

NON-GOVERNMENTAL ORGANIZATION

NOTICE 228 OF 2020



MPUMALANGA
ECONOMIC REGULATOR

ACCESS TO INFORMATION MANUAL

MPUMALANGA ECONOMIC REGULATOR MANUAL IN TERMS OF SECTION 14 OF THE PROMOTION OF ACCESS TO INFORMATION ACT NO 2 OF 2000, AS AMENDED

TABLE OF CONTENTS:

TABLE OF CONTENTS:	2
1. FOREWORD	3
2. INTRODUCTION	3
3. THE FUNCTIONS AND THE STRUCTURE OF THE MER	3
{SECTION 5(1)(A-J)}	3
3.1 THE STRUCTURE OF THE BOARD	3
3.2 ROLE, FUNCTIONS AND OBJECTIVES	4
3.2.1 THE MER BOARD	4
3.2.2 CORPORATE SERVICES COMMITTEE	5
3.2.3 AUDIT AND RISK COMMITTEE	6
3.2.4 COMPLIANCE COMMITTEE	6
4. MER DEPARTMENTS AND FUNCTIONS	6
4.1 OFFICE OF THE CHIEF EXECUTIVE OFFICER	7
4.2 LICENSING DEPARTMENT	7
4.3 COMPLIANCE DEPARTMENT	7
4.4 AUDIT DEPARTMENT	7
4.5 LEGAL SERVICES DEPARTMENT	7
4.6 CORPORATE SERVICES DEPARTMENT	7
4.7 COMMUNICATIONS DEPARTMENT	8
4.8 TRANSFORMATION AND SUSTAINABILITY DEPARTMENT	8
5. SCHEMATIC DIAGRAM OF THE STRUCTURE OF THE MPUMALANGA ECONOMIC REGULATOR	9
6. CONTACT DETAILS {SECTION 14(1) (B)}	10
7. THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION GUIDE {SECTION 14(1) (C)}	10
8. ACCESS TO THE RECORDS HELD BY THE MER (INCLUDING CONFIDENTIAL RECORDS) {SECTION 14(1) (D) & (E)}	11
8.1 RECORDS THAT MAY BE REQUESTED	11
8.2 AUTOMATIC DISCLOSURES	12
8.2.1 For Inspection {Section 15(1) (a) (i)}	12
8.2.2 For purchase or copying {Section 15(1) (a) (ii)}	12
8.2.3 Free of Charge {Section 15(1) (a) (iii)}	12
8.2.4 Payment Method	13
9. PROCEDURE FOR REQUESTING A RECORD	13
10. SERVICES AVAILABLE {SECTION 14(1) (F)}	14
11. ARRANGEMENTS ALLOWING FOR PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY, EXERCISE OF POWERS OR PERFORMANCE OF DUTIES {SECTION 14(1) (G)}	15
12. THE REMEDIES AVAILABLE IN THE EVENT OF NON-COMPLIANCE WITH THE PAIA {SECTION 14(1) (H)}	16



1. FOREWORD

The sole purpose of the Promotion of Access to Information Act (“PAIA”), 2000 (Act 2 of 2000), as amended, is to give “*effect to the public’s right of access to information from public and private bodies, as contemplated in s 32 of the Constitution*”.

The Mpumalanga Economic Regulator (“the MER”), as a provincial public entity in terms of Schedule 3, Part C of the Public Finance Management Act, 1999 (Act No. 1 of 1999), as amended (“PFMA”), and in terms of the above Act, has an obligation to draft this manual which will be a public document in terms of which the public can access our records.

2. INTRODUCTION

The MER is a juristic person serving as a provincial public entity, established in terms of section 2 of the Mpumalanga Economic Regulator Act, 2017 (Act No. 2 of 2017) (“the Act”).

The vision of the MER is “to be at the forefront of effective regulation of the gambling and liquor industries” and its mission is “to ensure the integrity of the gambling and liquor industries through efficient regulation within the Mpumalanga Province of South Africa.”

The MER was established to provide for the regulation of gambling and liquor industries in the Province and to provide for any other matters connected therewith.

The gambling regulatory functions of the MER are underpinned by the following three cardinal principles, namely, it is declared policy of the MER:

- ▲ That all establishments where liquor is sold, and where gambling games are conducted or operated are licensed and controlled, so as to improve public engagement in liquor, gambling, safety, morals and good order to preserve the policies of the Government of Mpumalanga;
- ▲ To render effective regulatory control which displays a high standard of professionalism and operates in clear recognition of the dictates of fairness, honesty and integrity in the best interest of the public, licensees and the Provincial Government; and
- ▲ To protect the public against any unfair, unjust, dishonest and/or unscrupulous practices in the gambling and liquor industries, therefore ensuring a sound, sustainable and equitable regulatory regime and processes that enhance responsibility in gambling, liquor trade and consumption, as well as public confidence in licensed gambling and liquor establishments within the Mpumalanga Province.

3. THE FUNCTIONS AND THE STRUCTURE OF THE MER

{Section 5(1)(a)-(j)}

3.1 THE STRUCTURE OF THE BOARD

Members of the Board are appointed in terms of section 5 to 10 of the Act, by the Responsible Member in consultation with the Executive Council of the Mpumalanga Province for periods not exceeding five (5) years and are eligible for reappointment as members of the Board at the expiry of their term of office for another term of five years. The composition of the Board in terms of the Act, shall not be less than nine (9) and not more than eleven (11) Board Members, all of whom shall be non-executive members and the Chief Executive Officer, as an *ex officio* Member.

The members of the Board are made up as follows:

- (a) a chairperson, designated by the responsible Member from amongst the members of the Board referred to in paragraphs (c), (d), (e), (f), and (j), who shall be a person with applicable knowledge or experience with regard to matters connected with the functions of the Board;
- (b) a deputy Chairperson, designated by the responsible Member from amongst the Members of the Board referred to in paragraphs (c), (d), (e), (f) and (j);
- (c) one member who is qualified to be admitted to practice as a legal practitioner in the Republic and has, for a cumulative period of at least five years after having so qualified, practised as a legal practitioner or performed services related to the application or administration of the law;
- (d) one member who is qualified as an accountant in the Republic and has, for a cumulative period of at least five years after having so qualified, practised as an accountant and who shall be registered as a member of a relevant professional body;
- (e) one member who shall have proven business acumen in, and knowledge of the gambling industry;
- (f) one member who shall have proven business acumen in, and knowledge of the liquor industry;
- (g) a person representing the Department entrusted with the responsibility for gambling and liquor regulation in the Province, designated by the responsible Member;
- (h) a person representing the Department responsible for financial affairs in the Province, designated by the responsible Member in consultation with the Member of the Executive Council responsible for financial affairs in the Province;
- (i) a person representing the Department responsible for community safety, security and liaison in the Province, designated by the responsible Member in consultation with the Member of the Executive Council responsible for community safety, security and liaison in the Province; and
- (j) with due regard to regional interests in the Province, not more than three members who shall have proven business acumen or applicable knowledge or experience in the field of local government, community and socio-economic development and who are fit and proper to represent the community in general.
- (k) The Chief Executive Officer of the Board shall be an *ex officio* member of the Board, but he or she shall have no voting rights at meetings of the Board.

3.2 ROLE, FUNCTIONS AND OBJECTIVES

3.2.1 THE MER BOARD

In accordance with the aforementioned parameters of corporate governance, the specific responsibilities discharged by the Board collectively, as well as the certain roles and responsibilities incumbent upon the Members, as individuals, include the following:

- ▲ Retaining full and effective control over the MER, and monitoring Management's implementation of the strategic plans and financial objectives, as approved by the Board;

- ▲ Defining levels of materiality, reserving specific powers to itself and delegating other matters, with the necessary written authority, to Management;
- ▲ Continually monitoring the exercise of delegated powers by Management;
- ▲ Ensuring that a comprehensive system of policies and procedures are in place and appropriate governance structures exist to ensure the smooth, efficient and prudent stewardship of the MER;
- ▲ Ensuring compliance by the MER with all relevant laws and regulations, audit and accounting principles, the MER Codes of Ethics and Conduct, the King IV report, and such other principles as may be established by the Board from time to time;
- ▲ Regularly reviewing and evaluating the risks to the business of the MER and ensuring the existence of comprehensive, appropriate internal controls to mitigate such risks;
- ▲ Exercising objective judgment on the affairs of the MER, independent from Management, but with sufficient management information to enable a proper and informed assessment;
- ▲ Identifying and monitoring non-financial aspects relevant to the business of the MER, and ensuring that the MER acts responsibly towards all relevant stakeholders having a legitimate interest in its affairs in order to ensure that the MER is seen to be a responsible corporate citizen; and
- ▲ Ensuring that regular independent assessments are conducted to assess the adequacy and effectiveness of the Regulator's ethics management process and structures.

The Board shall have the power to delegate to the Chief Executive Officer ("the CEO"), Committees of the Board or any other staff member of the Board, any of its powers and discretions, and to grant to such person or committee general or specific powers of sub-delegation.

The day-to-day management of the MER vests in the hands of the CEO and the executive management team, appointed by the Board. The Committees of the Board, appointed by the Board in terms of section 17 of the Act, include:

3.2.2 CORPORATE SERVICES COMMITTEE

Corporate Services Committee which also fulfils the functions of the Remuneration Committee and Social Committee:

The Corporate Services Committee provides the MER with the assurance regarding the quality and reliability of the management information of the MER. The responsibilities of the Corporate Services Committee include:

- Considering the proposals received relating to the annual budget and submitting, recommendations to the Board for consideration and approval;
- Further to the Board's approval of the final budget, reviewing performance against budget;
- Monitoring that complete and accurate levies are collected from operational gambling licensees;
- Fulfilling the function of a Remuneration Committee that meets at least once a year and is charged with the responsibility of assessing the remuneration strategy for the MER;
- Providing the Board with the assurance that management and employees are fairly rewarded for their individual contributions to the MER's performance;
- Approving procurement in excess of R500,000.00 up to R1,000,000.00;
- Approving amendments to the MER's internal control policies and procedures; and
- Monitoring MER's social responsibility performance, as well as MER's compliance with the Broad-Based Black Economic Empowerment Act, 2004 and Codes of Good Practice.



3.2.3 AUDIT AND RISK COMMITTEE

Audit and Risk Committee which also fulfils the functions of the Ethics Committee:

In terms of sections 51(1)(a)(ii), 76(4)(d) and 77 of the PFMA and regulation 27(1) of the Treasury Regulations, accounting authorities have to comply with the compulsory establishment of an Audit and Risk Committee and an effective internal audit function in the public entity. In terms of these provisions, the Audit and Risk Committee assists the Board in fulfilling its oversight responsibilities and reviews and monitors the scope and effectiveness of the internal and external audit function. The responsibilities of the Audit and Risk Committee include:

- Determining the adequacy and effectiveness of the internal control systems;
- Evaluating the effectiveness of risk management;
- Performing the functions required of it by law;
- Reviewing the significant accounting and reporting issues, including professional and regulatory pronouncements, and their impact on the financial statements with a view to ensure consistency with the appropriate accounting principles;
- Reviewing the effectiveness of the internal controls that is performed by external practitioners, whose major responsibilities include the examination and evaluation of the effectiveness of and performance operational activities and systems, together with the attendant business risks and financial control;
- Reviewing the scope, performance, significant findings and recommendations made by the internal and external auditors; and
- Reviewing any statement on ethical standards or requirements and the procedure to review compliance with the Code of Ethics.

3.2.4 COMPLIANCE COMMITTEE

The Compliance Committee provides assurance to the Board that proper investigation processes are being followed, that licensing of applicants and regulatory compliance by licensees take place in accordance with the requirements of the Mpumalanga Gambling Act, Regulations and Rules; and the Mpumalanga Liquor Licensing Act and Regulations; and that complete and accurate levies are collected from operational gambling licensees in terms of the Mpumalanga Gambling Levies Act and Regulations. The responsibilities assigned to the Compliance Committee include:

- Considering and making recommendations to the Board on licensing, regulatory compliance and audit matters;
- Conducting hearings, enquiries and evaluations, on any matter presented before it;
- Reviewing findings relating to, amongst others, investigations, inspections and audits;
- Imposing administrative penalties on holders of gambling and liquor licences on matters presented before it;
- Satisfy the Board that sufficient processes are implemented to address illegal gambling and liquor activities; and
- Review the analysis and status of the gambling and liquor industries in the Province and make recommendations to the Board.

4. MER DEPARTMENTS AND FUNCTIONS

The implementation of the operational policies is discharged through dedicated staff, which is organised as follows:



4.1 OFFICE OF THE CHIEF EXECUTIVE OFFICER

The function of the office of the Chief Executive office is:

- ▲ To provide strategic leadership and centralised administration as well as executive support to the organisation whilst ensuring that the entity's mandate is executed, achieved and reported correctly.

4.2 LICENSING DEPARTMENT

The function of the Licensing Department is:

- ▲ To investigate the suitability of applicants for licensing (including shareholders, premises and employees) and holders of licences (including licence amendments and renewals) as per the requirements of Gambling and Liquor Legislation.

4.3 COMPLIANCE DEPARTMENT

The function of the Compliance Department is:

- ▲ To ensure regulatory compliance of all gambling and liquor operations and gambling equipment whilst combating all forms of prohibited gambling, illegal liquor trade and supply within the entity's control.

4.4 AUDIT DEPARTMENT

The function of the Audit Department is:

- ▲ To provide assurance that gambling levies are complete, accurately calculated and paid timeously, as prescribed.

4.5 LEGAL SERVICES DEPARTMENT

The function of the Legal Services Department is:

- ▲ To ensure effective and efficient gambling and liquor legislation and further ensure that the entity complies with corporate governance practices.

4.6 CORPORATE SERVICES DEPARTMENT

The function of the Corporate Services Department is:

- ▲ To ensure efficient and effective human resources and financial management.



4.7 COMMUNICATIONS DEPARTMENT

The function of the Communications Department is:

- ▲ To ensure public awareness of gambling and liquor regulation and ensure the effective management of information and communication technology.

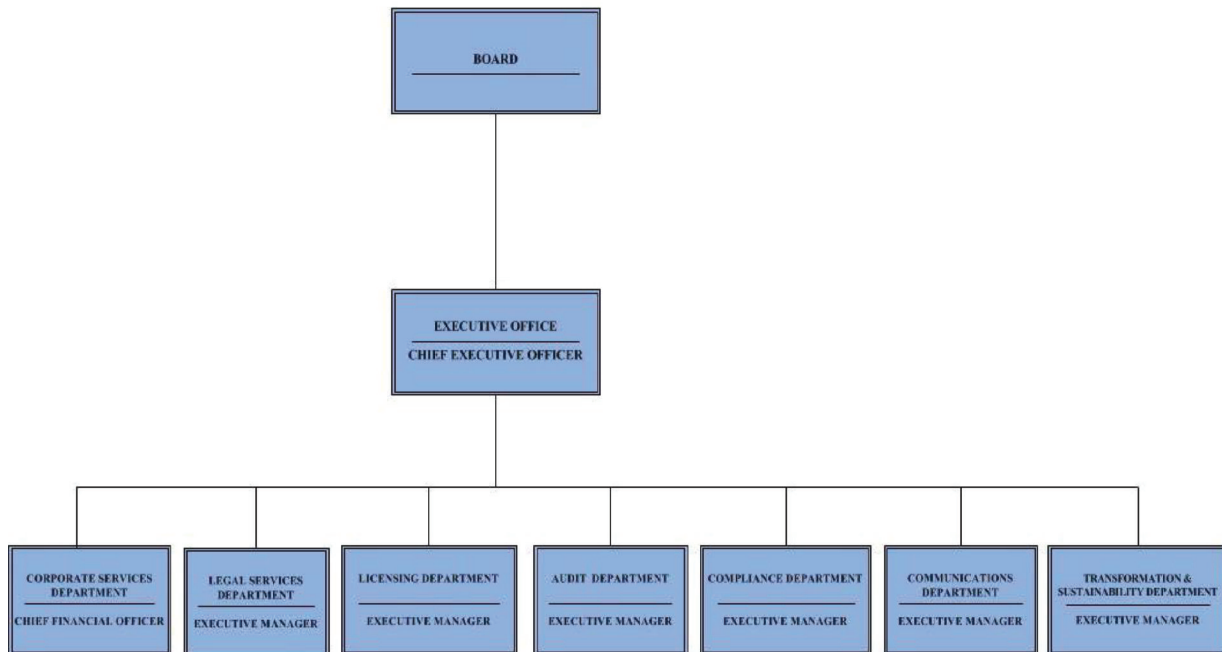
4.8 TRANSFORMATION AND SUSTAINABILITY DEPARTMENT

The function of the Transformation and Sustainability Department is:

- ▲ To monitor transformation and sustainability of the gambling and liquor industries; and ensure research is conducted to inform policy and decision-making.



5. SCHEMATIC DIAGRAM OF THE STRUCTURE OF THE MPUMALANGA ECONOMIC REGULATOR



6. CONTACT DETAILS {Section 14(1) (b)}

Chief Executive Officer (Information Officer)
Mr. Bheki Mlambo ceo@mer.org.za

Executive Manager: Communications
Mr. Cedrick Chiloane info@mer.org.za

GENERAL INFORMATION**Office Address:**

First Avenue, White River, Mpumalanga Province, South Africa.

Postal Address:

Private Bag X9908, White River, 1240, Mpumalanga Province, South Africa.

Telephone:

+27 (0) 13 750 8000

Facsimile:

+27 (0) 13 750 8099

Business Hours:

08h00 to 16h30 Monday to Friday

Website: <http://www.mer.org.za>

**7. THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION GUIDE
{Section 14(1) (c)}**

In terms of section 10 of the Promotion of Access to Information Act “*The Human Rights Commission must, within 18 months after the commencement of this section, compile in each official language a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in this Act.*”

This revised Manual will be made available in terms of Chapter 2, Section (4)(1) of the Act, as amended on 15 February 2002, by 31 March each year and queries are to be directed to:

The South African Human Rights Commission: PAIA Unit: Deputy Information Officer.

Postal address: Private Bag X2700, Houghton, 2041
Telephone: +27 (0) 11 877 3608
E-mail: mnyuswa@sahrc.org.za
For attention: Dr Shanelle van der Berg
Website: www.sahrc.org.za



8. ACCESS TO THE RECORDS HELD BY THE MER (INCLUDING CONFIDENTIAL RECORDS) {Section 14(1) (d) & (e)}

8.1 Records that may be requested

Function/Program	Record	Record category	Format in which record is available	Location	Accessibility	Status
Licensing	Public inspection copies of applications for licences, objections and responses thereto.	9	Electronic and/or hard copies.	Registry and Archives.	On request, as per sections 26 and 26A of the Mpumalanga Gambling Act.	Current.
Legal Services	Minutes, recordings and Resolutions of the Board, relating to public hearings.	3	Electronic and/or hard copies.	Registry and Archives.	On request, as per section 26B of the Mpumalanga Gambling Act.	Current.
Communications & Office of the CEO	Statutory Reports.	3	Electronic and/or hard copies.	Registry and Archives.	On request.	Current.
Licensing	Information on Gambling Licences and Certificates, with licence conditions.	9	Electronic and/or hard copies.	Registry and Archives.	On request.	Current.
Licensing	Information on Liquor Licences.	9	Electronic Access.	Online Provincial Register.	Electronic Access.	Current.
Legal Services	The Mpumalanga Economic Regulator legislation.	1	Electronic and/or hard copies.	Registry and Archives.	On request.	Current.
Corporate Services	List of MER tender applicants and awards.	6	Electronic and/or hard copies.	Registry and Archives	On request.	Current.



Function/Program	Record	Record category	Format in which record is available	Location	Accessibility	Status
Corporate Services	List of approved MER suppliers.	6	Electronic and/or hard copies.	Registry and Archives	On request.	Current.
Corporate Services	External advertisements for vacant MER positions.	4	Electronic and/or hard copies.	HR	On request.	Current.

8.2 Automatic Disclosures

8.2.1 For Inspection {Section 15(1) (a) (i)}

- ▲ Liquor Licences, Gambling Licences, Certificates of Approval and Certificates of Suitability with Conditions, if any.
- ▲ The Mpumalanga Liquor Licensing Act and **[Liquor]** Regulations, Mpumalanga Gambling Act, Regulations and Rules; and
- ▲ Mpumalanga Gambling Levies Act and Regulations.
- Rules of Casino Table Games, Bookmaker Operational Rules, and Totalisator Operational Rules.
- ▲ Public Notices.

8.2.2 For purchase or copying {Section 15(1) (a) (ii)}

- ▲ The Mpumalanga Liquor Licensing Act and **[Liquor]** Regulations, the Mpumalanga Gambling Act, Regulations and Rules; and Mpumalanga Gambling Levies Act and Regulations.
- ▲ Public inspection documents of applications for gambling licences.

8.2.3 Free of Charge {Section 15(1) (a) (iii)}

- ▲ MER Annual Reports.
- ▲ MER Information Brochures and Material.
- ▲ Rules of Casino Table Games, Bookmaker Operational Rules and Totalisator Operational Rules.
- ▲ Requests for Applications for Licences.
- ▲ Gambling Application Forms – Licences, Certificates of Approval and Suitability, Procurement of Interest.
- ▲ Gambling Business and Personal History Disclosure Forms.
- ▲ Gambling Performance Statistics.
- ▲ Gambling Levies Remittance Form.
- ▲ Gambling Licensees' Internal Control Procedure Submission Form.
- ▲ Gambling Licensees' Jobs Compendium Submission Form.
- ▲ Liquor Forms as prescribed in the Mpumalanga Liquor Licensing Regulations.
- ▲ Application Form – Registration as MER Supplier.
- ▲ List of MER vacant posts.

- ▲ Public Notices.
- ▲ Press Releases.

8.2.4 Payment Method

All payments shall be made by bank deposits into the bank account of the MER. The banking details are as follows:

Bank Name:	First National Bank
Account Number:	54281160480
Branch Code:	250655
Swift Code:	FIRNZAJJ

Reference:	Surname and initials of Requester (Applicant)
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NOTE: ALL DOCUMENTS LISTED UNDER 8.2.3 CAN BE VIEWED AND PRINTED FROM THE MER'S WEBSITE: www.mer.org.za HOWEVER, A FEE WILL BE PAYABLE IF COPIES ARE REQUIRED IN HARD COPY FROM THE MER.

9. PROCEDURE FOR REQUESTING A RECORD

- 9.1 A requester must use the form that is published in *Government Gazette* (Notice R187 of 15 February 2002), annexed to this manual as “*Annexure A*” for applicable fees and “*Annexure B*”, Form A, for records requests.
- 9.2 The requester must also state whether he or she requires a copy of the record or only wants to view the record at the offices of the MER {Section 29(2)}.
- 9.3 A requester will receive the information in the manner he or she has asked for. However, making available the information will depend on whether the request will not unreasonably interfere with the daily running of business of the MER, or damage the record, or infringe a copyright not owned by the State {Section 29(3)} or whether there are grounds for refusal of access to records in terms of Chapter 4 of PAIA. If for practical reasons access cannot be given in the required form but in an alternate manner, then the fee will be calculated according to the way that the requester has opted for {Section 29(4)}.
- 9.4 If, in addition to a written reply to his/her request for the record, the requester wants to be told about the decision in any other way, e.g. by telephone, this must be specified {Section 18(2)(e)}.
- 9.5 If a requester is asking for the information on behalf of someone else, he or she must show in what capacity the request is being made {Section 18(2) (f)}.
- 9.6 If requesters are unable to read or write, or if they have a disability, then they can make the request for the record orally. The information officer must then fill in the form on their behalf and give them a copy of the completed form {Section 18(3)}.
- 9.7 The information officer will deal with the requests for information within 30 days after receipt of the request or as soon as is reasonable {Section 25}. In certain instances, the period of 30 days may be extended once for a further 30 days {Section 26}.
- 9.8 The requester will be notified of the prescribed fee payable prior to the request for information is further processed {Section 22}.

- 9.9 The requester may lodge an internal appeal against payment of the prescribed appeal fee {Sections 74 and 75} or bring an application to Court for the appropriate relief, after the aforesaid procedure has been exhausted {Section 78}.
- 9.10 The requester will be notified whether or not he or she will be granted access to the information requested {Section 25}

10. SERVICES AVAILABLE {Section 14(1) (f)}

The MER offers services particularly to the Mpumalanga Provincial Government, licensees of the MER and the gambling and liquor industries at large, as well as the public, by fulfilling the following functions:

- 10.1 Ensures the continued suitability of all persons (juristic and natural) who wish to enter or participate in the gambling and liquor industries within the Mpumalanga Province.
- 10.2 Ensures that gambling and liquor is conducted in compliance with Mpumalanga gambling and liquor legislation in an honest and fair manner.
- 10.3 Receives, investigates and adjudicates complaints received from the public arising from gambling, liquor disputes and/or other related activities.
- 10.4 Regulates that gambling equipment complies with national standards.
- 10.5 Grants approval for use of gambling equipment in the Province.
- 10.6 Provides the Board and Mpumalanga Provincial Government with the assurance that gambling and liquor revenue is accurately calculated and timeously paid; as well as assures that the computer monitoring systems and peripheral gambling systems used by the licensees are reliable and functioning according to the gambling legislative framework and specifications. Furthermore, ensures that licensees maintain a level of continual financial suitability and compliance with the Mpumalanga gambling legislation.
- 10.7 Combats prohibited gambling and illegal liquor trade within the Province to protect the public from unfair business practices, as illegal operators are not subject to regulatory control to ensure fair business practices.
- 10.8 Corporate Relations ensures that the needs of the various role players are met, by assisting the organisation by providing effective communication mechanisms for informing everybody who have an interest in the MER, of its activities.
- 10.9 Ensures that measures to promote responsible gambling and liquor trading, and minimisation of incidences of problem gambling and alcohol abuse are in place:

Problem gamblers are generally defined as persons who no longer have rational control of their gambling behaviour to the detriment of their personal well-being and that of their families and dependants. It is not possible to identify problem gamblers easily, as they will usually go out of their way to disguise or hide their problem.

The MER recognises that opportunities in the gambling and liquor industries may also entail certain risks for the public.



Therefore, the MER, together with the National Responsible Gambling Programme and the Industry Association for Responsible Alcohol Use, are working on ways to help people who fall prey to problem gambling and alcohol abuse.

The following assistance is available to any person who has a gambling or alcohol problem, or family members who are affected by people with a gambling or alcohol problem:

Professional Assistance

A general practitioner can assist by referring problem gamblers or sufferers of alcoholism to relevant clinics specialising in the treatment of addictions. There are various voluntary organisations, which may be approached for free counselling.

The National Responsible Gambling Programme has a helpline for treatment and counselling of problem gamblers. The Programme can be contacted on 0800 006 008 toll free or by sending a *please call me* to 076 675 0710.

The South African National Council on Alcoholism and Drug Dependence (“SANCA”) has a helpline for treatment and counselling of sufferers of alcoholism. The Programme can be contacted on 0861 472 622 or (011) 892 3829 or via WhatsApp number 076 535 1701.

Self-Exclusion

Licensed gambling operators in the Province operate a system of self-exclusion in terms whereof a punter can voluntarily request to be excluded from a licensed gambling establishment.

11. ARRANGEMENTS ALLOWING FOR PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY, EXERCISE OF POWERS OR PERFORMANCE OF DUTIES {Section 14(1) (g)}

The Regulator involves the public in the process of considering and awarding licences as follows:

- 11.1 Applications for licences are published both in the *Provincial Gazette* and in newspapers circulating in the relevant district.
- 11.2 Interested parties are invited to lodge written objections to licence applications, indicating whether or not they wish to make oral representations at the public hearings in respect of licence applications.

In addition to the above, members of the public can, at any time make representations to the Regulator regarding matters on which they consider gambling and liquor legislation can be improved. These will be considered by the Regulator, who will then advise the responsible Member for purposes of legislative amendments.

Furthermore, in the process of amendments of Provincial gambling and liquor legislation, the Provincial Department of Economic Development and Tourism and/or Provincial Legislature invites comments from the general public on the proposed amendments to the Mpumalanga Gambling Act, Mpumalanga Liquor Licensing Act and respective Regulations, the Mpumalanga

Gambling Levies Act and Regulations. The Regulator invites comments from the general public on proposed amendments to the Mpumalanga Gambling Rules.

**12. THE REMEDIES AVAILABLE IN THE EVENT OF NON-COMPLIANCE
WITH THE PAIA {Section 14(1) (h)}**

The remedies available to the requester in the event that provisions of the PAIA Act are not complied with are:

- 12.1 Lodge an appeal with the relevant authority, as per section 74(1) against the decision of the Information Officer.
- 12.2 If the requester is still aggrieved by the decision of the Regulator, he or she can apply to Court for the appropriate relief.



ANNEXURE A**GENERAL: VALUE-ADDED TAX**

Public and private bodies registered under the Value-Added Tax Act, 1991 (Act No. 89 of 1991), as vendors may add value-added tax to all fees prescribed in this Annexure.

PART I**FEES IN RESPECT OF GUIDE**

1. The fee for a copy of the guide as contemplated in regulations 2(3)(b) and 3(4)(c) is R0,60 for every photocopy of an A4-size page or part thereof.

PART II**FEES IN RESPECT OF PUBLIC BODIES**

1. The fee for a copy of the manual as contemplated in regulation 5(c) is R0,60 for every photocopy of an A4-size page or part thereof.

2. The fees for reproduction referred to in regulation 7(1) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
(c) For a copy in a computer-readable form on -	
(i) stiffy disc	5,00
(ii) compact disc	40,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	22,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	12,00
(ii) For a copy of an audio record	17,00

3. The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) is R35,00.
4. The access fees payable by a requester referred to in regulation 7(3) are as follows:

	R
(1)(a) For every photocopy of an A4-size page or part thereof	0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
(c) For a copy in a computer-readable form on -	
(i) stiffy disc	5,00
(ii) compact disc	40,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	22,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	12,00
(ii) For a copy of an audio record	17,00
(f) To search for and prepare the record for disclosure, R15,00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	
(2) For purposes of section 22(2) of the Act, the following applies:	
(a) Six hours as the hours to be exceeded before a deposit is payable; and	
(b) one third of the access fee is payable as a deposit by the requester.	
(3) The actual postage is payable when a copy of a record must be posted to a requester.	

PART III

FEES IN RESPECT OF PRIVATE BODIES

1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.

2. The fees for reproduction referred to in regulation 11(1) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on -	
(i) stiffy disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record	30,00

3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00.

4. The access fees payable by a requester referred to in regulation 11(3) are as follows:

	R
(1)(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on -	

- | | | |
|------|--|---|
| (i) | stiffy disc | 7,50 |
| (ii) | compact disc | 70,00 |
| (d) | (i) For a transcription of visual images,
for an A4-size page or part thereof | 40,00 |
| | (ii) For a copy of visual images | 60,00 |
| (e) | (i) For a transcription of an audio record,
for an A4-size page or part thereof | 20,00 |
| | (ii) For a copy of an audio record | 30,00 |
| (f) | To search for and prepare the record for disclosure, R30,00 for each hour
or part of an hour reasonably required for such search and preparation. | |
| (2) | For purposes of section 54(2) of the Act, the following applies: | |
| | (a) | Six hours as the hours to be exceeded before a deposit is payable;
and |
| | (b) | one third of the access fee is payable as a deposit by the
requester. |
| (3) | The actual postage is payable when a copy of a record must be posted
to a requester. | |

ANNEXURE B**FORM A****REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY**

(Section 18(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000))

[Regulation 6]**FOR DEPARTMENTAL USE**

Reference number: _____

Request received by _____
(state rank, name and surname of information officer/deputy information officer) on
_____ (date) at _____ (place).

Request fee (if any): R

Deposit (if any): R

Access fee: R

SIGNATURE OF INFORMATION
OFFICER/DEPUTY INFORMATION
OFFICER

A. Particulars of public body

The Information Officer/Deputy Information Officer:

B. Particulars of person requesting access to the record

- (a) *The particulars of the person who requests access to the record must be given below.*
- (b) *The address and/or fax number in the Republic to which the information is to be sent, must be given.*
- (c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname: _____

Identity number: _____

Postal address: _____

_____ Fax number: _____

Telephone number: _____ E-mail address: _____

Capacity in which request is made, when made on behalf of another person: _____

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname: _____

Identity number: _____

D. Particulars of record

- (a) *Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*
- (b) *If the provided space is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.***

1. Description of record or relevant part of the record: _____

2. Reference number, if available: _____
3. Any further particulars of record: _____

E. Fees

- (a) *A request for access to a record, other than a record containing personal information about yourself, will be processed only after a **request fee** has been paid.*
- (b) *You will be notified of the amount required to be paid as the request fee.*
- (c) *The **fee payable for access** to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.*
- (d) *If you qualify for exemption of the payment of any fee, please state the reason for exemption.*

Reason for exemption from payment of fees: _____

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability: _____	Form in which record is required: _____
_____	_____
_____	_____

Mark the appropriate box with an X.

NOTES:

- (a) Compliance with your request for access in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:

☐	copy of record*	☐	inspection of record
--------------------------	-----------------	--------------------------	----------------------

2. If record consists of visual images -

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

☐	view the images	☐	copy of the images*	☐	transcription of the images*
--------------------------	-----------------	--------------------------	---------------------	--------------------------	------------------------------

3. If record consists of recorded words or information which can be reproduced in sound:

☐	listen to the soundtrack (audio cassette)	☐	transcription of soundtrack* (written or printed document)
--------------------------	---	--------------------------	--

4. If record is held on computer or in an electronic or machine-readable form:

☐	printed copy of record*	☐	printed copy of information derived from the record*	☐	copy in computer readable form* (stiffy or compact disc)
--------------------------	-------------------------	--------------------------	--	--------------------------	--

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	NO
<i>Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.</i>		
In which language would you prefer the record? _____		

G. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record? _____

Signed at _____ this _____ day of _____ 20_____

SIGNATURE OF REQUESTER / PERSON
ON WHOSE BEHALF REQUEST IS MADE

**NIE-REGERINGSORGANISASIE
KENNISGEWING 228 VAN 2020**



**MPUMALANGA
ECONOMIC REGULATOR**

**HANDLEIDING: BEVORDERING VAN
TOEGANG TOT INLIGTING**



**MPUMALANGA EKONOMIESE REGULEERDER SE HANDLEIDING
INGEVOLGE ARTIKEL 14 VAN DIE WET OP BEVORDERING VAN
TOEGANG TOT INLIGTING NR. 2 VAN 2000, SOOS GEWYSIG**

INHOUDSOPGAWE

1.	VOORWOORD.....	3
2.	INLEIDING.....	3
3.	DIE FUNKSIES EN DIE STRUKTUUR VAN DIE MER.....	3
	{ARTIKEL 5(1)(A-J)}	3
3.1	DIE STRUKTUUR VAN DIE RAAD	3
3.2	ROL, FUNKSIES EN DOELSTELLINGS	4
3.2.1	DIE MER-RAAD	4
3.2.2	KORPORATIEWEDIENSTE-KOMITEE.....	5
3.2.3	ODUIT-EN-RISIKOKOMITEE.....	6
3.2.4	NAKOMINGSKOMITEE.....	6
4.	MER-DEPARTEMENTE EN -FUNKSIES	6
4.1	KANTOOR VAN DIE HOOF- UITVOERENDE BEAMPTTE	7
4.2	LISENSIEDEPARTEMENT	7
4.3	NAKOMINGSDEPARTEMENT	7
4.4	ODUITDEPARTEMENT	7
4.5	REGSDIENSTE-DEPARTEMENT	7
4.6	KORPORATIEWEDIENSTE-DEPARTEMENT	8
4.7	KOMMUNIKASIEDEPARTEMENT	8
4.8	TRANSFORMASIE- EN VOLHOUBAARHEIDSDEPARTEMENT.....	8
5.	SKEMATIESE DIAGRAM VAN DIE STRUKTUUR VAN DIE MPUMALANGA EKONOMIESE REGULATOR.....	9
6.	KONTAKBESONDERHEDE {ARTIKEL 14(1) (B)}.....	10
7.	DIE SUID-AFRIKAANSE MENSEREGTEKOMMISSIE-HANDLEIDING {ARTIKEL 14(1) (C)}	10
8.	TOEGANG TOT DIE REKORDS DEUR DIE MPUMALANGA DOBBELRAAD GEHOU (INSLUITENDE VERTROULIKE REKORDS) {ARTIKEL 14(1) (D) & (E)}	11
8.1	REKORDS WAT AANGEVRA MAG WORD	11
8.2	OUTOMATIESE BEKENDMAKING.....	12
8.2.1	VIR INSPEKSIE {ARTIKEL 15(1) (A) (I)}	12
8.2.2	VIR AANKOPE OF KOPIËRING {ARTIKEL 15(1) (A) (II)}	12
8.2.3	GRATIS {ARTIKEL 15(1) (A) (III)}	12
9.	PROSEDURE VIR VERSOEK OM 'n REKORD	13
10.	DIENTE BESIKKBAAR {ARTIKEL 14(1) (F)}	13
11.	REËLINGS VIR OPENBARE BETROKKENHEID BY DIE FORMULERINGS VAN BELEID, UITOEFENING VAN MAGTE OF UITVOERING VAN PLIGTE {ARTIKEL 14(1) (G)}	15
12.	DIE REGSMIDDELE BESIKKBAAR IN GEVAL VAN NIENAKOMING VAN DIE WBTI {ARTIKEL 14(1) (H)}	15

1. VOORWOORD

Die alleendoel van die Wet op Bevordering van Toegang tot Inligting (“WBTF”), 2000 (Wet 2 van 2000), soos gewysig, is om “*uitvoering te gee aan die publiek se reg op toegang tot inligting van openbare en privaat liggame, soos beoog in art 32 van die Grondwet*”.

Die Mpumalanga Ekonomiese Reguleerder (“die MER”), as ’n provinsiale openbare entiteit ingevolge skedule 3, deel C van die Wet op Openbare Finansiële Bestuur, 1999 (Wet 1 van 1999), soos gewysig (“WOFB”), en ingevolge bogenoemde wet, het ’n verpligting om hierdie handleiding op te stel wat ’n openbare dokument sal wees waarvolgens die publiek toegang tot ons rekords kan verkry.

2. INLEIDING

Die MER is ’n regspersoon wat as ’n provinsiale openbare entiteit dien, gevestig ingevolge artikel 2 van die Wet op die Mpumalanga Ekonomiese Reguleerder, 2017 (Wet 2 van 2017) (“die Wet”).

Die visie van die MER is om aan die spits van doeltreffende regulering van die dobbel- en drankbedryf te wees en die missie is om die integriteit van die dobbel- en drankbedryf deur doeltreffende regulering in die Mpumalanga-provinsie van Suid-Afrika te verseker.

Die MER is gevestig om die dobbel en drankbedryf in die Provinsie te reguleer en om voorsiening te maak vir enige ander sake wat hiermee verband hou.

Die dobbelreguleringsfunksies van die MER word deur die volgende drie hoofbeginsels ondersteun, en is vernaamlik as beleid van die MER verklaar:

- ▲ Dat alle ondernemings waar drank verkoop word, en waar dobbelspeletjies uitgevoer of bedryf word, gelisensieer en beheer word ten einde die publiek se betrokkenheid by drank, dobbelary, veiligheid, sedes en goeie orde te verbeter om die beleide van die Regering van Mpumalanga in stand te hou;
- ▲ Om doeltreffende reguleringsbeheer te lewer wat ’n hoë standaard van professionalisme toon en in duidelike erkenning van die voorskrifte van regverdigheid, eerlikheid en integriteit in die beste belange van die publiek, lisensiehouers en die Provinsiale Regering werksaam is; en
- ▲ Om die publiek te beskerm teen onregverdige, onbillike, oneerlike en/of beginsellose praktyke in die dobbel en drankbedryf, waardeur ’n grondige, volhoubare en billike reguleringstelsel en prosesse verseker word wat verantwoordelikheid in dobbelary, drankhandel en verbruik asook die publiek se vertroue in gelisensieerde dobbel en drankondernemings in die Mpumalanga Provinsie bevorder.

3. DIE FUNKSIES EN DIE STRUKTUUR VAN DIE MER {artikel 5(1)(a-j)}

3.1 DIE STRUKTUUR VAN DIE RAAD

Raadslede word aangestel ingevolge artikel 5 tot 10 van die Wet deur die Verantwoordelike Lid in oorleg met die Uitvoerende Raad van die Mpumalanga Pprovinsie vir tydperke wat nie vyf (5) jaar oorskry nie en is verkiesbaar vir heraanstelling as Raadslede met die verstryking van hul ampstermyn vir ’n addisionele vyf (5) jaar. Die samestelling van die Raad ingevolge die Wet sal nie minder as nege (9) en nie meer as elf (11) Raadslede wees nie, waarvan almal nie-uitvoerende lede en die Hoof Uitvoerende Beampte (“HUB”) ’n *ex officio*-lid sal wees.

Die Raadslede bestaan uit die volgende:

- (a) 'n Voorsitter, aangewys deur die Verantwoordelike Lid uit die geledere van die Raadslede na verwys in paragraaf (c), (d), (e), (f) en (j), wat 'n persoon met toepaslike kennis of ervaring rakende sake verbonde aan die funksies van die Raad sal wees;
- (b) 'n Ondervoorsitter, aangewys deur die Verantwoordelike Lid uit die geledere van die Raadslede na verwys in paragraaf (c), (d), (e), (f) en (j);
- (c) Een lid wat gekwalifiseer is om toegelaat te word om as 'n regspraktisyn in die Republiek te praktiseer en vir 'n opeenvolgende tydperk van ten minste vyf jaar nadat sodanige kwalifikasie verkry is as 'n regspraktisyn gepraktiseer het of dienste uitgevoer het verbonde aan die toepassing van die wet of regspraak;
- (d) Een lid wat as 'n rekenmeester in die Republiek gekwalifiseer is en vir 'n opeenvolgende tydperk van ten minste vyf jaar nadat sodanige kwalifikasie verkry is as 'n rekenmeester gepraktiseer het en wat as 'n lid van 'n toepaslike professionele liggaam geregistreer sal wees;
- (e) Een lid wat bewese sakevernuf in en kennis van die dobbelbedryf het;
- (f) Een lid wat bewese sakevernuf in en kennis van die drankbedryf het;
- (g) 'n Persoon wat die Departement verteenwoordig wat toevertrou is met die verantwoordelikheid vir dobbel en drankregulering in die Provinsie, deur die Verantwoordelike Lid aangewys;
- (h) 'n Persoon wat die Departement verteenwoordig wat verantwoordelik is vir die finansiële sake in die Provinsie, deur die Verantwoordelike Lid aangewys in oorleg met die Lid van die Uitvoerende Raad verantwoordelik vir finansiële sake in die Provinsie;
- (i) 'n Persoon wat die Departement verteenwoordig wat verantwoordelik is vir gemeenskapsveiligheid, sekuriteit en skakeling in die Provinsie, deur die Verantwoordelike Lid aangewys in oorleg met die Lid van die Uitvoerende Raad verantwoordelik vir gemeenskapsveiligheid, sekuriteit en skakeling in die Provinsie; en
- (j) Met inagname van streeksbelange in die Provinsie, nie meer nie as drie lede wat bewese sakevernuf of toepaslike kennis of ervaring op die gebied van plaaslike regering, gemeenskap en sosio-ekonomiese ontwikkeling het en wat geskik is om die gemeenskap in die algemeen te verteenwoordig.
- (k) Die HUB van die Raad sal 'n Raadslid wees, maar hy of sy sal geen stemreg by Raadsvergaderings hê nie.

3.2 ROL, FUNKSIES EN DOELSTELLINGS

3.2.1 DIE MER RAAD

In ooreenstemming met die voorafgenoemde parameters van korporatiewe beheer, sluit die spesifieke verantwoordelikhede wat die Raad gesamentlik nakom, asook die spesifieke rolle en verantwoordelikhede van die Lede as individue, die volgende in:

- ▲ Die behoud van volledige en doeltreffende beheer oor die MER, en monitering van die Bestuur se implementering van die strategiese planne en finansiële doelstellings, soos deur die Raad goedgekeur;
- ▲ Die omskrywing van wesenlikheidsvlakke, die behoud van sekere magte vir hulself en die delegering van ander sake, met die nodige skriftelike toestemming, na die Bestuur;
- ▲ Voortgesette monitering van die uitoefening van gedelegeerde magte deur die Bestuur;
- ▲ Versekering dat 'n omvattende stelsel van beleide en prosedures ingestel is en dat gepaste beheerstrukture bestaan om die gladde, doeltreffende en omsigtige rentmeesterskap van die MER te verseker;

- ▲ Versekering van nakoming deur die MER van alle toepaslike wette en regulasies, oudit- en rekeningkundige beginsels, die MER etiek en gedragskodes, die King IV verslag, en ander beginsels soos van tyd tot tyd deur die Raad ingestel kan word;
- ▲ Gereelde hersiening en evaluering van die risiko's vir die werksaamhede van die MER en versekering van die bestaan van omvattende, toepaslike interne beheer om sodanige risiko's te versag;
- ▲ Uitoeffening van objektiewe oordeel rakende die sake van die MER, onafhanklik van die Bestuur, maar met voldoende bestuursinligting om behoorlike en ingeligte assessering in die hand te werk;
- ▲ Identifisering en monitering van nie-finansiële aspekte van toepassing op die sake van die MER, en versekering dat die MER verantwoordelik teenoor alle toepaslike belanghebbendes optree wat 'n geldige belang in sy sake het om te verseker dat die MER as 'n verantwoordelike korporatiewe burger beskou word; en
- ▲ Om te verseker dat gereelde, onafhanklike evaluerings uitgeoefen word om die toereikendheid en doeltreffendheid van die Reguleerder se etiek bestuur proses en strukture te assesser.

Die Raad sal die mag hê om enige van sy magte en oorleg aan die HUB, Raadskomitees of enige ander personele van die Raad te deleger en om algemene of spesifieke magte van subdelegering aan sodanige persone of komitees toe te staan.

Die daaglikse bestuur van die MER berus by die HUB en die uitvoerende bestuurspan, deur die Raad aangestel.

Die Raadskomitees, aangestel deur die Raad ingevolge artikel 17 van die Wet, sluit die volgende in:

3.2.2 KORPORATIEWEDIENSTE KOMITEE

Die Korporatiewedienste komitee, wat ook die funksies van die Vergoedingskomitee en die Sosiale Komitee vervul:

Die Korporatiewedienste komitee bied die MER versekering rakende die gehalte en betroubaarheid van die bestuursinligting van die MER. Die verantwoordelikhede van die Korporatiewedienste-komitee sluit die volgende in:

- Oorweging van die voorleggings ontvang met betrekking tot die jaarlikse begroting en lewering van aanbevelings aan die Raad vir oorweging en goedkeuring;
- Evaluering van prestasie teen die begroting in aansluiting by die Raad se goedkeuring;
- Monitering dat volledige en akkurate heffings van bedryfsdobbellsensiehouers ingesamel word;
- Uitvoer van die funksie van 'n Vergoedingskomitee, wat ten minste een keer 'n jaar vergader en getaak is met die verantwoordelikheid om die vergoedingstrategie van die MER te assesser;
- Bied van versekering aan die Raad dat die bestuur en werknemers billik beloon word vir hul individuele bydraes tot die MER se prestasie;
- Goedkeuring van verkryging in oormaat van R500, 000.00 tot R1, 000,00, 000.00;
- Goedkeuring van wysigings aan die MER se interne beheerbeleide en prosedures; en
- Monitering van die MER se prestasie rakende sosiale verantwoordelikheid asook die MER se nakoming van die Wet op Breedgebaseerde Swart Ekonomiese Bemagtiging, 2004 en Goeiepraktykkodes.



3.2.3 OUDIT-EN-RISIKOKOMITEE

Die Oudit-en-Risikokomitee, wat ook die funksies van die Etiekkomitee vervul:

Ingevolge artikel 51(1)(a)(ii), 76(4)(d) en 77 van die WOFB en regulasie 27(1) van die Tesourieregulasies moet rekeningkundige owerhede voldoen aan die verpligte stigting van 'n Oudit-en-Risikokomitee en 'n doeltreffende interne ouditfunksie in die openbare entiteit. Ingevolge hierdie bepalings staan die Oudit-en-Risikokomitee die Raad by in die uitvoer van sy toesighoudende verantwoordelikhede en evalueer en monitor die omvang en doeltreffendheid van die interne en eksterne ouditfunksie. Die verantwoordelikhede van die Oudit-en-Risikokomitee sluit die volgende in:

- Bepaling van die geskiktheid en doeltreffendheid van die interne beheerstelsels;
- Evaluering van die doeltreffendheid van risikobestuur;
- Uitvoering van die funksies wat deur die wet vereis word;
- Evaluering van die belangrike rekeningkundige en rapporteringskwessies, insluitende professionele en reguleringsuitsprake, en die impak daarvan op die finansiële state met die oog op versekering van konsekwentheid met die toepaslike rekeningkundige beginsels;
- Evaluering van die doeltreffendheid van die interne beheer wat deur eksterne praktisyns uitgevoer word, wie se hoofverantwoordelikhede die ondersoek en evaluering van die doeltreffendheid en prestasie van bedryfsaktiwiteite en -stelsels tesame met die gepaardgaande sakerisiko's en finansiële beheer is;
- Evaluering van die omvang, prestasie, belangrike bevindinge en aanbevelings deur die interne en eksterne ouditeurs gemaak; en
- Evaluering van enige stelling oor etiese standaarde of vereistes en die prosedure om nakoming van die Etiekkode te evalueer.

3.2.4 NAKOMINGSKOMITEE

Die Nakomingskomitee bied versekering aan die Raad dat behoorlike ondersoekprosesse gevolg word, dat die lisensiëring van aansoekers en nakoming van regulasies deur lisensiehouers ingevolge die vereistes van die Mpumalanga Dobbeltwet, regulasies en reëls en die Mpumalanga Wet op Dranklisensiëring en regulasies plaasvind, en dat volledige en akkurate heffings van bedryfsdobbellsensiehouers ingevorder word ingevolge die Mpumalanga Wet op Dobbelleffings en regulasies. Die verantwoordelikhede van die Nakomingskomitee sluit die volgende in:

- Oorweging en aanbevelings aan die Raad oor lisensiëring, nakoming van regulasies en ouditsake;
- Uitvoer van gehore, ondersoeke en evalueringe oor enige saak wat voor dit dien;
- Evaluering van bevindings verbonde aan, onder andere, ondersoeke, inspeksies en oudits;
- Oplê van administratiewe boetes aan dobbellsensiehouers oor sake wat voor dit dien;
- Gerusstelling van die Raad dat voldoende prosesse geïmplementeer word om onwettige dobbel en drankaktiwiteite hok te slaan; en
- Evaluering van die ontleding en status van die dobbel- en drankbedryf in die Provinsie en aanbevelings aan die Raad.

4. MER DEPARTEMENTE EN FUNKSIES

Die implementering van die bedryfsbeleide word deur toegewyde personeel behartig, wat as volg georganiseer word:



4.1 KANTOOR VAN DIE HOOF UITVOERENDE BEAMPTE

Die funksie van die Kantoor van die HUB is:

- Om strategiese leierskap en gesentraliseerde Administrasie, asook uitvoerende steun aan die organisasie te bied, om te verseker dat die entiteit se mandaat uitgevoer word en korrek gerapporteer word.

4.2 LISENSIEDEPARTEMENT

Die funksie van die Lisensiedepartement is:

- Om die geskiktheid van aansoekers vir lisensiëring (insluitende aandeelhouders, persele en werknemers) en houders van lisensies (insluitend lisensie wysigings en hernuwings) te ondersoek volgens die vereistes van die dobbel en drank wetgewing.

4.3 NAKOMINGSDEPARTEMENT

Die funksie van die Nakomingsdepartement is:

- Om die regulatoriese nakoming van alle dobbel, drank bedrywighede, dobbel toerusting en terselfde tyd die bekamping van alle vorms van verbode dobbel, onwettige drank handel en verskaffing binne die entiteit se beheer te verseker.

4.4 OUDITDEPARTEMENT

Die funksies van die Ouditdepartement is:

- Om te verseker dat dobbel heffings, volledig en akkuraat bereken is en betyds betaal word, soos voorgeskryf.

4.5 REGSDIENSTE DEPARTEMENT

Die funksie van die Regsdienste Departement is:

- Om effektiewe en doeltreffende dobbel en drank wetgewing te verseker en verder toesien dat die entiteit voldoen aan korporatiewe bestuur praktyke.



4.6 KORPORATIEWEDIENSTE DEPARTEMENT

Die funksie van die Korporatiewedienste Departement is:

- Versekering van doeltreffende en doelmatige menslike hulpbronne en finansiële bestuur.

4.7 KOMMUNIKASIEDEPARTEMENT

Die funksie van die Kommunikasiedepartement is:

- Om die openbare bewustheid van dobbel en drank regulasie te verseker en die doeltreffende bestuur van inligting en kommunikasie tegnologie toesien.

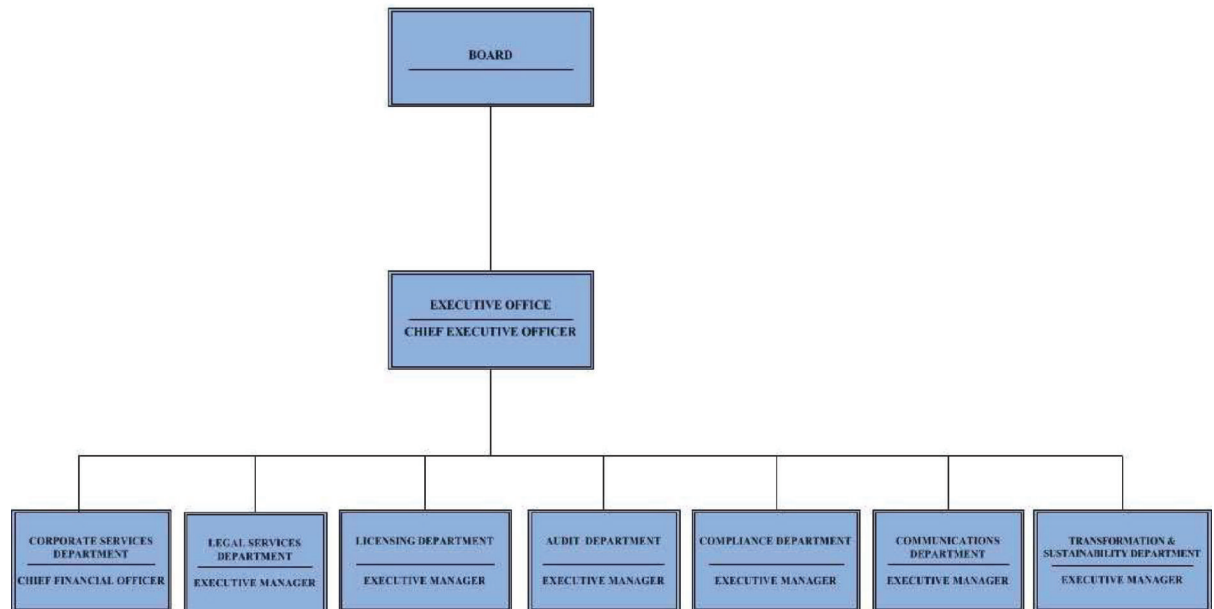
4.8 TRANSFORMASIE EN VOLHOUBAARHEIDSDEPARTEMENT

Die funksie van die Transformasie en Volhoubaarheidsdepartement is:

- Om transformasie en volhoubaarheid van die dobbel en drank nywerhede te monitor; en te verseker dat navorsing gedoen word om kennis van beleid en besluitneming te verseker.



5. SKEMATIESE DIAGRAM VAN DIE STRUKTUUR VAN DIE MPUMALANGA EKONOMIESE REGULATOR



6. KONTAKBESONDERHEDE {artikel 14(1) (b)}

Hoof- Uitvoerende Beampte (Inligtingsbeampte)
Mnr Bheki Mlambo ceo@mer.org.za

Uitvoerende Bestuurder: Kommunikasie
Mnr Cedrick Chiloane info@mer.org.za

ALGEMENE INLIGTING**Kantooradres:**

Eerstelaan, Witrivier, Mpumalanga Provinsie, Suid-Afrika.

Posadres:

Privaat Sak X9908, Witrivier, 1240, Mpumalanga Provinsie, Suid-Afrika.

Telefoon:

+27 (0) 13 750 8000

Faks:

+27 (0) 13 750 8099

Sake-ure:

08:00 tot 16:30 Maandag tot Vrydag

Webtuiste: <http://www.mer.org.za>

7. DIE SUID-AFRIKAANSE MENSEREGTEKOMMISSIE HANDLEIDING {artikel 14(1) (c)}

Artikel 10 van die Wet op Bevordering van Toegang tot Inligting lui: “*Die Menseregtekommissie moet, binne 18 maande na die inwerkingtreding van hierdie artikel, in elke amptelike taal ’n gids publiseer wat in ’n maklik verstaanbare vorm en wyse die inligting bevat wat redelikerwys benodig word deur ’n persoon wat enige reg in hierdie Wet beoog, wil uitoefen*”.

Hierdie hersiene handleiding sal beskikbaar wees kragtens Hoofstuk 2, Artikel (4) (1) van die Wet, soos gewysig op 15 Februarie 2002 van die Suid-Afrikaanse Menseregtekommissie teen nie later nie as 31 Maart elke jaar en navrae moet gerig word aan:

Die Suid-Afrikaanse Menseregtekommissie: WBTI-eenheid: Adjunk-inligtingsbeampte

Posadres: Privaat Sak X2700, Houghton, 2041
Telefoon: +27 (0) 11 877 3608
E-pos: mnyuswa@sahrc.org.za
Vir aandag: Dr Shanelle van der Berg
Webtuiste: www.sahrc.org.za



8. TOEGANG TOT DIE REKORDS DEUR DIE MPUMALANGA EKONOMIESER REGULEERDER GEHOU (INSLUITENDE VERTROULIKE REKORDS) {artikel 14(1) (d) & (e)}

8.1 Rekords wat aangevra mag word

Funksie/ Program	Rekord	Rekord - kategorie	Formaat waarin rekord beskikbaar is	Ligging	Toeganklik- heid	Status
Lisensiëring	Openbare inspeksie van afskrifte van aansoeke om lisensies, besware en reaksies daarop.	9	Elektroniese en/of sigkopieë.	Register en Argiewe.	Op aanvraag, ingevolge artikel 26 en 26A van die Mpumalanga Dobbeltwet.	Lopend.
Regsdienste	Notules, opnames en besluite van die Raad verbonde aan openbare verhore.	3	Elektroniese en/of sigkopieë.	Register en Argiewe.	Op aanvraag, ingevolge artikel 26B van die Mpumalanga Dobbeltwet.	Lopend.
Kommunikasie en Kantoor van die HUB	Statutêre verslae.	3	Elektroniese en/of sigkopieë.	Register en Argiewe.	Op aanvraag.	Lopend.
Lisensiëring	Inligting oor Lisensies en sertifikate, met lisensievoorwaardes.	9	Elektroniese en/of sigkopieë.	Register en Argiewe.	Op aanvraag.	Lopend.
Licensing	<u>Inligting oor</u> Drank Lisensies.	9	Elektroniese toegang.	Aanlyn Provinsiale Register.	Elektroniese toegang.	Lopend.
Regsdienste	Wetgewing rakende die Mpumalanga Ekonomiese Regulator.	1	Elektroniese en/of sigkopieë.	Register en Argiewe.	Op aanvraag.	Lopend.
Korporatiewe Dienste	Lys van MER tenderaansoekers en toekennings.	6	Elektroniese en/of sigkopieë.	Register en Argiewe.	Op aanvraag.	Lopend.
Korporatiewe Dienste	Lys van goedgekeurde MER-verskaffers	6	Elektroniese en/of sigkopieë	Register en Argiewe	Op aanvraag	Lopend
Korporatiewe Dienste	Eksterne advertensies vir vakante MER-poste	4	Elektroniese en/of sigkopieë	Menslike hulpbronne	Op aanvraag	Lopend

8.2 Outomatiese bekendmaking

8.2.1 Vir inspeksie {artikel 15(1) (a) (i)}

- ⬆ Dranklisensies, dobbellisensies, goedkeuringsertifikate en geskiktheidsertifikate met voorwaardes, indien enige;
- ⬆ Die Mpumalanga Wet op Dranklisensiering en -regulasies, die Mpumalanga Dobbeltwet, regulasies en reëls;
- ⬆ Die Mpumalanga Wet op Dobbelleffings en regulasies, reëls van casinotafelspeletjies, boekmaker-bedryfsreëls en totalisator bedryfsreëls; en
- ⬆ Openbare kennisgewings.

8.2.2 Vir aankope of kopiëring {artikel 15(1) (a) (ii)}

- ⬆ Die Mpumalanga Wet op Dranklisensiering en -regulasies, die Mpumalanga Dobbeltwet, regulasies en reëls en die Mpumalanga Wet op Dobbelleffings en regulasies; en
- ⬆ Openbare inspeksiedokumente van aansoeke om dobbel lisensies.

8.2.3 Gratis {artikel 15(1) (a) (iii)}

- ⬆ MER jaarverslae
- ⬆ MER inligtingsbrosjures en materiaal
- ⬆ Reëls van casinotafelspeletjies, boekmaker bedryfsreëls en totalisator bedryfsreëls
- ⬆ Versoeke om aansoeke om lisensies
- ⬆ Dobbelt Aansoekvorms – lisensies, goedkeuring en geskiktheidsertifikate, verkryging van belang
- ⬆ Dobbelt bekendmakingsvorms van besigheids en persoonlike geskiedenis
- ⬆ Dobbeltstatistiek
- ⬆ Dobbelleffings betalingsvorm
- ⬆ Dobbelt voorleggingsvorm vir lisensiehouers se interne beheerprosedure
- ⬆ Dobbelt voorleggingsvorm vir lisensiehouers se werkkompendium
- ⬆ Drankvorms soos voorgeskryf in die Mpumalanga Drank Lisensie regulasies
- ⬆ Aansoekvorm – registrasie as MER-verskaffer
- ⬆ Lys van MER - vakante poste
- ⬆ Openbare kennisgewings
- ⬆ Persverklarings

8.2.4 Betaal Metode

Alle betalings moet gemaak word deur bank deposito's in die bankrekening van die MER.
Die bankbesonderhede is soos volg:

Bank Name:	Eerste Nasionale Bank
Rekening Nommer:	54281160480
Tak Kode:	250655
Swift Kode:	FIRNZAJJ

Verwysing: Van en voorletters van versoeker/ster (aansoeker).



LW: ALLE DOKUMENTE ONDER 8.2.3 GELYS, KAN OP DIE MER SE WEBTUISTE BESIGTIG EN AFGELAAI WORD: www.mer.org.za. 'n FOOI IS EGTER BETAALBAAR INDIEN 'n SIGKOPIEË VAN DIE MER VERSOEK WORD.

9. PROSEDURE VIR VERSOEK OM 'n REKORD

- 9.1 Die versoeker moet die vorm gebruik wat in die Staatskoerant gepubliseer is (kennisgewing R187 van 15 Februarie 2002), by hierdie handleiding aangeheg as "*Bylaag A*" vir toepaslike fooie en "*Bylaag B*", vorm A, vir rekords versoeke.
- 9.2 Die versoeker moet ook aantoon of hy/sy 'n afskrif van die rekord verlang of die rekord net by die kantore van die MER wil besigtig {artikel 29(2)}.
- 9.3 Die versoeker sal die inligting ontvang in die formaat waarvoor hy/sy gevra het. Die beskikbaarstelling van die inligting sal egter daarvan afhang dat die versoek nie onredelik inbreuk maak op die daaglikse bestuur van sake van die MER nie, of dat die rekord beskadig word of dat 'n kopiëreg in besit van die Staat geskend word nie {artikel 29(3)} of daar gronde is vir weiering van toegang tot rekords ingevolge Hoofstuk 4 van PAIA. Indien toegang om praktiese redes nie in die vereiste formaat gegee kan word nie, maar wel in 'n alternatiewe formaat, sal die fooi bereken word volgens die formaat van die versoeker se keuse {artikel 29(4)}.
- 9.4 Indien die versoeker, benewens 'n skriftelike antwoord op sy/haar versoek om die rekord, op enige ander manier van die besluit ingelig wil word, bv. telefonies, moet dit gespesifiseer word {artikel 18(2)(e)}.
- 9.5 Indien 'n versoeker namens iemand anders om die inligting vra, moet hy/sy toon in watter hoedanigheid die versoek gemaak word {artikel 18(2) (f)}.
- 9.6 Indien die versoeker nie kan lees of skryf nie, of 'n gestremdheid het, kan die versoek om die rekord mondelings gemaak word. Die inligtingsbeampte moet die vorm namens die persoon invul en 'n afskrif van die voltooië vorm aan die persoon gee {artikel 18(3)}.
- 9.7 Die inligtingsbeampte sal versoeke om inligting binne 30 dae ná onvangs van die versoek hanteer, of so gou as redelik verwag kan word {artikel 25}. In sekere gevalle kan die tydperk van 30 dae een keer vir 'n verdere 30 dae verleng word {artikel 26}.
- 9.8 Die versoeker sal van die voorgeskrewe betaalbare fooi ingelig word voordat die versoek om inligting verder verwerk word {artikel 22}.
- 9.9 Die versoeker mag 'n interne appèl teen betaling van die voorgeskrewe appèlfooie aanteken {artikel 74 en 75} of 'n aansoek voor die hof bring vir die toepaslike regsmittele nadat voorgenoemde prosedure uitgeput is {artikel 78}.
- 9.10 Die versoeker sal in kennis gestel word of toegang tot die inligting wat versoek is, toegestaan is al dan nie {artikel 25}

10. DIENSTE BESIKBAAR {artikel 14(1) (f)}

Die MER bied dienste spesifiek tot die Mpumalanga Provinsiale Regering, lisensiehouers van die MER en die dobbel- en drankbedryf in die geheel asook die publiek deur die volgende funksies te vervul:

- 10.1 Versekering van die voortgesette geskiktheid van alle persone (regs en natuurlik) wat toegang wil verkry tot of wil deelneem aan die dobbel- en drankbedryf in die Mpumalanga-provinsie;

- 10.2 Versekering dat dobbel- en drankaktiwiteite op 'n eerlike en regverdige manier in nakoming van Mpumalanga-dobbel- en -drankwetgewing uitgevoer word;
- 10.3 Ontvangs, ondersoek en beslissing oor klagtes van die publiek ontvang voortspruitend uit dobbelary, drankdispute en/of ander verwante aktiwiteite;
- 10.4 Versekering dat dobbeltoerusting aan nasionale standaarde voldoen;
- 10.5 Goedkeuring van die gebruik van dobbeltoerusting in die Provinsie;
- 10.6 Versekering van die Raad en Mpumalanga Provinsiale Regering dat dobbel en drankinkomste akkuraat bereken en tydig betaal word, asook dat die rekonaarmoniteringstelsels en randdobbelstelsels wat deur lisensiehouers gebruik word betroubaar is en volgens die dobbel wetgewende raamwerk en spesifikasies werk. Verdere versekering dat lisensiehouers 'n vlak van voortgesette finansiële geskiktheid en nakoming van die Mpumalanga-dobbelwetgewing handhaaf.
- 10.7 Beveg verbode dobbelary en onwettige drankhandel in die Provinsie om die publiek te beskerm teen onbillike sakepraktyke, aangesien onwettige operateurs nie onderhewig is aan reguleringsbeheer om billike sakepraktyke te verseker nie.
- 10.8 Korporatiewe Betrekkinge verseker dat daar in die behoeftes van die onderskeie rolspelers voorsien word deur die organisasie by te staan met die verskaffing van doeltreffende kommunikasiemeganismes om almal wat 'n belang in die MER het van sy aktiwiteite in te lig.
- 10.9 Versekering dat maatreëls om verantwoordelike dobbelary en drankhandel te bevorder en voorvalle van probleemdobbelary en alkoholmisbruik te verminder, ingestel is:

Probleemdobbelaars word in die algemeen gedefinieer as persone wat nie meer rasionele beheer oor hul dobbelgedrag het nie tot nadeel van hul persoonlike welsyn en dié van hul gesinne en afhanklikes. Dit is nie maklik om probleemdobbelaars te identifiseer nie, aangesien hulle gewoonlik moeite sal doen om hul probleem te verbloem.

Die MER gee erkenning daaraan dat geleenthede in die dobbel- en drankbedryf ook sekere risiko's vir die publiek kan inhou. Die MER werk dus saam met die Nasionale Program vir Verantwoordelike Dobbelary en die Bedryfsvereniging vir Verantwoordelike Alkoholgebruik aan maniere om mense te help wat slagoffers is van probleemdobbelary en alkoholmisbruik.

Die volgende hulp is beskikbaar aan enige persoon wat 'n dobbel of drankprobleem het, of gesinslede wat geraak word deur mense met 'n dobbel of drankprobleem:

Professionele hulp

'n Algemene praktisyn kan hulp verleen deur probleemdobbelaars of alkoholiste na toepaslike klinieke te verwys wat in die behandeling van verslawings spesialiseer. Daar is verskeie vrywilligerorganisasies wat om gratis berading genader kan word.

Die Nasionale Program vir Verantwoordelike Dobbelary het 'n hulplyn vir behandeling van en berading vir probleemdobbelaars. Die program kan tolvry geskakel word by 0861 472 622 of (011) 892 3829 of via WhatsApp-nommer 076 535 1701.

Die Suid-Afrikaanse Nasionale Raad vir Alkoholisme en Dwelmafhanklikheid ("SANCA") het 'n hulplyn vir behandeling van en berading vir alkoholiste. Die program kan geskakel word by 0861 472 622 of (011) 892 3829.

Selfuitsluiting

Gelisensieerde dobbeloperators in die Provinsie bedryf 'n stelsel van selfuitsluiting ingevolge waarvan 'n beroepsdobbelaar vrywillig kan versoek om by 'n gelisensieerde dobbelonderneming uitgesluit te word.

11. REËLINGS VIR OPENBARE BETROKKENHEID BY DIE FORMULERING VAN BELEID, UITOEFENING VAN MAGTE OF UITVOERING VAN PLIGTE {artikel 14(1) (g)}

Die MER betrek die publiek as volg in die proses van oorweging en toekenning van lisensies:

- 11.1 Aansoeke om lisensies word in die Provinsiale Staatskoerant asook in koerante wat in die toepaslike distrik gesirkuleer word, gepubliseer.
- 11.2 Belangstellende partye word genooi om skriftelike besware teen lisensie-aansoeke aanhangig te maak, waarin hulle aantoon of hulle mondelinge verhoë by die openbare verhoor rakende lisensie-aansoeke wil rig of nie.

Benewens bogenoemde kan lede van die publiek ook enige tyd verhoë tot die MER rig rakende sake waar dobbel- en drankwetgewing na hul mening verbeter kan word. Dit sal deur die MER oorweeg word, wat dan die Verantwoordelike Lid sal adviseer vir doeleindes van wetswysigings.

In die proses van wysigings van Provinsiale dobbel- en drankwetgewing vra die Provinsiale Departement van Ekonomiese Ontwikkeling en Toerisme en/of Provinsiale Wetgewing om kommentaar van die publiek rakende die voorgenome wysigings van die Mpumalanga Dobbelwet, die Mpumalanga Wet op Dranklisensiering en onderskeie Regulasies en die Mpumalanga Wet op Dobbelheffings en -regulasies. Die MER vra kommentaar van die publiek oor voorgenome wysigings van die Mpumalanga Dobbelreëls.

12. DIE REGSMIDDELE BESKIKBAAR IN GEVAL VAN NIENAKOMING VAN DIE WBTI {artikel 14(1) (h)}

Die regsmiddele beskikbaar aan die versoeker in gevalle waar die bepalings van die WBTI nie nagekom is nie, is:

- 12.1 Teken appèl aan by die toepaslike gesag, kragtens artikel 74 (1) teen die besluit van die Inligtingsbeampte.
- 12.2 Indien die versoeker steeds verontreg voel oor die besluit van die MER, kan hy/sy aansoek by die hof doen om toepaslike regsmiddele.



ANNEXURE A**GENERAL: VALUE-ADDED TAX**

Public and private bodies registered under the Value-Added Tax Act, 1991 (Act No. 89 of 1991), as vendors may add value-added tax to all fees prescribed in this Annexure.

PART I**FEES IN RESPECT OF GUIDE**

1. The fee for a copy of the guide as contemplated in regulations 2(3)(b) and 3(4)(c) is R0,60 for every photocopy of an A4-size page or part thereof.

PART II**FEES IN RESPECT OF PUBLIC BODIES**

1. The fee for a copy of the manual as contemplated in regulation 5(c) is R0,60 for every photocopy of an A4-size page or part thereof.

2. The fees for reproduction referred to in regulation 7(1) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
(c) For a copy in a computer-readable form on -	
(i) stiffy disc	5,00
(ii) compact disc	40,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	22,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	12,00
(ii) For a copy of an audio record	17,00

3. The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) is R35,00.
4. The access fees payable by a requester referred to in regulation 7(3) are as follows:

	R
(1)(a) For every photocopy of an A4-size page or part thereof	0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
(c) For a copy in a computer-readable form on -	
(i) stiffy disc	5,00
(ii) compact disc	40,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	22,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	12,00
(ii) For a copy of an audio record	17,00
(f) To search for and prepare the record for disclosure, R15,00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	
(2) For purposes of section 22(2) of the Act, the following applies:	
(a) Six hours as the hours to be exceeded before a deposit is payable; and	
(b) one third of the access fee is payable as a deposit by the requester.	
(3) The actual postage is payable when a copy of a record must be posted to a requester.	

PART III
FEES IN RESPECT OF PRIVATE BODIES

1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.

2. The fees for reproduction referred to in regulation 11(1) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on -	
(i) stiffy disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record	30,00

3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00.

4. The access fees payable by a requester referred to in regulation 11(3) are as follows:

	R
(1)(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on -	

- | | | |
|------|---|-------|
| (i) | stiffy disc | 7,50 |
| (ii) | compact disc | 70,00 |
| (d) | (i) For a transcription of visual images,
for an A4-size page or part thereof | 40,00 |
| | (ii) For a copy of visual images | 60,00 |
| (e) | (i) For a transcription of an audio record,
for an A4-size page or part thereof | 20,00 |
| | (ii) For a copy of an audio record | 30,00 |
| (f) | To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation. | |
- (2) For purposes of section 54(2) of the Act, the following applies:
- (a) Six hours as the hours to be exceeded before a deposit is payable;
and
 - (b) one third of the access fee is payable as a deposit by the requester.
- (3) The actual postage is payable when a copy of a record must be posted to a requester.

ANNEXURE B**FORM A****REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY**

(Section 18(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000))

[Regulation 6]

FOR DEPARTMENTAL USE

Reference number: _____

Request received by _____
(state rank, name and surname of information officer/deputy information officer) on
_____ (date) at _____ (place).

Request fee (if any): R

Deposit (if any): R

Access fee: R

SIGNATURE OF INFORMATION
OFFICER/DEPUTY INFORMATION
OFFICER

A. Particulars of public body

The Information Officer/Deputy Information Officer:

B. Particulars of person requesting access to the record

- (a) *The particulars of the person who requests access to the record must be given below.*
- (b) *The address and/or fax number in the Republic to which the information is to be sent, must be given.*
- (c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname: _____

Identity number: _____

Postal address: _____

_____ Fax number: _____

Telephone number: _____ E-mail address: _____

Capacity in which request is made, when made on behalf of another person: _____

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname: _____

Identity number: _____

D. Particulars of record

- (a) *Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*
- (b) *If the provided space is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.***

1. Description of record or relevant part of the record: _____

2. Reference number, if available: _____
3. Any further particulars of record: _____

E. Fees

- (a) *A request for access to a record, other than a record containing personal information about yourself, will be processed only after a **request fee** has been paid.*
- (b) *You will be notified of the amount required to be paid as the request fee.*
- (c) *The **fee payable for access** to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.*
- (d) *If you qualify for exemption of the payment of any fee, please state the reason for exemption.*

Reason for exemption from payment of fees: _____

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability: _____	Form in which record is required: _____
_____	_____
_____	_____

Mark the appropriate box with an X.

NOTES:

- (a) Compliance with your request for access in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:

☐	copy of record*	☐	inspection of record
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2. If record consists of visual images -

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

☐	view the images	☐	copy of the images*	☐	transcription of the images*
--------------------------	-----------------	--------------------------	---------------------	--------------------------	------------------------------

3. If record consists of recorded words or information which can be reproduced in sound:

☐	listen to the soundtrack (audio cassette)	☐	transcription of soundtrack* (written or printed document)
--------------------------	---	--------------------------	--

4. If record is held on computer or in an electronic or machine-readable form:

☐	printed copy of record*	☐	printed copy of information derived from the record*	☐	copy in computer readable form* (stiffy or compact disc)
--------------------------	-------------------------	--------------------------	--	--------------------------	--

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	NO
<i>Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.</i>		
In which language would you prefer the record? _____		

G. Notice of decision regarding request for access

<i>You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.</i>

How would you prefer to be informed of the decision regarding your request for access to the record? _____

Signed at _____ this _____ day of _____ 20_____

SIGNATURE OF REQUESTER / PERSON
ON WHOSE BEHALF REQUEST IS MADE

SISWATI



LIBHUKU LEMININGWANE NGOKUFINYELELEKA KWELWATI



**IMANUAL YE-MER LEMAYELANA NE-PAIA SIGABA 14 SEMTSETFO
WEKUGCUGCUTELA KUNIKETA SIVE IMININGWANE, UMTESTFO NO 2 WA
200 NJENGOBE UCHIBIYELWE**

LOKUCUKETWE

1.	SENDALELO	3
2.	SINGENISO	3
3.	UMSEBENTI NELUHLELWE MER	4
	{Sigaba 5(1)(a-j)}	4
3.1	LUHLAKA LWEBHODI	4
3.2	INDZIMA, IMISEBENTI KANYE NETINHLOSO	5
	3.2.1 IBHODI YE-MER	5
	3.2.2 LIKOMITI LEKUSEBENTA KWENHLANGANO	5
	3.2.3 LIKOMITI LELICUBUNGULA EMABHUKU NEBUNGOTI	6
	3.2.4 LIKOMITI LELIBUKENE NEKUSEBENTA KAHLE	6
4.	EMATIKO E-MER NEKUSEBENTA KWE-MER	7
4.1	LIHHOVISI LEMPHATSI LOMKHULU	7
4.2	LITIKO LETEMALAYISENSI	7
4.3	LITIKO LEKULANDZELA UMTSETFO	7
4.4	LITIKO LETEKUCUBUNGULA EMABHUKU	8
4.5	LITIKO LETEMITSETFO	8
4.6	LITIKO LEMSEBENTI WENKAPANI	8
4.7	LITIKO LETEKUCHUMANA	8
4.8	LITIKO LETINHLELO-NGUCUKO NEKUSIMAMA	8
5.	UMDVWEBO LOKHOMBISA LUHLAKA WEMLAWULI WEMNOTFO EMPUMLANGA (MER)	9
6.	IMININGWANE YETEKUCHUMANA {Sigaba 14(1) (b)}	10
7.	LIKOMITI LETEMALUNGELO ELUNTFU ENINGIZIMU AFRIKA {Sigaba 14(1) (c)}	11
8.	IMVUMO YEKUTFOLA UMNININGWANE WE-MER (KUFAGA EKHATSI UMNININGWANE LOYIMFIHLO) {Sigaba 14(1) (d) & (e)}	12
8.1	Imininingwane lengacelwa	12
8.2	Kuvetwa kwemininingwane	13
	8.2.1 Kuhlolwa {Sigaba 15(1) (a) (i)}	13
	8.2.2 Kutsengwa nekweniwa kwemakhophi {Sigaba 15(1) (a) (ii)}	14
	8.2.3 Lokutfolakala Mahhala {Sigaba 15(1) (a) (iii)}	14
	8.2.4 Tindlela Tekukhokha	14
9.	MITSETFO LEBEKIWE YEKUCELA IMININGWANE	15
10.	UMSEBENTI WE-MER {Sigaba 14(1) (f)}	16
11.	TINHLELO LETIVUMELA KUMBANDZAKANYA SIVE EKWAKHIWENI KWEMIGOMO, TINIKETE SIVE EMANDLA KANYE NEKUFAGA SANDLA {Sigaba 14(1) (g)}	18
12.	IMITSETFO LEBEKELWE KULUNGISA UMA KUBAKHONA KUNGALANDZELWA KWEMTSETFO WE-PAIA {Sigaba 14(1) (h)}	18



1. SENDLALELO

Inhlosonchanti yaloMtsetfo weKugcugcutela Kuniketa Sive Imininingwane (“PAIA”), 2000 (Umtsetfo 2 wa 2000), njengobe ichibiyelwe, *“kuniketa sive lilungelo lekutfola lwati kanye neminingwane etikhungweni tahulumende naleto letitimele njengobe kuchibiyelwe eSigabeni 32 seMtsetfosisekelo”*.

Umlawuli weteMnotfo eMpumalanga (MER), njengemlawuli wetemnotfo wesive eSifundzeni ngekweyalo yeluhlelo lesitsatfu, encenyeni C weMtsetfo lowengamele Timali Tesive wa-1999 (Umtsetfo No. 1 wa 1999), njengobe uchibiyelwe (PFMA), ngekulandzela lomtsetfo longenhla, kuphokelekile kutsi kuchicilelwe incwajana lechazako letawuba ngumculu wemmango wonkhe lapho ummango utawukhona kutfolo lokubhaliwe.

2. SINGENISO

i-MER ngumtimba losemtsetfweni kantsi inkapani yaHulumende lesebentela sive eSifundzeni, yasungulwa ngekulandzela Sigaba 2 seMtsetfo weMlawuli weteMnotfo eMpumalanga, 2017 (Umtsetfo No.2 wa 2017) “Umtsetfo”

Umbono weMER kutsi “ifuna kutitfolo ihamba phambili nakubukwa tindzaba letihambisana nekulawula lekusezingeni kwetekugembula nekutsengiswa kwetjwala” kantsi Inhlosonchanti yayo, “kwenta sicinisekiso sekutsi tindzawo tekugembula letitsengisa tjwala tisebenta ngelizinga lelifanele ngekutsi tilandzele umtsetfo lobekiwe lapha eSifundzeni seMpumalanga, eNingizimu Afrika.

I-MER yasungulwa ngenhloso yekubukana nekulawula umkhakha wekugembula nekutsengisa tjwala nekutsi ibukane naletinye tintfo letitsintsa wona lomkhakha.

Imitsetfo lebukene netekugembula yeMER isekelwe ngunati tinsika letintsatfu letilandzelako, lecinisekiswe imigomo yeMER:

- Tonkhe tindzawo lapho kutsengiswa khona tjwala, nalapho kugembulwa khona akube tindzawo letinemalayasensi futsi letisemtsetfweni, loku kutokwenta kutsi kulawuleke kutfolakala kwetjwala, kugembula kanye nekutfutukisa kumbandzakanyeka kwesive malungana netindzaba letiphatselene netjwala, kugembula, tekuphepha, nembeza kanye nekuvikela imigomo yaHulumende weSifundza seMpumalanga;
- Kuniketa imitsetfolulawulo lesebenta ngebuchwepheshe lobusezingeni leliphakeme, bucotfo futsi nekusebenta ngendlela lecondzile ekuveteni kwetsembeka, nekuveta buciniso ngenhloso yekuvikela ummango, nalabo labanemalayasensi kanye naHulumende weSifundza seMpumalanga;
- Kuvikela ummango emikhubeni lengakatsembeki, lenebutulujane nebutotsi leyenteka kulomkhakha wekugembula nekutsengiswa kwetjwala, ngako-ke kwetfulwa tindlela letifanele letitawulandzela netinhlelo leticinisekisa kutsi kugenjulwa ngendlela lengiyo, tjwala butsensiswa ngendlela felanele futsi bunatfwa kahle kanye nekweletsa litsemba lempakatsi kuletindzawo letinemalayasensi ekugembula nekutsengiswa kwetjwala eSifundzeni seMpumalanga.



3. UMSEBENTI NELUHLA LWE MER {Sigaba 5(1)(a-j)}

3.1 LUHLAKA LWEBHODI

Emalunga eBhodi acokwa ngekwesigaba-5 kuya ku-10 saloMtsetfo, Lilunga lekungumsebenti walo loko ngekubonisana neSigungu Lesiphakeme seSifundza kulandzelwa Umtsetfo kantsi baniketwa iminyaka lengendluli kulesihlanu kantsi bangasacokwa futsi nakuphela leso sikhatsi labaniketwe sona basebente leminyane iminyaka lesihlanu. Emalunga lakha iBhodi akufanele abe ngaphasi kwalayimfica kantsi futsi akumele endlule lishumi nakunye. Bonkhe babangemalunga eBhodi langakacashwa basebentisana nesikhulu lesikhulu seMER.

Emalunga ebhodi akhiwa ngalendlela lelandzelako:

- a) Sihlalo weBhodi, ukhetfwa lilunga lelifanele leBhodi njengobe kubekiwe esigabeni (c), (d), (e), (f) naku (j), kantsi kufanele kube ngumuntfu nolwelwati nalosewaba sesikhundleni sekuvusisa kusebenta kwemabhodi;
- b) Lisekela laSihlalo weBhodi, likhetfwa lilunga lelifanele leBhodi njengobe kubekiwe esigabeni (c), (d), (e), (f) naku (j), kantsi kufanele kube ngumuntfu nolwelwati nalosewaba sesikhundleni sekuvusisa kusebenta kwemabhodi;
- c) Lilunga linye lelineticu tebumeli letisemtsetfweni lapha eNingizimu futsi abe nelwati lwemsebenti lolungaba iminyaka lesihlanu emvakwe kutfala ticu takhe, loko wasebenta ngetemtsetfo nobe lokutsintsana netemtsetfo;
- d) Lilunga linye lelineticu tekuba ngumhloli-mabhukutimali lapha eNingizimu, futsi libe nelwati lwalomsebenti yendlule lesihlanu, lelize lasebenta njengemcwaningi mabhuku futsi lelilaliswe nemtimba lofanele wetebuhlozi mabhuku;
- e) Lilunga linye lelinelikhono kutemabhizinisi, futsi kumele abe nelwati ngembhoni yetekugembula;
- f) Lilunga linye lelinelikhono kutemabhizinisi, futsi kumele abe nelwati loluphatselene nembhoni yekutsengisa tjwala;
- g) Umuntfu lomelele Litiko lelibukene nekugembula nakulawulwa kutsengiswa kwetjwala lapha eSifundzeni, locokwe nguMphatsiswa weLitiko;
- h) Umuntfu lomelele Litiko leTimali lapha eSifundzeni, locokwe nguMphatsiswa weLitiko leTimali;
- i) Umuntfu lobuya etikweni lelibukene neKuphepha, Kuvikeleka, neKuchumana Kwemmango lapha eSifundzeni, locokwe nguMphatsiswa welitiko leKuphepha, Kuvikeleka, neKuchumana Kwemmango lapha eSifundzeni;
- j) Ngekubuka tigodzi teSifundza, kufuneka emalunga lamatsatfu lanelikhono nelwati lolufanele kuhulumende wasemakhaya, kutfutukiswa kwemmango kanye nekutfutukisa umnotfo kantsi babe balungele ngekubuka umtsetfo nabo bafakwe.
- k) Umphatsi Lomkhulu we-MER naye kufanele abe lilunga leBhodi, kepha angabi nelilungelo lekuvota emihlanganweni yeBhodi.



3.2 INDZIMA, IMISEBENTI KANYE NETINHLOSO

3.2.1 IBHODI YE-MER

Ngekulandzela lemigomo lebalwe ngenhla leyengamele noma lephatselene nekuphatfwa kwemhlangano kukhona imisebenti lekufanele yentiwe yiBhodi yonkhe, kanye naleyo lekufanele yentiwe lilunga ngalinye, ifaka loku lokulandzelako:

- Kucinisekisa kusebenta ngalokuphelele kweMER kanye nekulandzela baphatsi kutsi bayatilandzela tincumo, emasunchanti kanye netinhloso tekusetjentiswa kwetimali njengekwetincumo teBhodi;
- Kwehlukani kwekwetintfo ngekwetigaba nangekubaluleka, kugcina emandla lafanele eMER, nekuniketa letinye tikhungo letifanele nobe kwendlulisela tintsambo ematikweni lafanele.
- Kuchubeka nekubukisisa emandla laniketwe tiphatsimandla kutsi asetjentiswa ngendlela lefanele.
- Kucinisekisa kutsi tikhona tonkhe tinhlelo, imigomo netinchubomgomo letibekiwe kute iMER isebente futsi iphatfwe kahle;
- Kucinisekisa kutsi i-MER ilandzela yonkhe imitsetfo, imigomo, tindlelakusebenta kanye nemigomo yekuphatsa lefaka umgomo we-MER wekutiphatsa, Umbiko wa King IV kanye neliminye imigomo lefanako
- Kuhlatiwa nekubuyeketwa kwetingcinamba teMER kute kucinisekiswa kusebenta lokusezingeni leliphakeme;
- Kutsatfwa kwetincumo letibhadlile ngalokutimele etindzabeni letitsintsa i-MER letincike kubaphatsi kepha kube nelwati lolwanele lolutakwenta kutsi loluhlatiyo lube yimphumelelo;
- Kuhlatiya nekubukisisa tincenye letitsintsa leMER letingafaki imali, nekucinisekisa kutsi i-MER isebentisana ngendlela legculisako nebakakisandla labaninshisakalo ekutsiteni i-MER ibukeke njengenhlango lenakekela bahlali; kanye
- Nekucinisekisa kutsi luhlolo lolutimele lwentiwa njalo ngetikhatsi letitsite ngenhloso yekutfola kutsi luhlolo lwelulawula indlelakutiphatsa luyalandzelwa kanye nekutFlola kutsi luhlaka lwesiSukhungo lume kahle.

IBhodi inemandla ekuniketa imisebenti kumphatsi losetulu weMER (“CEO”), noma nguliphi Likomiti leBhodi, Lilunga leBhodi noma basebenti bayo isebentisa emandla ayo ekwenta njalo.

Kusebenta kwemalanga onkhe kweMER kugcile kakhulu kumphatsi losetulu (CEO) Kanye nemamalunga laphetse lacashe iBhodi.

Likomiti lebhodi lelikhetfwe ibhodi ngekulandzela umtsetfomgomo wesigaba 17 seMtsetfo ufaka ekhatsi loku:

3.2.2 LIKOMITI LEKUSEBENTA KWENHLANGANO

Likomiti lelibuke kusebenta kwenhlangano ngilo kanye lelibuye licinisekise kusebenta kwelikomiti lelikhokhela imihloko nelikomiti lelibuke kuhlalisana kwebantfu:

Likomiti Lelibukene Kusebenta kwenhlangano liniketa i-MER sicinisekiso mayelana nelizinga leliphakeme lemsebeni kanye nekwetsembeka kwemningwane leletfwa baphatsi beMER. Imisebenti yeLikomiti Lelibukene nekusebenta kwenhlangani ifaka phakhatsi lena lelandzelako:

- Kubuka tetfulo letimayelana neluphakelotimali lwemnyaka libuye linikete tincomo eBhodini kute iBhodi iwubuyekete bese iyawemukela;
- Ngemvakwekumukelwa luphakelotimali iBhodi, ibese ibuyeketa kwentiwa kwemsebeni ngekuwucatsanisa neluphakelotimali;

- Kwenta sicinisekiso kutsi yonkhe imali yentsela ikolekiwe kuwo onkhe emabhizinisi lanemalaysense ekugembula lasebentako;
- Kucinisekisa kutsi likomiti letemiholo liyahlangana lokungenani kanye ngemnyaka futsi linikwe lijokwe lokubuyeketa lisu lekuholela leMER;
- Kuniketa iBhodi sicinisekiso kutsi baphatsi netisebenti baholelwa ngendlela legculisako ngekwemisebenti yabo labayentela i-MER;
- Kugunyata kutsenga lokungetulu kwa-R5,000.00 kufika ku-R1,000,000.00;
- Kugunyata tingucuko letingentiwa ku-MER letitsintsa tinchubomgomo tangekhatsi nemigomo yakhona;
- Kubuka ngeliso lelijulile kusebenta kweluhlelo lweMER lolubukene nenhlalo yebantfu; lendlule libuke kutsi i-MER ilandzela Umtsetfo lonabile wekutfutukisa bantfu labamnyama kutemnontfo(I-BBBEE) wa 2004 kanye nemakhosi ekusebenta ngendlela lefanele.

3.2.3 LIKOMITI LELICUBUNGULA EMABHUKU NEBUNGOTI

Likomiti Lekucubungula Emabhuku Nekubukisisa Bungoti ngilo leliphindze lente umsebeni weLikomiti Lelibukene nendlela-kutiphatsa;

Ngekulandzela tisigaba 51(1)(a)(ii), 76(4)(d) kanye na77 wePFMA nemgomo 27(1) wetekulawulwa kwetimali, labaphetse baphocelekile kutsi basungule Likomiti Lekucubungula Emabhuku nekulawula Bungoti kanye nekusungula tindlela letisebentako nebuhlolimabhuku etikhanganweni tahlumende. Ngekulandzela kwalenamigomo Likomiti Lekucubungula Emabhuku nekulawula Bungoti kumele lelekelele iBhodi ekwenteni umsebeni wayo kwekubuka kwentiwa kwemisebenti, bungako bemisebenti kanye nekusebenta kahle kwentihlela neticubungula emabhuku tangekhatsi nangaphandle imisebenti Likomiti Lelicubungula Emabhuku Nekulawula Bungoti ifaka lena lelandzelako;

- Kuhlela nekubuka kusebenta kwelulawulo lwangekhatsi;
- Kuhlolisisa tindlela tekulawula bungoti;
- Kwenta yonkhe imisebenti lelindzelekile ngekulandzela umtsetfo;
- Kubuyeketa indzaba lemcoka yekusebenta kwetimali kanye nekwetfulwa kwemanani etimali, lokufaka ekhatsi indlela yebuchwepheshe kanye naleyo yemgomo nekubuka kutsi loku kunemtselela longanani ekwetfuleni titatimende-timali ngenhloso yekugcina kulandzelana lokungiko ekulinganiseni emanani;
- Kubuyeketwa kusebenta kwekulawula kangekhatsi lokwentiwa basebenti bangaphandle, umsebeni wabo lobalulekile kutsi ahlale abuye avinye kusebenta kwetindlela lokwentiwa tintfo ngayo abuye abuke nekuphepha kwelibhizinisi nekutsi timali tiphetfwe njani ebhizinisini.
- Kubuyeketa bubanti bemisebenti, kusebenta nekubaluleka kwaloku lokutfolwe bacubunguli mabhuku bangekhatsi nebangaphandle netiphakamiso labatentile;
- Kubuyeketa sitatimende sekwenta umsebeni ngendlela lelungile, loko lokulindzelekile kanye nemgomo lokungiwo wekubuyeketa kuhambisana nemitsetfo yenkambo lelungile.

3.2.4 LIKOMITI LELIBUKENE NEKUSEBENTA KAHLE

Likomiti lelibukene nekulandzela imibandzela lineketa iBhodi kutsi imigodvu yelucwaningo lolusemgangatweni iyalandzelwa, kute kuniketwa kwamalaysensi kulabafake ticelo tawo kwenteke ngendlela lefanele nalehambisana nemtsetfo wetekuGembula eMpumalanga, Imitsetfo neMigomo, nemitsetfo lebukene nekutsengiswa kwetjwala eMpumalanga, nekubuka kutsi intsela ikhokhelwa ngalokuphelele etindzaweni letinemalaysensi ekugembula ngekulandzela umtsetfo wentsela yetekugembula. Leminye imisebenti leniketwe lelikomiti lelibukene neLikomiti Lekulandzela Imibandzela ngunayi:

- Kubuka nekwenta tiphakamiso eBhodini mayelana nekukhishwa kwemalayisensi, kulandzelwa kwemtsetfo kanye netindzaba tekucubungulwa kwemabhuku;
- Kulalela tikhalo, kubuka sisindvo kanye nekuphendvula imibuto lefanele letfulwa kulo;
- Kubuyeketa loko lokutfolwe luphenyo, bunhloli kanye nebucubungulimabhuku;
- Kuniketa emabhizinisini lanelayisensi yekugembula sigwebo nangabe kukhona ludzaba loluletfwa kulelikomiti;
- Kucinisekisa iBhodi kutsi tinyatselo letifanele tiyatsatfwa kute kucondziswe tigwegwe letihambelana nekugembula nekutsengiswa kwetjwala ngalokungekhoh emtsetfweni;
- Kubuyeketa luhlatiyo nebunjalo bemkhakha wetjwala nekugembula lapha eSifudzeni kanye nekwenta tincomo eBhodini.

4. EMATIKO E-MER NEKUSEBENTA KWE-MER

Kufezekisa kwemigomo lehambisana nekwentiwa kwemsebenti yentiwa tisebenti letikhetsekile, futsi kuhlelwe ngalendlela:

4.1 LIHHOVISI LEMPHATSI LOMKHULU

Umisebenti weLihhovisi leMphatsi Losetulu ngulona:

- Kuniketa buholi lobulukhali nalobucotfo kanye nekubangumgogodla webuphatsi, kusekela kusebenta kahle kwenhlangano kanye nekucinisekisa kutsi umsebenti wesikhungo wentiwa kahle futsi loko kuyabikwa.

4.2 LITIKO LETEMALAYISENSI

Umsebenti welitiko lelikhipa emalayisensi ngulona:

- Kwenta luphenyo ngekulungela kwalabo labafake ticelo temalayisensi, lokufaka phakatsi labo labanemasheya, indzawo lapho lelibhizinisi lime khona, basebenti, labo labaniketwe emalayisensi lokufaka phakatsi kuchibiyelwa kanye nekuvuselelwa kwemalayisensi ekugembula kanye nekutsengisa tjwala kulandzela Umtsetfo weKugembula nekutsengisa Tjwala.

4.3 LITIKO LEKULANDZELA UMTSETFO

Umsebenti welitiko lelibukene nekulandzelwa kwemitsetfo ngulona:

- Kucinisekisa kutsi kugembula, kutsengiswa kwetjwala kanye nemishini lesetjentiswa ekukugembuleni ilandzela imigomo lebekiwe futsi licinisekise kutsi kulwisana nekugembula lolungakavunyelwa, kutsengisa tfwala ngalokungekho emtsetfweni kanye nekutsengisa tjwala etindzaweni letingakagunyatwa ngaphansi kwetindzazba letilawulwa ngulenhlangano.



4.4 LITIKO LETEKUCUBUNGULA EMABHUKU

Umsebenti yelitiko lelibukene nekucubungulwa kwemabhuku ngulona:

- Kuniketa sicinisekiso kutsi intsela yekugembula ikhokhelwe ngalokuphelele, ngendlela lengiyo, futsi iyabalwa njalo ngesikhatsi lesibekiwe.

4.5 LITIKO LETEMEMITSETFO

Umsebenti welitiko letemitsetfo ngulona lolandzelako:

- Kucinisekisa kusebenta kahle nekulandzelwa kwemtsetfo wekugembula nekutsengisa tjwala, liphindze licinisekise kutsi i-MER ilandzela umtsetfo.

4.6 LITIKO LEMSEBENTI WENKAPANI

Umsebenti welitiko lelibukene nekusebenta kwenkapani ngulona:

- Kucinisekisa kutsi kucasha nekusebentakwetimali kwenteka ngalokufanele.

4.7 LITIKO LETEKUCHUMANA

Umsebenti lobukene nelitiko letekuchumana ngulona:

- Kucinisekisa kutsi sive siyayati imitsetfo lephatselene nekugembula kanye netjwala kanye nekucinisekisa kutsi kuphatfwa kahle loko lokuphatselene nebuciko bekuchumana.

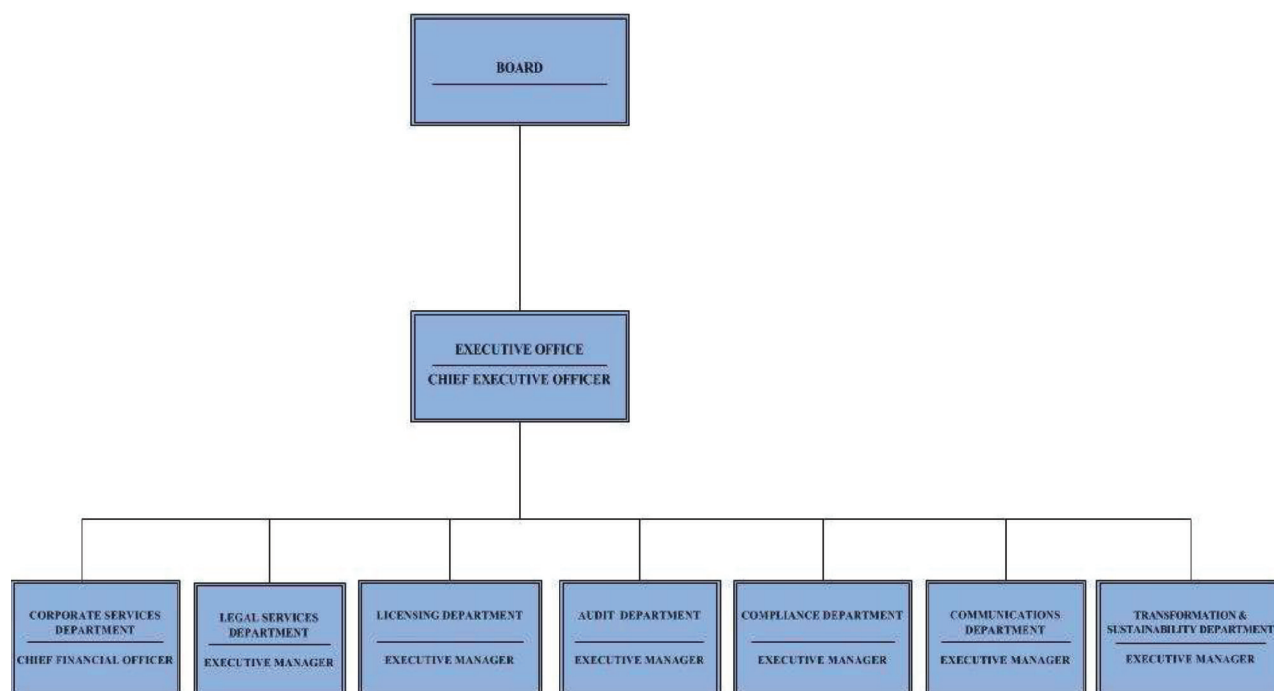
4.8 LITIKO LETINHLELO-NGUCUKO NEKUSIMAMA

Umsebenti welitiko lelibukene netinhlelo-ngucuko nekusimama ngulona:

- Kulandzela kutsi lemikhakha iyagucuka ihambisane netikhatsi futsi isimeme kantsi licinisekise kutsi lucwaningo luyentiwa kute kwakhiwe imigomo lefanele kuphindze kutsatfwe tincumo letingito.



**5. UMDVWEBO LOKHOMBISA LUHLAKA WEMPLAWULI WEMNOTFO
EMPUMLANGA (MER)**



6. IMINININGWANE YETEKUCHUMANA {Sigaba 14(1) (b)}

Umphatsi Losetulu (Umphatsi welwati)

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Umphatsi Lomkhulu Wetekuchumana

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I-Webhusayidi: <http://www.mer.org.za>

7. LIKOMITI LETEMALUNGELO ELUNTFU ENINGIZIMU AFRIKA {Sigaba 14(1) (c)}

Ngekulandzela Sigaba 10 semtsetfo Wekugcugcutela Kuniketa sive Iminingwane “ ngemuva kwe tinyanga letilishumi nesiphohlongo sekucale kusebenta lesi-sigaba Likhomishana Lemalungelo ebantfu kufanele kutsi libhale ngalelo nalelolwimi lolusemtsetfweni umhlahlandlela locuketse lona mniningwane kantsi kubhalwa kwalona mniningwane kufanele kwentiwe ngendlela lelula futsi naletawuvisiseka kalula ngulowo locelako kulandzelwa lonamtsetfo.”

Lomculu lobuyeketiwe utawutfotfolakala ngekuhambisana neSahluko-2, Sigaba (4) (1) salomtsetfo njengobe ushicilelwe mhlaka-15 enyangeni yendlovana 2002, Mhla tingu-31 indlovu lenkulu umnyaka ngemnyaka futsi imibuto ingacondziswa ku:

Likomishana lemaLungelo eLuntfu lapha eNingizimu Afrika: Ligumbi lePAIA: Lisekela lesisebenti Setelwatiso.

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Lokutfunyelwa kuye: Dr Shanelle van der Berg
Iwebhusayidi: www.sahrc.org.za



8. IMVUMO YEKUTFOLA UMNININGWANE WE-MER (KUFAGA EKHATSI UMNININGWANE LOYIMFIHLO) {Sigaba 14(1) (d) & (e)}

8.1 Imininingwane lengacelwa

Kusebenta	Iminingwane legciniwe	Ikhatha goli yekufak a munin gane	Indlela iminingwane levela ngangayo	Indzawo	Kutfolakala	Simo
Kukhishwa kwemalaysensi	Kuhlolwa kwemakhophi eticelo temalaysensi, kunganiketwa kwawo kanye netimphendvulo.	9	Nge-elektronikhi noma ngemakhophi emaphepha.	Lihhovisi lebubhala ne nekugcin alwati.	Kungatfolakala a ngesicelo njengoba kubhalwe esigabeni 26 kanye na 26A weMtsetfo wetekuGembula eMpumalanga.	Sanyalo.
Temtsetfo	Emaminitsi, Lokucoshiwe netincumo letitsetfwe iBhodi letitsintsana neluhlelo luvo lwemmango.	3	Nge-elektronikhino noma ngemakhophi emaphepha.	Lihhovisi lebubhala ne nekugcin alwati.	Kungacelwa njengoba kushicilelwe esigabeni 26B seMtsetfo wetekuGembula eMpumalanga.	Sanyalo.
Tekuchumana ne-Lihhovisi le-CEO	Imibiko lephatselene nembuso.	3	Nge-elektronikhi noma ngemakhophi emaphepha.	Lihhovisi lebubhala ne nekugcin alwati.	Ngesicelo.	Sanyalo.
Kukhiswa kwemalaysensi	Lwati ngemalaysensi ekuGembula neTitifiketi, kanye nenemibandzela yemalaysensi .	9	Nge-elektronikhi nalawa latfolakala ngemakhophi emaphepha.	Lihhovisi lebubhala ne nekugcin alwati.	Ngesicelo.	Sanyalo.



Kusebenta	Iminingwane legciniwe	Ikhathagoli yekufakamuninigan	Indlela iminingwane levela ngangayo	Indzawo	Kutfolakala	Simo
Kukhiswa kwemalayisensi	Lwati ngemalayisensi etjwala	9	Nge-elektronikhi .	KuRejista yesiFundza leku-inthanethi	Nge-elektronikhi.	Sanyalo.
Temtsetfo	Lwati ngeMntsetfo wekulawumaTemnotfo eMpumalanga.	1	Nge-elektronikhi nalawa latfolakala ngemakhophi emaphepha.	Lihhovisi lebubhalane nekugcinalwati.	Ngesicelo.	Sanyalo.
Tekusebenta Kwenkapani	Luhlu lwamathenda e-MER neticelo kanye nekukhishwa kwemathenda.	6	Nge-elektronikhi nalawa latfolakala ngemakhophi emaphepha.	Lihhovisi lebubhalane nekugcinalwati	Ngesicelo	Sanyalo.
Tekusebenta Kwenkapani	Luhla lwebatfumeli mphahla beMER nalabatfole ematheenda	6	Nge-elektronikhi nalawa latfolakala ngemakhophi emaphepha.	Lihhovisi lebubhalane nekugcinalwati.	Ngesicelo.	Sanyalo.
Tekusebenta Kwenkapani	Kukhangiswa kwetikhala temsebenti ngaphandle	4	Nge-elektronikhi nalawa latfolakala ngemakhophi emaphepha.	Ka-HR.	Ngesicelo.	Sanyalo.

8.2 Kuvetwa kwemininingwane

8.2.1 Kuhlolwa {Sigaba 15(1) (a) (i)}

- Layisensi yetjwala, layisensi yokugembula, sitifikati semvumo netifiketi sekufaneleka letinemiyo umatikhona.
- Umtsetfo lowengamele kunikwa kwemalayisensi ekutsengisatjwala eMpumalanga kanye neMgomo Wetjwala
- Umtsetfo lobukene nekulawula kugembula eMpumalanga,
- Umtsetfo lobuke kukhokhwa nekulawulwa kwentsela yetekugembula nemibandzela;
- Imtsetfo yasematafuleni emidlalo emakhasino, umtsetfo lobukene netikhombiso, Imtsetfo yokudlala ematafuleni emakhasino, Imtsetfo yokusebetisa imishini yokugembula iBebookmaker kanye nemtsetfo welusebetisa umshini wokugembula lobitwa ngeTotalisator.
- Tatiso Tesive.

8.2.2 Kutsengwa nekweniwa kwemakhophi {Sigaba 15(1) (a) (ii)}

- Umtsetfo waseMpumalanga wekuniketa emalaysensi etjwala kanye nemibandzela, Umtsetfo lobukelene nekueGembula eMpumalanga, kanye neMtsetfo lobuke intsela yetekugembula nekulawulwa kwayo eMpumalanga.
- Imuculu lephatselene neticelo tesive temalaysensi ekugembula.

8.2.3 Lokutfolakala Mahhala {Sigaba 15(1) (a) (iii)}

- Imibiko yemnyaka yeMER.
- Emabhukwana e-MER laneminingwane.
- Imitsetfo yemidlalo yasematafuleni emakhasino, Imitsetfo yekusebenta kwebasiti bekugembula, Umtsetfo wemshini wekugembula lobitwa ngeTotalisator.
- Ticelo tekucela emalaysensi.
- Emafomu ekufaka sicelo sekuGembula – Emalaysensi, Titifiketi temvumo nekufaneleka, nalokunye lokuhlobene.
- Emafomu Ekuveta libhizinisi lekugembula Nemlandvo Ngemuntfu.
- Tibalobalo tekugembula.
- Lifomu lentsela yekugembula.
- Lifomu leligcwaliswa ngulabo labanemalaysensi ekugembula lelingulona likhombisa lokufanele kulandzelwe kute kusetjentwe kahle.
- Lifomu leligcwaliswa ngulabo labanemalaysensi ekugembula lelikhombisa umsebeni.
- Lifomu letjwala njengekubhalwe eMtsetfweni lowengamele Emalaysensi Etjwala eMpumalanga.
- Lifomu lekufaka sicelo sekuniketela tinsita ku-MER.
- Luhlu lwetikhala temsebeni weMER.
- Tatiso Tesive.
- Kukhiswa kwembiko webetindzaba.

8.2.4 Tindlela Tekukhokha

Konkhe lokufanele kukhokhelwe kutawukhokhelwa ngekufaka imali ku-Akawunti ye-MER. Nayi imininingwane yasebhange.

Ligama Lelibhange:	First National Bank
Inombolo ye-Akhawunti:	54281160480
iBranch khodi:	250655
iSwift khodi:	FIRNZAJJ
IReferensi:	Sibongo, Ligama kanye nema- inishali

LOKUBALULEKILE: YONKHE IMICULU LEBHALWE NGEPHANSI KWA 8.2.3 ANGABUKWA APHINDZE ASISHICELWE KUYO IWEBUSAYITHI YE-MER NJENGOBA IVELA www.mer.org.za KANTSI NANGABE AWACELA UMBHUKUDVU LOSHICILELWE KUTAWULINDZELEKA KUTSI AWAKHOKHELE

9. MITSETFO LEBEKIWE YEKUCELA IMININGWANE

- 9.1 Umceli kumele asebentise lifomu lelitfolakala kugazeti yahulumende (Satiso R187 sa 15 Indlovana 2002), lesijubelwe kulenamaniwali njenge “*Siceshana A*”. Kute utfole kabanti ngetimali letikhokhwako katsi ufundze “*Siceshana B*” mayelana neticelo talokubhaliwe.
- 9.2 Umfakisicelo kufanele asho kutsi ucela likhophi lelishicilelwe nobe ufuna kubona loku lokushicilelwe ehhovisi leMER {Sigaba 29(2)}.
- 9.3 Umfakisicelo utawutfole lolwati ngekulandzela ingendlela yesicelo sakhe lasentile. Nanobekunjalo kutfole lomningwane lawucelako kutawuncika ekutseni lesicelo sakhe asiphathamisi kusebenta kweMER, noma kungona emafayela, nobe angeke sitsikamete emafayela langekho ngaphansi kwembuso {sigaba 29(3)} noma tikhona tizatfu letenta kutsi lowo lofake sicelo anganiketwa lemiculu kulandzela Sehluko 4 se PAIA. Uma kunguloko kusho kutsi leminingwane angeke ukhishwe ngendlela locelwe ngayo kepha ungakhishwa ngaleny indlela leyehlukile, tindleko titawubalwa ngendlela umfakisicelo afake ngayo sicelo sakhe {sigaba 29(4)}
- 9.4 Uma umfakisicelo afuna kutjelwa ngaleny indlela lekungaba kutsi kusetjentiswe lucingo loko kufanele kuvele esicelweni sakhe {Sigaba 18(2)(e)}
- 9.5 Uma umfakisicelo acela lomningwane awucelela lomunye umuntfu kufanele kuvetwe kutsi ungubani futsi uwucela kusiphi sigaba {Sigaba 18(2)(f)}
- 9.6 Uma umfakisicelo angakhoni kufundza nobe kubhala kumbe unekukhubateka lokutsite angafaka sicelo seminingwane ngemlomo kodvwa kufanele loko kuvele. Sikhulu Lesingamele iminingwane kutawufanele singcwalisele lifomu bese simniketa ikhophi yalelifomu leligcwalisiwe {Sigaba 18(3)}.
- 9.7 Sikhulu Lesingamele iminingwane sitawubese siyasinaka lesicelo kungakadluli emalanga langemashumi lamatsatfu (30) ngemvakwekutfole lesicelo ingci nje nakusicelo lesivakalako {Sigaba 25}. Kulesinye sikhatsi lesikhatsi setinsuku letingemashumi lamatsatfu singangetwa ngalamanye emalanga futsi langemashumi lamatsatfu {Sigaba 26}.
- 9.8 Umfakisicelo utokwatiswa mayelana netindleko lekufanele atikhokhele kodvwa loko kutawenteka lesosicelo singakafiki emaphetselweni {Sigaba 22}.
- 9.9 Umfakisicelo angafaka sikhalo sekubuyeketa kwetindleko ngekhatsi nakangavumelani neletindleko laniketwe tona {Sigaba 74 na 75} nobe angasifaka enkantolo kute

akhululwe ngalokusemtsetfweni ngemuva kwekutsi yona imitamo yekuncedza yeghlulekile {Sigaba 78}.

- 9.10 Umfakisiselo utawatiswa kutsi utawunikwa imvumo yekutfole lemininingwane layicelako nobe cha {Sigaba 25}.

10. UMSEBENTI WE-MER {Sigaba 14(1) (f)}

i-MER iniketa tinsita eSifundzeni seMpumalanga, kubaceli malayisensi be-MER kanye nekuwo wonkhe umkhakha wekugembula nekutsengisa tfwala kanye nasesiveni sonkhana ngekwenta loku lokulandzelako:

- 10.1 Kucinisekisa kutsi wonkhe muntfu lofuna kungena abeyincenye yetekugembula nobe kutsengisa tjwala lapha eMpumalanga ungulofanele.
- 10.2 Kucinisekisa kutsi tindzawo tekugembula netekutsengisa tjwala tiyawulandzela umtsetfo wekugembula nekutsengiswa kwetjwala waseMpumalanga
- 10.3 Kwemukela, nekucwaninga kanye nekutsatsa sincumo mayelana netikhalato letivela kumalunga emmango latitsintsa kugembula nekutsengiswa kwetjwala nobe letinye tehlakalo letihlobene naloku.
- 10.4 Kubeka imigomo letawucinisekisa kutsi lemishini yekugembula ihambelana nemigomo lebekiwe yemishini yekugembula velonkhe.
- 10.5 Kuniketa imvumo yekusetjentiswa kwemishini yekugembula lapha eSifundzeni
- 10.6 Kuniketa siciniseko iBhodi nakuhulumende waseMpumalanga kutsi imali letfolwa ekugembuleni nasekutsengiseni tjwala ibalwa kahle futsi ibhadalwa ngesikhatsi lesifanele, nekucinisekisa kutsi lulawulo lwabongcondvomshini labasetjentiswa etindzaweni tekugembula letinemalayisensi lutsembekile futsi lusebenta ngendlela lehambisana nemtsetfo lobekiwe wetekugembula. Iphindze yente siciniseko sekutsi labo labanemalayisensi bayakhona kugcina emabukutimali abo asesimeni lesihle ngasosonkhe sikhatsi ngekuhambisana nemtsetfo waseMpumalanga wetekuGembula.
- 10.7 Kulwisana netindzawo tekugembula netekutsengisa tjwala letingekho emtsetfweni lapha eSifundzeni ngenhloso yekuvikela ummango ekutibandzakanyeni nemabhizinisi langeko emtsetfweni kwatise kutsi umtsetfo awufinyeleli ekucinisekiseni kutsi labo labanemabhizinisi lanjalo bayalawuleka.
- 10.8 Corporate Relations ensures that the needs of the various role players are met, by assisting the organisation by providing effective communication mechanisms for informing everybody who have an interest in the MER, of its activities.

- 10.9 Kucinisekisa imitsetfo letawugcugcutela kugembula lokukahle nekutsengiswa kwetjwala lokukahle, kutama kunciphisa tehlakalo lapho muntfu asanenkinga yekugembula neyekunatsa tjwala ngendlela leyecile.

Bantfu labanenkingaya yekugembula bavame kubonakala ngekutsi bangasakhoni kutibamba nekulawula indlela labagembula ngayo bagcine balimata timphilo tabo netemindeni yabo nalabo lababuke kubo empilweni. Akukho lula kubona umuntfu lonenkinga yekugembula njengobe benta taba letinyenti kutsi bafihle tinkinga tabo tekugembula.

I-MER iyabona kutsi ematfuba ekutsi tindzawo tekugembula netekutsengisa tjwala tinaletinye tinkinga letitiletsako emmangweni. Ngaloko-ke i-MER isebentisana neluhlelo lwekugembula ngendlela lefanele kanye nenhlangano lengamele lomkhakha lebukene nekucinisekisa kunatjwa kahle kwetjwala, babuka emasu ekutfola tindlela tekusita labatitfola basetinkhingeni tekugembula nobe tekunatsa tjwala ngalokwecile.

Lolosito lungatfolwa nanobe ngumuphi lonenkinga yekugembula nobe yekunatsa tjwala ngalokwecile, nobe ngemalunga emndeni lahlukumetwa bantfu labanenkinga yekugembula nobe yekunatsa tjwala ngalokwecile.

Lusito Lwebuchwepheshe

Dokodela lolapha tonkhentintfo angasita ngekutfumela umuntfu lohlushwa kugembula noma lonatsa kakhulu lapho lusito lwalabanjalo lutfolakala khona. Tinyenti tihlangano letisebentela sive mahala letingavakshelwa ngulabo labadzinga kwelulekwa mahhala.

I-National Responsible Gambling Programme inelucingo loluniketa ngelusito nekwelulekwa ngetikinga tekugembula. Ungabatsintsa kunayi inombolo yamahhala 0800 006 008 nobe ungatfumela umlayeto wekucela kutsi bakufonele kunayi inombolo 076 675 0710.

I-South African National Council on Alcoholism and Drug Dependence (“SANCA”) inenombolo yelucingo lokucela lusito nekwelulekwa uma unenkinga yekunatsa tjwala ngalokwecile. Ungabatsintsa kunati tinombolo 0861 472 622 nobe (011) 892 3829 nobe ngeWhatsApp kunombolo-076 535 1701.

Kutikhokha ngekwakho

Emabhizinisi lanemalayisensi ekugembula lapha eSifundzeni aneluhlelo loluvumela kutsi umuntfu atikhokhe noma aticwase ngekwakhe nakangasakhoni kutibamba kantsi kwenteka kuphela nangabe lowomuntfu aticelela yena kutsi angasavunyelwa kugembula kulelobhizinisi.



11. TINHLELO LETIVUMELA KUMBANDZAKANYA ESIVE EKWAKHIWENI KWEMIGOMO, TINIKETE SIVE EMANDLA KANYE NEKUFAKASANDLA {Sigaba 14(1) (g)}

I-MER iniketa ummango litfuba lekuphefumulo laphe itawuniketa noma ikhokha ilayisensi nganati tindlela letilandzelako:

11.1 Ticelo temalayisentsi tifakawa kumaGazeti eSifundza naku maphephandzaba latfolakala etigodzeni lehlukene .

11.2 Lamanenshisakalo bayamenywa kutsi bafake luvo ngekubhala kutsi bayavumelana nome cha neticelo temalayisensi, kufanele kutsi bachaze nekutsi bafuna kubakhona batotikhulumela uma kukhululunywa esidlangalaleni nakubukwa lesosicelo. Ngetulu kwaloko, sive sivumelekile kutsi nome nini singabhalela Umlawuli mayelana nekutsi umtsetfo lowengamele kugembula nekutsengiswa kwetjwala ungatfufukiswa kanjani. Leyomibono itawubukwa beseyendlisela Elilungeni lesiGungu Lesphakeme leSifundza lesengamele i-MER kute libuke leto tingucuko kulomtsetfo.

Kusabuketwa loko kuchibiyelwa kwalomtsetfo lowengamele kugembula nekutsengiswa kwetjwala, Litiko leSifundza Lekutfutukiswa Kwemnotfo neTekuvakasha noma Sishayamtsetfo seSifundza singamema bantfu kutsi baphawule ngaloluchibiyelo kuloMtsetfo wekuGembula eMpumalanga, Umtsetfo wetjwala eMpumalanga kanye naleminye imitsetfo lehlobene nalena, lokufaka Umtsetfo wentsetfo yekugembula. Umlawuli ummema sive kutsi siphawule kuloluchibiyelo lohlongotwako lolumayelana nemtsetfo wekuGembula eMpumalanga.

12. IMITSETFO LETIBEKELWE KULUNGISA UMA KUBAKHONA KUNGALANDZELWA KWEMTSETFO WE-PAIA {Sigaba 14(1) (h)}

Letinhlelo tekwelekelela tingasetjentiswa ngumfakisicelo nangabe uMtsetfo we-PAIA ungalandzelwa

12.1 Kufaka sicelo kuwo sekubuyeketwa kwesincumo seMphatsi Lomkhulu kutiphatsimandla letifanele, njengekushe kwesigaba-74(1).

12.2 Uma umfakisicelo asanesikhalo ngesincumo lesibuya kuMlawuli, angatsatsa tinyatselo tekumikisa sikhalo sakhe enkantolo yemtsetfo kute agculiseke.



ANNEXURE A**GENERAL: VALUE-ADDED TAX**

Public and private bodies registered under the Value-Added Tax Act, 1991 (Act No. 89 of 1991), as vendors may add value-added tax to all fees prescribed in this Annexure.

PART I**FEES IN RESPECT OF GUIDE**

1. The fee for a copy of the guide as contemplated in regulations 2(3)(b) and 3(4)(c) is R0,60 for every photocopy of an A4-size page or part thereof.

PART II**FEES IN RESPECT OF PUBLIC BODIES**

1. The fee for a copy of the manual as contemplated in regulation 5(c) is R0,60 for every photocopy of an A4-size page or part thereof.

2. The fees for reproduction referred to in regulation 7(1) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
(c) For a copy in a computer-readable form on -	
(i) stiffy disc	5,00
(ii) compact disc	40,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	22,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	12,00
(ii) For a copy of an audio record	17,00

3. The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) is R35,00.
4. The access fees payable by a requester referred to in regulation 7(3) are as follows:

	R
(1)(a) For every photocopy of an A4-size page or part thereof	0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
(c) For a copy in a computer-readable form on -	
(i) stiffy disc	5,00
(ii) compact disc	40,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	22,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	12,00
(ii) For a copy of an audio record	17,00
(f) To search for and prepare the record for disclosure, R15,00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	
(2) For purposes of section 22(2) of the Act, the following applies:	
(a) Six hours as the hours to be exceeded before a deposit is payable; and	
(b) one third of the access fee is payable as a deposit by the requester.	
(3) The actual postage is payable when a copy of a record must be posted to a requester.	

PART III
FEES IN RESPECT OF PRIVATE BODIES

1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.

2. The fees for reproduction referred to in regulation 11(1) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on -	
(i) stiffy disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record	30,00

3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00.

4. The access fees payable by a requester referred to in regulation 11(3) are as follows:

	R
(1)(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on -	

- | | | |
|------|---|-------|
| (i) | stiffy disc | 7,50 |
| (ii) | compact disc | 70,00 |
| (d) | (i) For a transcription of visual images,
for an A4-size page or part thereof | 40,00 |
| | (ii) For a copy of visual images | 60,00 |
| (e) | (i) For a transcription of an audio record,
for an A4-size page or part thereof | 20,00 |
| | (ii) For a copy of an audio record | 30,00 |
| (f) | To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation. | |
| (2) | For purposes of section 54(2) of the Act, the following applies: | |
| (a) | Six hours as the hours to be exceeded before a deposit is payable;
and | |
| (b) | one third of the access fee is payable as a deposit by the requester. | |
| (3) | The actual postage is payable when a copy of a record must be posted to a requester. | |

ANNEXURE B**FORM A****REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY**

(Section 18(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000))

[Regulation 6]

FOR DEPARTMENTAL USE

Reference number: _____

Request received by _____
(state rank, name and surname of information officer/deputy information officer) on
_____ (date) at _____ (place).

Request fee (if any): R

Deposit (if any): R

Access fee: R

SIGNATURE OF INFORMATION
OFFICER/DEPUTY INFORMATION
OFFICER

A. Particulars of public body

The Information Officer/Deputy Information Officer:

B. Particulars of person requesting access to the record

- (a) *The particulars of the person who requests access to the record must be given below.*
- (b) *The address and/or fax number in the Republic to which the information is to be sent, must be given.*
- (c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname: _____

Identity number: _____

Postal address: _____

_____ Fax number: _____

Telephone number: _____ E-mail address: _____

Capacity in which request is made, when made on behalf of another person: _____

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname: _____

Identity number: _____

D. Particulars of record

- (a) *Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*
- (b) *If the provided space is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.***

1. Description of record or relevant part of the record: _____

2. Reference number, if available: _____
3. Any further particulars of record: _____

E. Fees

- (a) *A request for access to a record, other than a record containing personal information about yourself, will be processed only after a **request fee** has been paid.*
- (b) *You will be notified of the amount required to be paid as the request fee.*
- (c) *The **fee payable for access** to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.*
- (d) *If you qualify for exemption of the payment of any fee, please state the reason for exemption.*

Reason for exemption from payment of fees: _____

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability: _____ _____ _____	Form in which record is required: _____ _____ _____
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Mark the appropriate box with an X.

NOTES:

- (a) Compliance with your request for access in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:

☐	copy of record*	☐	inspection of record
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2. If record consists of visual images -

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

☐	view the images	☐	copy of the images*	☐	transcription of the images*
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3. If record consists of recorded words or information which can be reproduced in sound:

☐	listen to the soundtrack (audio cassette)	☐	transcription of soundtrack* (written or printed document)
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4. If record is held on computer or in an electronic or machine-readable form:

☐	printed copy of record*	☐	printed copy of information derived from the record*	☐	copy in computer readable form* (stiffy or compact disc)
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*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	NO
<i>Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.</i>		
In which language would you prefer the record? _____		

G. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record? _____

Signed at _____ this _____ day of _____ 20_____

SIGNATURE OF REQUESTER / PERSON
ON WHOSE BEHALF REQUEST IS MADE