



# ARBITRATION AWARD

Case Number: GPBC1385/2022

Commissioner: Vusi Moyo

Date of Award: 21 September 2023

In the **ARBITRATION** between

PSA obo Maredi, MS and Mailula, ER

APPLICANT

And

Department of Women, Youth and People with Disabilities

RESPONDENT

## DETAILS OF HEARING AND REPRESENTATION

1. This is an arbitration award issued in terms of Section 138(7)(a) of the Labour Relations Act 66 of 1995 as amended (hereafter referred to as "LRA"). The matter was set down for an arbitration process under the auspices of the GPSSBC in terms of Section 191(5)(a)(iv) of the LRA.



2. The Applicant was represented by Mr Patrick Morake, an Official of the PSA. The Respondent was represented by Ms Sharmila Morgan, Labour Relations Specialist. These proceedings were conducted in English. Submissions were both digitally and manually recorded.

## **ISSUE TO BE DECIDED**

3. The Commissioner is required to determine whether both Applicants were subjected to an unfair labour practice related to benefits in terms of Section 186(2)(a) of the LRA by the Respondent in failing to pay the Applicants on salary level 10 from their respective dates of appointment.

## **RELIEF SOUGHT**

4. Compensation and retrospective correction of salaries from dates of appointment.

## **BACKGROUND TO THE ISSUE**

5. Both Applicants are of a firm view that they were appointed at incorrect salary levels by the Respondent. Bundles of documents were exchanged by the parties. The authenticity and veracity of these documents was not disputed.

## **SURVEY OF EVIDENCE AND ARGUMENT**

6. These proceedings were digitally recorded, what appears hereunder constitutes a summary of the evidence deduced by the parties in so far as is relevant for the purpose of this arbitration; it is by no means a comprehensive minute of what transpired in the course of these proceedings.



**The Applicants' case:**

7. Both Applicants testified in their respective cases. Ms Evelyn Raisibe Mailula, testified as the first witness under oath as follows:
8. Ms Mailula was appointed as Assistant Director: International Relations ("ASD: IR") on the 1<sup>st</sup> of July 2020 at salary level 9. She testified that she discovered after three months into the post that on the approved start-up structure her post is graded at level 10. This structure and relevant levels were signed by Minister Nkoane Mashabane on the 14<sup>th</sup> of October 2019. This was however contradicted by the advert of the post whereby the post was advertised at level 9. Upon this discovery, Ms Mailula approached the HR Unit to indicate to them that her post is graded at level 10. She stated that HR responded verbally that this anomaly will be rectified. As time went on, she started sending emails to check on progress and this went on for more than a year.
9. Ms Mailula testified that towards the end of 2021 she sent an email directly to the Director General of the Department ("DG"). A few months later, effective 01 April 2022, she noticed that her salary has been increased. She forwarded a pay query to HR in May 2022 to ask about what informed the increase. She was then furnished with a formal notice of implementation of job evaluation results to confirm that her post was evaluated and is now approved at salary level 10. She highlighted that she had no idea when such a job evaluation exercise was conducted as she was the first incumbent in the post.
10. Ms Mailula emphasized that the post was established at salary level 10 in 2019 by the Executive Authority, the Minister of the Department. There was no explanation given about why the position was advertised at salary level 9. The Respondent was thus accused of unfair conduct in that the start-up structure shows that when the position was advertised it was put at salary level 9 instead of level 10.





11. The Applicant averred that this error was only rectified after 15 months when she wrote to the DG. Under the circumstances, she stated that she suffered prejudice in that her livelihood was negatively affected from 1 July 2020 to 31 March 2022 as the money did not go into her pension coffers. The relief sought was for the Respondent to backdate her salary for the period when she was paid at salary level 9, 1 July 2020 to 31 March 2022. The post is currently at salary level 10.
12. Ms Mailula conceded under cross examination that indeed the post was advertised at salary level 9. However, she dismissed the Respondent's challenge by responding that the structure was approved at level 10 in 2019. She argued that the HR process cannot supersede the Executive Authority that signed and endorsed the structure. She explained that throughout this process she was never informed of any budgetary constraints. This was a new issue raised at arbitration.
13. Clause 8.2 of the Recruitment and Selection Policy is entitled "Authorization to fill a Vacancy". It provides that:  
*Where a vacancy occurs through the termination of service of an incumbent or the creation of a new post, the executing authority/ delegated authority shall, before filling a vacancy:*
  - (a) *Confirm that the post exists on the approved establishment;*
  - (b) *confirm the necessity of the post to meet the Department's objectives;*
  - (c) *in the case of a newly defined job, evaluate in terms of the job evaluation system;*
  - (d) *in case of a vacant post on grade 9 or higher, evaluate the job unless the specific job has been evaluated properly; and*



(e) *ensure that the post is funded, sufficient budgeted funds, including funds for the remaining period of the medium-term expenditure framework, are available for filling the post, and that available funds have not been moved elsewhere.*

14. The Applicant conceded that, *"...based on what I see now (the policy), I agree that there is a process to be followed even after approval of the start-up structure. They could have given me this information and it would have sufficed."* However, she was steadfast in her submission that the HR unit promised her that the error will be rectified. Furthermore, it was HR's duty to give her this information when she raised her concerns about the levels.

15. In re-examination, the Applicant referred to clause 9.1 of the Job Evaluation Policy which provides as follows:

**9.1 Executing Authority**

*The Executing Authority shall –*

- (a) *ensure that all newly defined jobs are evaluated with the prescribed system before creating posts for such jobs; and*
- (b) *ensure that all newly created and newly defined jobs are evaluated through the prescribed JE system before such posts are filled.*

16. In closing, this submission was meant to underline the point that the job evaluation was supposed to be done before creating the post.

17. We then proceeded to the second Applicant, Ms Mmatlala Salome Maredi. She testified under oath as follows:





18. Ms Maredi was appointed as Assistant Director, Economic Empowerment and Participation ("ASD: EEP") on salary level 9 on the 1<sup>st</sup> of April 2020. During 2021, Ms Maredi consulted her Supervisor and received feedback that she is supposed to be on salary level 10. This was referred to HR whereby she was informed that her post must go through a job evaluation process prior to any changes. Due to inaction over a period of time, she elected to lodge a grievance on the 01<sup>st</sup> of August 2022.
19. Ms Maredi submitted her "Job Evaluation Result" that was signed by Minister Susan Shabangu on the 27<sup>th</sup> of September 2016. This confirmed that a decision was taken by the Executive Authority to approve the job evaluation of this post, ADS: EEP.
20. Subsequently, around May 2022 a formal submission was made to the DG as Delegated Authority titled: "*Request approval of the implementation of the salary grade of a designated post in line with job evaluation results.*" The submission stated that:
- 2.1 *On 27 September 2016, the Executive Authority approved the job evaluation results of the post of Assistant Director: Economic Empowerment and Participation at salary level 10 (certificate attached as annexure A).*
- 2.2 *regardless of such approved levels, the post 2019-NMOG post establishment erroneously structured such post at level 9. Accordingly, when the vacant post was subsequently advertised and filled, it was at such incorrect level.*
21. The submission was signed and supported by the following authorities to further confirm availability of funds:
- (a) Deputy Director: HR Policy and Planning
  - (b) Chief Director: Corporate Management
  - (c) Chief Financial Officer .



22. However on the 30<sup>th</sup> of May 2022 the DG declined the approval and stated that the job evaluation should be re-done as the certificate is too old.
23. The Applicant testified that she started to work in the Department in 2020 and was never provided with an explanation regarding why the appointment was made at salary level 9.
24. The Applicant further submitted an advert with a similar title (Assistant Director: Economic Empowerment), same duties and responsibilities in the same Department but at salary level 10. No one could explain to her what the difference was to her post. The response she received was that no answer can be given to her as the matter is still subject to arbitration. Under the circumstances, the Applicant believes that the Respondent has subjected her to an unfair labour practice as the current salary level affects her livelihood and pension. As a remedy, she is seeking an order to be placed on salary level 10 and to be backdated from her appointment date.
25. Under cross examination, the Applicant conceded that in the start-up structure her post was approved by Minister Nkoane-Mashabane on the 14<sup>th</sup> of October 2019 at salary level 9. Whereas the DG had instructed that the job evaluation should be re-done on the 30<sup>th</sup> of May 2022, the Applicant revealed that to date, this has not been done. She attested that she is being punished for an admin error as both the 2016 decision to approve her post was never implemented as well as the 2022 decision to re-do the job evaluation is still not effected. The Applicant averred that her post was funded and was intended to be on level 10. She further submitted that this was also confirmed by Mr Louw, the Director of Financial Accounting and currently acting in the position of CFO. She supplemented that this is further supported by her travel itinerary documents that are used to claim for her subsistence and travelling purposes. The travel itinerary states her salary level to be 10. The Post Establishment document further corroborated the Applicant's submission that her post is funded at salary level 10.





**The Respondent's case:**

26. The Respondent called three witnesses for its case. The first witness was Mr Mbhazima Shiviti. He testified under oath as follows:

27. Mr Shiviti is the Chief Director of Corporate Management. He testified that both Applicants were appointed at salary level 9. He disagreed with their version that they should have been appointed at level 10 as the positions were budgeted and advertised at level 9. Hence, appointments followed suit at level 9. Mr Shiviti was of a firm view that the Respondent followed a fair process.

28. Mr Shiviti quoted Regulation 40 of the Public Service Regulation of 2016:

**40. Creation and filling of posts.**

*Before creating a post for any new job, or filling any vacancy, an executive authority shall-*

- (a) confirm that he or she requires the post to meet the department's objectives taking into account the norms and standards determined by the Minister for post provisioning for occupations or categories of employees;*
- (b) in the case of a new job, evaluate the job in terms of the job evaluation and job grading system referred to in regulation 41(1), except in the case of jobs determined in terms of an OSD, or jobs graded by the Minister in terms of regulation 41(2)(d), in which case the grade indicated in the OSD or as determined by the Minister shall be utilised;*
- (c) in the case of a vacant post not determined in terms of an OSD or graded by the Minister in terms of regulation 41(2)(d), evaluate the job unless the specific job has been evaluated in the last 60 calendar months; and*





*(d) ensure that sufficient budgeted funds, including funds for the remaining period of the medium-term expenditure framework, are available for filling the post.*

29. Under cross examination, Mr Shiviti confirmed that he is aware of a grievance that was lodged by Ms Mailula. The outcome of the grievance was rendered by the DG on 20 June 2022 as follows:

*"Kindly note in terms of Public Service Regulations, 2016 under Regulation 45 (3) a post graded to a higher post or salary level shall take effect on the first day of the month following the month of approval by the executive authority, which is also in accordance with the Departmental Job Evaluation Policy.*

*The Job Evaluation approval for the Assistant Director: International Relations post was upgraded to salary level 10 and approved on the 31<sup>st</sup> of March 2022. Therefore the upgrade has been captured to be effective as from the 1<sup>st</sup> April 2022 in accordance with the prescripts.*

*I have been advised that you have subsequently received the formal communication on the outcome of the job evaluation process on the 02<sup>nd</sup> of June 2022 and this aspect of your grievance has therefore been resolved.*

*Accordingly your grievance lodged requesting paid back-pay from 01<sup>st</sup> July 2020 to 31<sup>st</sup> March 2022 is denied as no valid approval was applicable until the 23<sup>rd</sup> March 2022."*

30. Whereas Mr Shiviti acknowledged that the start-up structure was signed by the Minister on the 14<sup>th</sup> of October 2019 and it needed to be implemented, he averred that they still needed to look at the budget. He pointed out that the start-up structure is a planning document as this preceded the process of looking at the budget for actuals. Afterwards, the CFO needs to confirm the funding in line with what is affordable. \



31. When challenged as to whether a structure can be approved without a budget, Mr Shiviti responded that this is something that has happened before. Moreover, it has created a conundrum and for that reason he is not able to give a straight answer. He accepted that it has created a problem and it was created by a problem between the DPSA and National Treasury. Mr Shiviti further indicated that while the structure may be approved, the jobs still needed to be evaluated. The posts were approved by the DG at level 9. Any violation of this process may lead to irregular expenditure which is a crime in terms of the Public Service Act. This is part of the reason why they could not appoint the Applicants at Level 10.
32. Mr Shiviti disclosed that he was the Chairperson of the Panel that recommended the approval of the Job Evaluation Result of Ms Maredi's post to the Minister in 2016. He conceded that he supported the submission of approval to level 10 that was sent to the DG in 2022 for the same post. Mr Shiviti accepted that the post was initially graded and approved at level 10 however this could not be implemented due to budgetary constraints. He furnished an explanation that while there was no budget before, the new DG has managed to attain the required budget for this approval to be effected. The Applicant's representative controverted this submission by challenging him that when the Minister signed the approval it means that due diligence was concluded prior to this step. Mr Shiviti responded that there were two functions that came together in the Department therefore they had to put up a temporary start-up structure. The due diligence was done and supervised by the DPSA and National Treasury after the alignment was corrected. This process was initiated when the sixth administration came with a new government configuration. For that reason, there was only a temporary structure.
33. Mr Shiviti further conceded that the Job Evaluation Policy does not apply to both Applicants' cases as the policy was effected in 2021.





34. In re-examination, pertaining the budget constraints, Mr Shivity quoted from the Respondent's Annual Report of 2020/2021. He attested that the budget of the Respondent was reduced and reprioritised elsewhere within government. A key point was made that Job Evaluation Results are not automatic as you have to confirm the funds. In page 84 of the Annual Report under "Overview of Human Resources", it was reported that:

*On 19 September 2019, the Minister for the Public Service and Administration made a determination for the transfer of the respective functions and concurrence with the start-up organizational structure with effect from 01 April 2020.*

*Through the AENE (Adjusted Estimated National Expenditure) process, National Treasury informed the Department in September 2020 that the 2020/21 CoE (Compensation of Employees) baseline allocation was reduced by R7, 3 million – six months into the financial year. In October 2020, a further reduction of R2, 1 million was announced to the 2020 CoE allocation to fund the SAA Business Rescue Plan. Accordingly, the CoE budget for 2020/21 was reduced to R111, 7 million.*

35. The second witness was Mr Andre Peter Coetzee. He testified under oath as follows:
36. Mr Coetzee was the Deputy Director: HR Policy and Planning at the time of the dispute. He testified that there are different provisions for Job Evaluation Results. The process followed is that a panel is appointed. Afterwards, the panel makes recommendations on levels of posts, based on availability of funds on the approved levels.



37. Mr Coetzee testified that Ms Maredi's post was advertised at level 9. It was an existing post and was never upgraded. Considerations before implementation are two-fold:

- (a) Affordability is considered for a post;
- (b) Whether there is an incumbent in the post.

38. Mr Coetzee testified on the request he made to the Minister as follows:

*REQUEST FOR APPROVAL OF JOB EVALUATION RESULTS FOR JOBS ON THE  
DEPARTMENTAL ESTABLISHMENT*

*1. PURPOSE*

*The purpose of this submission is to request the Minister to consider and approve the job evaluation results for jobs on the establishment of the Department.*

*2.4 To ensure that the jobs were analysed thoroughly and consistently, the Job Evaluation Panel reviewed and deliberated the job evaluation carried out by the job analyst. After consideration of the jobs presented, the Job Evaluation Panel made the following recommendations guided by the outcomes on the job evaluation system (EVALUATE).*

*3.1 In terms of Public Service Regulations, Section 40(d), before creating a post for any newly defined job, or filling a vacancy, an Executive Authority shall ensure that sufficient budgeted funds, including funds for the remaining period of the Medium-Term Expenditure Framework (MTEF) are available for the filling of posts.*





39. The above submission was supported by the Chief Director of Corporate Services and the Director General. The authorization was signed on the 22<sup>nd</sup> of September 2016 but it came with a caveat from both the CD and DG. The Chief Director stated a forewarning that, *"Implementation of higher grades will depend on the availability of funding once the budget committee has authorized the CoE budget."* The DG cautioned that, *"Implementation to be dependent on availability of funds and once EA has applied her mind engagement with DPSA and NT will take place."* These upgrades were never implemented. Mr Coetzee testified that he was never a member of Senior Management therefore he cannot speak for them about why this was never implemented. He submitted that at the time there were a lot of dynamics but the issue was the availability of funding. Mr Coetzee submitted the request for approval of ASD: EEA vacancy to be advertised at salary level 9 on the 28<sup>th</sup> of July 2018.
40. Of importance, Mr Coetzee stated that in his capacity he was of a view that Ms Maredi should be appointed at salary level 10. He thus recommended that it should be regularized. Even at arbitration, Mr Coetzee expressed that he was and still is of the opinion that she must be appointed at salary level 10 even though he is not the decision maker.
41. Pertaining the Job Evaluation results, Mr Coetzee testified that they are valid for a period of five years. At the time that the submission was made to the DG in 2022, the JE Results had already elapsed.
42. On Ms Mailula's position, ADS: IR, Mr Coetzee stated that a preliminary Job Evaluation was done as it was a newly created post. It was funded and approved at salary level 10 on the 14<sup>th</sup> of October 2019.
43. The new organizational structure was approved by Minister Nkosazana Dlamini-Zuma on the 23<sup>rd</sup> of April 2023. Ms Maredi's post does not appear in the new structure but there is an additional new post of ASD: EE (without the "and Participation") at salary level 10. Mr Coetzee explicated that this is as a result of changes of the Department's



44. mandate and strategic intentions from 2019 to 2023. A Change Management Project team has been appointed to lead the facilitation and implementation of this new organizational structure.
45. On the 25<sup>th</sup> of May 2022, Mr Coetzee approved the salary upgrade of Ms Maredi to level 10. However, he averred that he could not do it retrospectively in terms of Regulation 45(3) of Public Service Regulations.
46. Mr Coetzee specified under cross examination that he is neither a member of Exco nor budget committee therefore he does not have any information regarding why the JR results and the salary upgrade were never implemented. He clarified that his role is classified as middle management. He further illuminated that there was a vacuum in HR Management at the time.
47. Mr Coetzee stated that when Ms Maredi was appointed in April 2020, it was still within 60 months of the job evaluation/ grading that was done in 2016. However the adjustment was not made. He responded that there could have been various reasons for the non-implementation of the JE results. He was clear that he does not know these reasons.
48. Mr Coetzee affirmed that he was never involved in the recruitment and selection process therefore he cannot comment on whether there was anything communicated with the Applicants about their levels at the time. He also affirmed that he does not know any reason why the posts were not advertised and appointments made at level 10.
49. When questioned on the approval of the Executive Authority in 2016, Mr Coetzee conceded that the DG signed and put a remark next to her signature that the Minister had already signed the Job Evaluation Certificate.





50. Mr Coetzee could not adduce any evidence to deal and respond specifically to the main issue regarding when the decision not to approve the salary levels were made.
51. Mr Coetzee admitted that due diligence should have been done before the posts were filled. However, it is for the employer to decide what the salary levels should be. Furthermore, a distinction should be made between job evaluation and remuneration. In this case, level 10 was not implemented even though the request was approved.
52. In May 2022, Mr Coetzee made the submission to appoint Ms Mailula at a higher graded level and it was approved.
53. In re-examination, Mr Coetzee stated that job evaluation is made based on the requirements of the job not budgets.
54. The third witness was Ms Nkhugueleni Brenda Leshiva. She testified under oath as follows:
55. Ms Leshiva is the Assistant Director of HR Policy and Planning. She conducted the job analysis for the job evaluation of the ADS: EEA position and was part of the JE panel. The JE process was explained in detail. Of importance, she explained that part of the process includes verifying whether there are funds for the post or not. At times, these funds may be reprioritised and moved elsewhere as required. The focus is mainly on the dynamics of the job not the funds thereof. Ms Leshiva testified that the Minister signs the grading of the post not the funding thereof. The funding of the post is done separately.
56. Ms Leshiva attested that there was no approval to upgrade the ASD: EEA post. As for the ADS: IR post she was also aware that it was funded at salary level 10 whereas the advert for the post stated level 9. She could not give a reason on why this was the case.



57. When challenged on the subject of availability of funds for the upgrades, Ms Leshiva responded that in HR the CoE is managed by someone else. In the absence of an HR Director, Mr Coetzee was the delegated authority. Ms Leshiva conceded under cross examination that the policy was violated but not from her side in that a preliminary exercise was made before the structure was approved. The structure was approved on the 14<sup>th</sup> of October 2019. This was followed up by a question that if that was the case why was the Applicant appointed in 2020 at salary level 9 instead of 10 in terms of the approved structure? She responded that she does not have such information on what recommendations were made after the job evaluation.

58. For Ms Mailula's post, ADS: IR, Ms Leshiva stated explicitly that, *"Ideally, I would agree that the appointment should have been made at level 10."* Ms Leshiva could not answer when asked directly, *"Administratively the Department has failed and now you cannot justify this omission. What is your view? The Minister signed but the Department did not follow it up to finality?"* She also did not have a response on whether the Applicants are entitled to backpay. She sought a document to guide her in that regard.

59. In closing, both parties submitted heads of argument in writing.

## **ANALYSIS OF EVIDENCE AND ARGUMENT**

60. The Deputy Director of HR Policy and Planning, Mr AP Coetzee, was the custodian of policy in the Department given the vacuum of leadership that existed in HR at the time. I agree with his considered view that Ms Maredi should have been appointed at salary level 10 from the 01<sup>st</sup> of April 2020. In his submission to the Executive Authority he directly referred to salary level 9 as erroneous.

61. Mr Coetzee's view still stands but the Respondent brought him as a witness in spite of the fact that he contradicted the Respondent's case.





62. The DG complained that the certificates were too old in 2022, but this was not caused by the Applicant. The Respondent bears responsibility for the time lapse.
63. It is also clear that from inception Ms Mailula's post was never budgeted nor approved at salary level 9. It has always been graded at salary level 10. The changes were made during the advert and appointment phase. The error was recently corrected but did not cover the entire period. This should be corrected through backpay from date of inception as the delay of corrections were caused by the Respondent, not the Applicant.
64. For Ms Maredi's post, the error should have long been addressed. To date, nothing has been done. This is administrative negligence. Regulation 45 refers to ensuring that the job evaluation was done in the last 60 months as well as confirming the availability of funds before filling the post. These conditions were ignored and the Respondent thus violated Public Service Regulation 45 as the job evaluation at level 10 was still valid in April 2020.
65. Throughout the years, the matter of budgetary constraints was never the key issue. It was also raised during re-examination of Mr Shiviti's evidence. No direct link between the Applicant's circumstances and the budget were made. The Respondent submitted an Overview of the Department's Annual Report with a blanket statement of what the Department dealt with at the time. This report was of no assistance as it did not deal directly with the Applicant's circumstances.
66. No evidence was led on who and how the funding process is conducted separately from the evaluation/ grading process. It would be unfair to punish the Applicants for such administrative blunders.



67. While the Respondent argued that the salary levels were lowered because of budgetary constraints, no Finance Official testified on such evidence. No CoE figures were submitted. No member of the budget committee was called nor were minutes of the committee presented. There is also no official document that talks specifically to when the finances became a hindrance for the two appointments.

68. In **Apollo Tyres South Africa (Pty) Ltd v CCMA and Others [2013] 5 BLLR 434 (LAC)** a benefit was defined in the following manner:

[50] ...In my judgment "benefit" in section 186(2) of the Act means existing advantage or privileges to which an employee is entitled to as a right or granted in terms of a policy or practice subject to the employer's discretion.

69. In the current matter, the existing right claimed by the Applicants is the upgrade to salary level 10 from date of appointment. These claims do indeed fall within the definition of a benefit as they satisfy all three key principles outlined in the above definition: (a) existing advantage or privilege; (b) entitled to as a right or granted in terms of a policy and (c) subject to discretion of the employer.

70. In justifying its conduct, the Respondent cited **Mathibeli v Minister of Labour (2015) 36 ILJ 1215 (LAC)**. This case law finds no application in the current matter as, in that case, no evidence existed of a decision by the Respondent Minister to approve and implement the recommendations. This is patently different from the current matter.

71. It is common cause that the ADS: IR salary level was corrected to level 10 effectively from 01 April 2022. However this was supposed to have been done from date of appointment. This would not violate Regulation 45(3) as the correct level should have been effected from date of appointment. There is also no logical rationale for why the ASD: EEA post is still on level 9 when even the repackaged ADS: EE post is also on level 10. This error should be corrected from date of appointment. Prior Ministers of the Department have already approved these posts at salary





72. level 10. The Department must simply implement salary levels 10 for both Applicants as directed by the respective Executive Authorities.

73. In the premise, I render the award as follows:

#### **AWARD**

74. I find that both Applicants, Ms Mmatlala Maredi and Ms Raesibe Mailula were subjected to an unfair labour practice in terms of benefits since their respective dates of appointment, 01 April 2020 and 01 July 2020.

75. I order the Respondent, National Department of Women, Youth and People with Disabilities, to appoint and backpay both Applicants at salary level 10 from their dates of appointment by no later than 30 November 2023.

76. I make no order as to costs.

**Dated and signed on the 21st of September 2023.**

**Vusi Moyo**

**GPSSBC Commissioner**

