s]vessel’s** structure, fittings and equipment for handling, stowage and carriage of dangerous goods or marine pollutants that is, as far as is reasonably practicable, safe and without risk to health and safety of persons and the environment; and

[(ii)](b) the provision of such information, instruction, training and

supervision as is necessary to ensure, as far as is reasonably practicable, the health and safety aboard **[ship]vessel** of all employees in connection with the handling, stowage and carriage of dangerous goods **[in the ship; and**

- (b) the duty of a master of a foreign [ship]vessel includes the matters specified in paragraph (a)(i) and (ii)] or marine pollutants on board the vessel.”;**

“(3) If a shipowner **[or]**, employer or master fails to comply with this regulation **[he or she]the shipowner, employer or master** is guilty of an offence.”; and

“(4) It is a good defence to a charge under this regulation in relation to the handling of dangerous goods for a person to show that such handling was carried out in accordance with **[the latest edition of the South African Ports Cargo Handling Code of Practice referred to in Government Notice No. 753 of 26 May 1995] the appropriate provisions of a mandatory IMO adopted Code or legislation of the Republic.”.**

Substitution for regulation 7 of the Regulations

10. The following regulation is hereby substituted for regulation 7 of the Regulations —

“General duties of employee aboard [ship]vessel”;

“7.(1) [Every]An employee aboard [ship must]a vessel shall —

- (a) take reasonable care regarding [the]the employee’s own health and safety [of himself or herself] and of any other [persons]person who may be affected by [his or her]the employee’s acts or omissions in connection with the handling, stowage and carriage of dangerous goods in the [ship]vessel; and**
- (b) [as regards any duty or requirement imposed on his or her shipowner or employer by the Act with regard to the health and safety of persons aboard a ship to which these regulations apply, co-operate with the shipowner or employer as far as is necessary to enable that duty or requirement to be performed or complied with in connection with the handling, stowage and carriage of dangerous goods in the ship]as**

regards to any duty or requirement imposed on the employee's employer or any other person by the Act or regulations with regard to the health and safety of persons aboard a ship or the environment, to which these regulations apply, co-operate with such employer or person to enable that duty or requirement to be performed or complied with."; and

"(2) If an employee aboard a **[ship] vessel** carrying dangerous goods fails to comply with this regulation **[he or she]**the employee is guilty of an offence."

Substitution for regulation 8 of the Regulations

11. The following regulation is hereby substituted for regulation 8 of the Regulations —

"Conduct endangering the **[ship]vessel or persons aboard **[ship]vessel**";**

"8.(1) [No person may,]It is prohibited for any person to, in connection with the handling, stowage and carriage of dangerous goods in a **[ship]vessel**, knowingly or recklessly interfere with or misuse anything provided on or disobey instructions displayed on a **[ship of South African nationality]**vessel in the interests of health or safety of persons or the environment in pursuance of the Act."; and

"(2) If a person in a **[ship] vessel** carrying dangerous goods fails to comply with this regulation **[he or she]**the person is guilty of an offence."

Insertion of regulation 8A of the Regulations

12. The following regulation is inserted in Part 1 of the Regulations after regulation 8:

"Training

8A. (1) A consignee, consignor, employer of shore-based personnel and their representative handling dangerous goods shall designate a person who is properly trained, commensurate to the person's responsibilities relating to the transportation of dangerous goods or marine pollutants in accordance with the applicable code.

(2) A consignee, consignor, employer of shore-based personnel and their representative handling dangerous goods shall ensure that all shore-based personnel engaged in the handling and transportation of dangerous goods or marine pollutants intended to be transported by sea shall be trained in the contents of provisions relating to dangerous goods or marine pollutants, commensurate with their responsibilities.

(3) The shore-based personnel referred to in this regulation shall be trained in accordance with the provisions of Chapter 1.3 of the IMDG Code before assuming responsibilities.

(4) The training requirements in this regulation specific to security of dangerous goods in Chapter 1.4 of the IMDG Code shall, in addition, be provided to shore-based personnel.

(5) The training required in this regulation shall be supplemented with refresher training every four years to take account of changes in regulations and practice.”

Amendment of regulation 9 of the Regulations

13. Regulation 9 of the Regulations is hereby amended—

(a) by the substitution for the heading of regulation 9 of the following heading:

“PART 2 CARRIAGE OF PACKAGED DANGEROUS GOODS

Documentation required aboard a vessel”;

(b) by the substitution for subregulation (1) of the following subregulation:

“9.(1) [No packaged]Packaged dangerous goods or marine pollutants may not be offered for carriage or taken on board a [ship]vessel unless [a]the dangerous goods [declaration has been furnished to the shipowner or master], the vessel and the carriage of the dangerous goods or marine pollutants on the vessel complies with the requirements of Chapter VII regulation 4 of the Safety Convention.”;

- (c) by the insertion after subregulation (1) of the following subregulation:

“(1A) If a shipowner, master, consignor, consignee or the representative of the shipowner, master, consignor, consignee fails to comply with subregulation (1), the shipowner, master or consignor, consignee or their representative is guilty of an offence.”;

- (d) by the deletion of subregulations (2), (3), (4), (5) and (6);

- (e) by the substitution for subregulation (7) of the following subregulation:

“(7) If a shipper or a forwarder fails to furnish a declaration required by this regulation, or furnishes a declaration that **[he or she]**the shipper or a forwarder knows or ought to know to be false or misleading **[in a material particular, he or she]**the shipper or a forwarder is guilty of an offence.”; and

- (f) by the substitution for subregulation (8) of the following subregulation:

(8) If a shipowner or master accepts for carriage, **[or]** takes or receives on board any packaged dangerous goods or marine pollutants for which a declaration required by this regulation has not been furnished, **[he or she]**the shipowner or master is guilty of an offence.”.

Repeal of regulations 10 and 11 of the Regulations

14. Regulations 10 and 11 of the Regulations are hereby repealed.

Substitution of regulation 12 of the Regulations

15. The following regulation is hereby substituted for regulation 12 of the Regulations —

“Packaging of goods, stowage, loading and carriage of a container”;

“12. (1)(a) The packaging **[of], marking and labelling, stowage, handling of dangerous**

goods or marine pollutants and the carriage of a cargo transport unit carrying dangerous goods or marine pollutants must comply with the IMDG Code and the Merchant Shipping (Safe Containers Convention) Act, 2011 (Act No. 10 of 2011).

(b) **[Such]** The packaging in paragraph (a) must, if required by the IMDG Code, be performance tested, as specified in the Code, certified and marked in accordance with Part 6 of the IMDG Code by an approved testing authority.”;

“(2) Packaged dangerous goods or marine pollutants may not be taken on board a **[ship]** vessel for carriage in that **[ship]** vessel if the shipowner or master knows or ought to know that the goods or marine pollutants are not packaged in such a manner as to withstand the ordinary risk of carriage by sea.”; and

“(3) **[If the shipowner or master or the shipper of such goods fails to comply with this regulation he or she is guilty of an offence]** If a shipowner, master, consignor, consignee or the representative of the shipowner, master, consignor, consignee fails to comply with subregulation (1), the shipowner, master or consignor, consignee or their representative is guilty of an offence.”.

Repeal of regulations 13, 14, 15 and 16 of the Regulations

16. Regulations 13, 14, 15 and 16 of the Regulations are hereby repealed.

Substitution of regulation 17 of the Regulations

17. The following regulation is hereby substituted for regulation 17 of the Regulations —

“PART 3

CARRIAGE OF DANGEROUS GOODS OR MARINE POLLUTANTS IN BULK

Carriage in bulk

17. (1) Dangerous goods or marine pollutants may not be handled or carried in bulk in any **[ship]** vessel if the **[shipowner]** shipowner, master, consignor, consignee or the representative of the shipowner, master, consignor, consignee has reason to believe that such goods or marine pollutants may not be so handled or carried in bulk safely in that **[ship]** vessel.”;

“(2) **[Without limiting the generality]** Subject to the provisions of subregulation (1)—

- (a) where the dangerous goods or marine pollutants in question are **[goods]** listed in—
 - (i) Chapter VI of the BCH Code[, or in];
 - (ii) Chapter 17 of the IBC Code[, or in];
 - (iii) Chapter XIX of the **[Gas Carrier Code for Existing Ships, or in]EGC Code**;
 - (iv) Chapter XIX of the Gas Carrier Code[, or in];
 - (v) Chapter 19 of the IGC Code[, or are classified]; or
 - (vi) the classification of dangerous goods listed in **[Appendix B]** Appendix 1 of the **[Bulk Cargoes Code they,]IMSBC Code**, **[must be handled and carried]** the documentation relating to, the handling and the carriage of the dangerous goods or marine pollutants shall be in accordance with the requirements of whichever of the codes is appropriate; or
- (b) where the dangerous goods or marine pollutants in question consist of a solid, a liquid chemical or a liquefied gas that is not listed in the codes specified in paragraph (a), **[they]** the dangerous goods or marine pollutants must be handled and carried in accordance with an approval given by the Authority.
- (c) **[Any such]** The approval in paragraph (b) must be given in writing and must specify the effective date **[on which it takes effect]** and the **[conditions (if any)]** conditions, if any, on which [it]the approval is given.”; and

“(3) If **[there is any breach of]** a shipowner, master, consignor, consignee or the representative of the shipowner, master, consignor, consignee required to comply with this regulation fails to comply with this regulation the **[shipowner and the master are]** shipowner, master, consignor, consignee or the representative of the shipowner, master, consignor, consignee is guilty of an offence.”.

Repeal of regulations 18 and 19 of the Regulations

18. Regulations 18 and 19 of the Regulations are hereby repealed.

Insertion of Part 3A of the Regulations

19. The following Part is inserted after Part 3 of the Regulations:

"PART 3A

CARRIAGE OF PACKAGED IRRADIATED NUCLEAR FUEL, PLUTONIUM AND HIGH-LEVEL RADIOACTIVE WASTES ON BOARD

Application

19A. (1) This Part applies to every vessel carrying INF cargo, and so applies to—

- (a) a South African vessel wherever the vessel may be; and
- (b) any other vessel when in the Republic or its territorial waters.

Compliance with INF Code

19B. (1) Every vessel must comply with the requirements of the INF Code as it applies to that vessel and shall be surveyed and issued with a Certificate of Fitness in accordance with those requirements.

(2) INF cargo required to be carried on Class INF 3 vessels, shall not be allowed on passenger vessels.

Duty to hold Certificate of Fitness

19C. (1) An operator or master shall not accept INF cargo for carriage in a vessel unless there is on board in respect of that vessel a valid Certificate of Fitness covering the INF cargo to be carried.

(2) For the purposes of this Part, a Certificate of Fitness is not valid if—

- (a) in the case of a South African vessel, the certificate has ceased to be valid in terms of regulation 4A(3) or has been cancelled under regulation 4B(1); or
- (b) in the case of any other vessel the certificate -
 - (i) has ceased to be valid in terms of paragraph 1.3.4 of the INF Code; or
 - (ii) has been cancelled under the authority of the government of the State whose flag the vessel is entitled to fly.”.

Substitution of regulation 20 of the Regulations

20. The following regulation is hereby substituted for regulation 20 of the Regulations:

“PART 4

ENFORCEMENT, REPEAL OF REGULATIONS, AND SHORT TITLE AND COMMENCEMENT

Power to detain

20. A ~~[ship]~~vessel that fails to comply with these ~~[regulations]~~Regulations, including any condition imposed thereunder, may be detained in pursuance of section 243 of the Act.”.

Substitution of regulation 21 of the Regulations

21. The following regulation is hereby substituted for regulation 21 of the Regulations—

“Penalties and defences

21. (1) A person guilty of an offence under these ~~[regulations]~~Regulations is punishable on conviction by a fine or by imprisonment for a period not exceeding 12 months.”;

“(2) It is a good defence to a charge under Part 2 or 3 of these Regulations for a person to show—

- (a) that ~~[he or she]~~the person took all reasonable steps to ensure compliance with the regulations;
- (b) that ~~[he or she]~~the person did not know nor ought to have known nor had reasonable grounds for suspecting the goods to be dangerous goods;
- (c) that the goods were handled and carried in accordance with the provisions of the **[IMDG Code, where]** applicable code;
- [(d) if the person charged is the shipowner or master, in the case of goods packed in a freight container or vehicle, that before the freight container or vehicle was taken on board the ~~[ship]~~vessel the person responsible for packing the goods into the freight container or vehicle had furnished the shipowner or master of the ~~[ship]~~vessel with a signed packing certificate certifying that the goods had been properly packed in the freight container or vehicle;**
- (e) that the goods, being solid dangerous goods in bulk, were handled and

carried in accordance with the IMSBC;

- (f) that the goods, being liquid chemical or gaseous dangerous goods in bulk, were handled and carried in accordance with the relevant requirements of the BCH Code, the IBC Code, the Gas Carrier Code, the [Gas Carrier Code for Existing Ships]EGC and the IGC Code;] or
- (g) that the goods were handled and carried in accordance with the conditions imposed under regulation 3 or 17(2)(b).”; and

“(3) In proceedings for an offence against regulation 19B or 19C(1) it is a defence to prove that the accused took reasonable precautions and exercised due diligence to avoid the commission of the offence.

(4) In proceedings for an offence against regulation 5(1B) or 5(1E) in relation to an incident it is a defence to prove that the accused was unable to comply with regulation 5(1B) in relation to the incident.

(5) In proceedings for an offence against regulation 5(1C) in relation to an incident it is a defence to prove—

- (a) that the accused was not aware of the incident;
- (b) in the case of an incident to which regulation 5(1C)(a) applies, that the accused neither knew nor suspected that the vessel’s master had not complied with regulation 5(1B) in relation to the incident; or
- (c) that the accused was otherwise unable to comply with the regulation 5(1B) in relation to the incident.”.

(6) Any contravention of regulation 19B or 19C(1) is an offence on the part of the vessel's master and each person who is an operator of the vessel, and is punishable on conviction by a fine or by imprisonment for a period not exceeding 12 months.

(7) Any contravention of regulation 4B(3) is an offence punishable on conviction by a fine or by imprisonment for a period not exceeding 12 months.

(8) Any contravention of regulation 5(1B) by a vessel's master is an offence punishable on conviction by a fine or by imprisonment for a period not exceeding 12 months.

(9) Any contravention of regulation 5(1C) is an offence on the part of each person who is an operator, or an agent of an operator, of the vessel, and is punishable on conviction by a fine or by imprisonment for a period not exceeding 12 months.

(10) Any contravention of regulation 5(1E) or 5(1F) is an offence punishable on conviction by a fine or by imprisonment for a period not exceeding 12 months.”.

Substitution of regulation 22 of the Regulations

22. The following regulation is hereby substituted for regulation 22 of the Regulations:

“Offences due to fault of another person

22. Where the commission by any person of an offence under **[Part 1, 2 or 3]** Part 1, 2, 3 or 3A is due to an act or omission of some other person, that other person is also guilty of the offence and may be charged with and convicted of the offence in terms of this regulation, whether or not the first-mentioned person is prosecuted.”.

Substitution of regulation 23 of the Regulations

23. The following regulation is hereby substituted for regulation 23 of the Regulations —

“Repeal of regulations

23. (1) Regulations 25 to 37 and Annex 2 of the Safety of Navigation Regulations, 1968, published by Government Notice No. R. 651 of 19 April 1968, as amended by Government Notice No. R. 2483 of 15 December 1978, are repealed.”; and

“(2) The Merchant Shipping (INF Code) Regulations, 2003, published by Government Notice No. R. 719 in Government Gazette No. 24922 (RG7675) of 6 June 2003 in terms of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), are repealed.”.

Short title and commencement

24. These Regulations are called the Draft Merchant Shipping (Dangerous Goods) Amendment Regulations, 2023, and are published for public comments.

BOARD NOTICES • RAADSKENNISGEWINGS

BOARD NOTICE 477 OF 2023**THE SOUTH AFRICAN PHARMACY COUNCIL
GUIDELINES FOR WORK-BASED LEARNING (WBL)**

The South African Pharmacy Council intends to publish, in terms of Section 3(e)(i), Sections 33 and 34 of the Pharmacy Act, 53 of 1974, read together with the *Regulations relating to pharmacy education and training*, the **SOUTH AFRICAN PHARMACY COUNCIL GUIDELINES FOR WORK-BASED LEARNING (WBL)**.

Interested parties are invited to submit, within **60 days** of publication of this notice, substantiated comments on or representation regarding the proposed Guidelines. Comments must be addressed to The Registrar, South African Pharmacy Council, Private Bag X40040, Arcadia or email BN@sapc.za.org

SCHEDULE

SOUTH AFRICAN PHARMACY COUNCIL GUIDELINES FOR WORK-BASED LEARNING (WBL)



**VM TLALA
REGISTRAR**

Address: 591 Belvedere Street, Arcadia, Pretoria, 0083,
Private Bag X40040, Arcadia, 0007. Telephone: 0861 7272 00

To obtain the full content of this Board Notice please visit the 'Proposed Legislation' section on the South African Pharmacy Council's website:
https://www.sapc.za.org/Legislation_Proposed

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065