THE FINANCIAL SERVICES TRIBUNAL

CASE NO.: A21/2022

NIGEL JAMES GREEN APPLICANT

and

FINANCIAL SECTOR CONDUCT AUTHORITY RESPONDENT

Tribunal panel: LTC Harms, W Ndinisa and PJ Veldhuizen

For the applicant: Adv AE Franklin SC and Adv A Milovanovic-Bitter instructed by Norton Rose Fulbright South Africa Inc

For the respondent: Adv TJ Bruinders SC

Hearing: 14 December 2022 virtually

In re: Reconsideration of decisions under sec 167(1) and 153 of the Financial Sector Regulation Act 9 of 2017 – Section 65 of the Collective Investments Schemes Control Act No 45 of 2002 – sec 2 Financial Institutions (Protection of Funds) Act, No. 28 of 2001 – Jurisdiction over pure peregrini – submission to jurisdiction

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DECISION (Corrected version)

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1 The applicant applies for the reconsideration of a financial penalty imposed on him by the respondent ('the Authority') of R2.5 million in terms of sec 167(1) of the Financial Sector Regulation Act 9 of 2017 ('the FSR Act') and of his debarment as financial service provider or representative for a period of five years pursuant to sec 153 of the Act.

2 The application for reconsideration is under sec 230(1) of the Act.

3 The contraventions occurred while the applicant was a director of a local financial services company. The company underwent name changes, but we are mainly concerned with the company when its name was deVere Investments South Africa (Pty) Ltd ('deVere SA').

4 DeVere had a Category I and a Category II FSP licence under the Financial Advisory and Intermediary Service Act 37 of 2002 ('the FAIS Act') to conduct financial services business. The Cat I license entitled it to render financial advice and intermediary services, i.e., to provide advice and execution with reference to investment decisions. It had at a given time some 3 838 such clients. The Cat II license permitted it to hold a discretionary mandate to make investment decisions on behalf of its clients and it had 20 (eventually two) such clients.

5 DeVere SA was a wholly owned subsidiary of a holding company, first registered in Switzerland and then in the UAE. They will for the sake of convenience referred to as the deVere Group. The Group had subsidiaries in about 50 countries, and it operated in many more and had its administration mainly in Malta.

6 The applicant was directly or indirectly the sole shareholder of the deVere Group. It is apparent that the applicant controlled the Group and its subsidiaries at macro-level.

7 The de Vere Group disposed of its local shareholding during November 2019.

8 Mr Green was a non-resident director of deVere SA from 2008 to 2015. He did not engage with clients in South Africa since he was not registered (nor did he seek to be registered) as a financial services representative or provider or a key individual in terms of the FAIS Act and he says that he was not involved in the day-to-day

management of deVere SA. It is improbable that he exercised the same level of control at a micro level of subsidiaries since he had, for that purpose, a local director responsible for the running of the company together with a complement of compliance and administrative officials.

9 The core issue between the Authority and deVere SA relates to the marketing of foreign collective investments schemes by the latter that were not approved by the Registrar of Collective Investments Schemes as required by section 65(1) of the Collective Investments Schemes Control Act No 45 of 2002. Section 65(3) deals with the consequences of non-compliance:

> A person who solicits ['solicit' means any act to promote investment by members of the public in a collective investment scheme] investments in a foreign collective investment scheme which is not approved in terms of subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and such imprisonment.

10 The following appears from the report on which the decisions of the Authority were based:

- On 22 February 2010, FAIS (the FAIS Supervision Department) conducted an onsite visit at deVere SA. FAIS discovered that deVere SA offered clients access to unapproved offshore investments through the deVere Fund Platform administered by Moventum and Morningstar.
- FAIS notified deVere SA that its 2010 platform was, among others, in contravention of condition 6 of its licencing condition.

- The condition, [which parrots sec 67(1)] reads as follows:

  "... the 'financial services provider may only promote the business of, or solicit for, participatory interest in a foreign collective scheme that has been approved by the Registrar of Collective Scheme Control Act, 2002 (Act No. 45 of 2002)."

- In reaction to the FAIS communication, deVere SA informed FAIS that it had modified the 2010 platform to comply with condition 6 of its licence.

- On 24 November 2014, FAIS conducted another onsite visit. During this onsite visit, FAIS discovered that since August 2012, deVere still offered its clients access to unapproved offshore investments through the deVere SA Fund Platform.

- On 10 July 2015, the Registrar instructed an inspection into the affairs of deVere SA and its associated institutions.[1]

11 The final inspection report was submitted to the Authority on 7 August 2018 at a time when the FSR Act had already been in operation and the functions of the Registrar taken over by the Authority. The report with its thousands of pages annexures, it may be noted, did not limit itself to the contravention of condition 6 but reached wide-ranging conclusions about other financial sector law transgressions by deVere SA and persons connected to the company.

[1] This may have led to Mr Green's resignation as director.

12 What is said in this Tribunal decision is without prejudice to other possible pending reconsideration cases that relate to the business of deVere SA and is specific to the facts and arguments presented in this matter.

JURISDICTION

13 The mainstay of Mr Franklin's argument on behalf of Mr Green was that the Authority did not have jurisdiction to impose any administrative penalty on or take any other administrative action against Mr Green because he was at all relevant times a "pure" peregrinus and that, accordingly, local courts and administrative bodies could not exercise jurisdiction over the person of Mr Green.

14 This ground of objection was first raised in the applicant's heads of argument filed on 14 November 2022.

15 Coincidentally, the Tribunal dealt with the issue of the Authority's jurisdiction over pure peregrini in a decision that was released a day later, namely the *Viceroy* matter.[2] As was there stated, the Authority as local tribunal has jurisdiction over the subject-matter of contraventions of financial sector laws, but it does not have personal jurisdiction over a pure peregrinus unless that person was served with the initiating papers whilst being present in South Africa.

16 Mr Bruinders for the Authority did not submit that the decision, which was a majority decision, was incorrect but relied on the concept of submission to jurisdiction as

[2] Decision - Viceroy Research Partnership LLC v FSCA and Others.pdf

expressed in *Purser v Sales* 2001 (4) SA 445 (SCA). The Court [at para 13] accepted the following as a correct statement of the law on the subject:

> Submission to the jurisdiction of a court is a wide concept and may be expressed in words or come about by agreement between the parties. Voet 2.1.18. It may arise through unilateral conduct following upon citation before a court which would ordinarily not be competent to give judgment against that particular defendant. Voet 2.1.20. Thus where a person not otherwise subject to the jurisdiction of a court submits himself by positive act or negatively by not objecting to the jurisdiction of that court, he may, in cases such as actions sounding in money, confer jurisdiction on that court.

17 And in para 15 the Court quoted the following statement with approval:

> It was a general principle of the common law that where a defendant without having excepted to the jurisdiction, joins issue with a plaintiff in a Court which has material jurisdiction, but has no jurisdiction over defendant because he resides outside the jurisdiction of that Court, the defendant is deemed to have waived his objection and so as it were conferred jurisdiction upon the Court.

18 Joinder of issue is generally referred to as the stage when the pleadings in a civil matter have been closed but, as Mr Bruinders correctly submitted, it is rather difficult to apply common-law principles designed for civil litigation in the court system without more to administrative matters because the identification of the analogy is often fraught with difficulties.

19 We do not believe that Mr Green's assistance with the investigation and submitting to a summons to give evidence and giving evidence (already during 2016) on a general

compliance topic of deVere SA amounted to his personal submission to jurisdiction for purposes of the imposition of administrative penalties and action.

20 Mr Bruinders was probably correct when he submitted that from a practical point of view *litis contestatio* is reached when the applicant's application for reconsideration is filed. That document defines the issues between the 'defendant' and the Authority. This approach would fit the Rules of the Tribunal, namely rules 10 and 14.

21 Whatever view one takes, *litis contestatio* was long past the date the filing of argument for the hearing of the application and, applying general principles, Mr Green is deemed to have waived his right to raise the lack of jurisdiction. Authorities such as *Purser v Sales* cannot be read or applied otherwise.

THE FIRST *AUDI* LETTER

22 Conscious of its *audi* duties, the Authority sent two letters to Mr Green which preceded its administrative action.

23 The first *audi* letter of 18 January 2019 gave notice of proposed administrative sanction and regulatory action against the deVere SA company *and* Mr Green personally.

24 According to the letter, DeVere SA stood accused of a contravention of sec 65(3) and inter alia of several provisions under the FAIS Act.[3]

[3] Noted later.

25 Mr Green, too, was accused of a contravention of sec 65(3) (but not of anything else) because

> Green was a key person[4] responsible for the operations and decision- making which led to the solicitation. In addition, Green designed and controlled the investment channels (the QROPS product, the [deVere Fund] platform and the Sygnia Life endowment policies).

26 The detail of these channels, products and platforms does not form part of this decision but it may be noted that at least the important ones were designed for British expatriates under UK laws which enabled them to move their British pension funds to other jurisdictions with more favourable tax and other benefits. South African funds were not involved.

27 The proposed financial penalty for Mr Green was R250 million and the administrative action was a debarment for five years from

- providing, or be involved in the provision of all financial products of financial services, defined in all financial sector laws administered by the Authority;
- acting as a key person of a financial institution; and
- providing any services to a financial institution, whether under outsourcing arrangements or otherwise.

[4] Despite the debate, it is unlikely that in context the Authority intended to refer to him being a 'key individual' as defined in the FAIS Act, which he in any event was not.

THE SECOND *AUDI* LETTER

28 Mr Green's attorneys responded on 31 May 2019, and a year and a half later, on 15 December 2020, a second *audi* letter was sent, this time dealing only with Mr Green. (There may have been a separate letter relating to deVere SA.)

29 The *audi* letter restated the allegation that Mr Green had contravened sec 65(3) and added an additional 'charge' based on sec 2(a) of the Financial Institutions (Protection of Funds) Act, No. 28 of 2001. We quote sec 2(a) and (b) for reasons that will become apparent:

> A financial institution or nominee company, or director, member, partner, official, employee or agent of the financial institution or nominee company, who invests, holds, keeps in safe custody, controls, administers or alienates any funds of the financial institution or any trust property-
>
> > (a) must, with regard to such funds, observe the utmost good faith and exercise proper care and diligence;
> >
> > (b) must, with regard to the trust property and the terms of the instrument or agreement by which the trust or agency in question has been created, observe the utmost good faith and exercise the care and diligence required of a trustee in the exercise or discharge of his or her powers and duties; and
> >
> > (c). . ..

30 'Trust property' is defined as

> any corporeal or incorporeal, movable or immovable asset invested, held, kept in safe custody, controlled, administered or alienated by any person, partnership,

company or trust for, or on behalf of, another person, partnership, company or trust, and such other person, partnership, company or trust is hereinafter referred to as the principal.

31 The allegation against Mr Green was rather difficult to unravel but amounted in essence to this:

(a) DeVere SA breached, during the period 2012-2015:

- section 65(3);
- condition 6 of its licence conditions;[5]
- regulation 3(a) of the FAIS Regulations;[6] and
- sections 2, 3A(1)(b)(ii), 3(1)(a)(vii), 3(1)(b), 7(1)(c)(iii)(bb), 9(1)(a)-(d) and 21 of the General Code of Conduct.[7]

(b) Section 2(a) requires a director of a financial institution (such as deVere SA) who invests, holds etc any funds of the financial institution (in this case deVere SA), must, with regard to such funds, observe the utmost good faith and exercise proper care and diligence.

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[5] This is a duplication of the sec 65(3) contravention.

[6] GG 25092 of 13 June 2003. Once again nothing different from sec 65(3).

No person-

(a) may in any manner or by any means, whether within or outside the Republic, canvass for, market or advertise any business related to the rendering of financial services by any person who is not an authorised financial services provider or a representative of such a provider.

[7] General Code Of Conduct For Authorised Financial Services Providers And Representatives - BN 80/2003 deals with the general duties of FSPs, some in very general terms such as art 2: A provider must at all times render financial services honestly, fairly, with due skill, care and diligence, and in the interests of clients and the integrity of the financial services industry.

(c) Mr Green, as director of deVere SA failed to comply with that duty by causing or permitting the deVere SA contraventions mentioned.

(d) In addition, and because of this, he was no longer a fit and proper person [presumably, to be a director of an FSP] with regard to the personal character of honesty and integrity and/or operational ability.

THE ADMINISTRATIVE ACTION

32 The attorney replied on 18 February 2021, and it took 15 months for the Authority to issue its notice of administrative action on 26 May 2022 according to which the administrative penalty imposed was R2.5 million instead of R250 million, and the debarment was from rendering financial services as contemplated by the FAIS Act (nothing turns on the difference between this and the first *audi* letter). This is the subject of the reconsideration application.

33 It is again difficult to understand the terms of the letter, but Mr Bruinders' argument confirmed that the notice was in accordance with the additional charge (omitting sec 65(3)) in the second *audi* letter as explained earlier in paragraph 31.

34 Mr Bruinders fairly pointed out that the decision of the Authority was reflected in para 2.7 of the decision letter and was that Mr Green had contravened or failed to comply with the provisions of sec 2(a) since he had been a director of deVere SA during the relevant period. However, he said, although the Authority had erred because the applicable provision of this Act was not sec 2(a) but sec 2(b), the Tribunal may, on reconsideration, find and confirm a breach of sec 2(b) and dismiss the reconsideration application.

35 Since Mr Green, for purposes of this application, assumed that deVere SA did commit the different contraventions but denies his liability (the correctness of the assumption is not before us), it explains why, according to Mr Bruinders, the Tribunal has only to decide two questions, namely question of the jurisdiction over the person of Mr Green (which has been done) and, secondly, did Mr Green breach sec 2(b)?[8]

36 There are, however, antecedent questions raised by Mr Franklin about the applicability of sec 2 to Mr Green having regard to its preamble or introductory phrase.

THE SCOPE OF SECTION 2

37 It is difficult to see how one can equate the solicitation under sec 65(3) by deVere SA for the investment of client funds in unapproved collective investment funds as 'investing, holding, keeping in safe custody, controlling, administering, or alienating' those funds. The funds were UK pension funds that were moved from the UK to other EU jurisdictions because of deVere's solicitation and advice in South Africa. As Mr Franklin submitted,

> It is worth noting in this regard that deVere SA, in its capacity as a Category 1 FSP, was not licensed to exercise any discretion in relation to client funds or financial products. The position was in fact that deVere SA provided financial advice and intermediary services in relation to financial products. At no stage did deVere SA

[8] HoA par 5: It follows that the only questions that are in dispute and that must be decided by the Tribunal are these. Does the Authority have jurisdiction to impose a fine or to debar Green? Did Green breach s2(b) of the FIA?
HoA par 31: The Authority found (and submits) that deVere contravened s65 of the CISCA during 2012-15. That is not disputed by Green. Because he was a director of deVere during that period, the Authority found that he contravened s2(a) of the FI Act.

manage client funds, clients instead elected whether or not to accept and/or act upon the financial advice provided by deVere SA.

38 The second problem raised by Mr Franklin is that Mr Green, although he was a director of deVere SA, did not perform any of the acts mentioned in the preamble.

39 The Authority, on the other hand, contended in the papers that section 2(a) [the same would apply to 2(b)] does not require a personal act, and that Mr Green's culpability is premised on de Vere SA's actions: Mr Green – in his role as a non-executive director, is to be held strictly and personally liable for the conduct of the FSP on the basis that 'the very purpose of section 2 of the FI Act is to avoid the persons mentioned therein to hide behind the corporate veil and to ensure collective accountability'.[9]

40 Section 65(3) is a criminal provision with serious criminal consequences. It must as such be restrictively interpreted.

41 The Authority's interpretation would mean that a director is criminally vicariously liable for acts of or transgressions by the company. To counter this the Authority submits that to find otherwise would mean that a director could hide behind the corporate veil.

42 To find that a director is only liable for personal acts or omissions is not permitting a director to hide behind a corporate veil; it is the opposite because it prevents a director from hiding behind any veil because the director is held criminally liable for his/her personal criminal act or omission. The criminal liability of companies and directors is spelt out in sec 332 of the Criminal Procedure Act 51 of 1979, and there is no indication that this provision intended to change that position. 'Hiding behind a

[9] Applicant's HoA par 48.

corporate veil' is in any event an inappropriate and loaded mantra when dealing with criminal provisions – it is a civil concept dealt with in detail in sec 77 the Companies Act 71 of 2008.

43 Mr Bruinders submitted in addition that Mr Green was required, in relation to the investment of clients' funds to observe the utmost good faith as spelt out in sec 2(b) – it would obviously on the argument also apply to sec 2(a) – and that he was, accordingly, required to exercise directorial oversight over the promotion and solicitation of investments by deVere SA and referred to case law dealing with the general fiduciary duties of directors. The problem with this submission is that it pre-supposes that the requirements of the preamble are present, which they are not.

44 This means that we are in general agreement with Mr Franklin's submission on the subject:

> The section clearly differentiates between juristic persons and natural persons who invest, hold and keep in safe custody client funds. Had the legislature intended to make the directors liable for the conduct of the entities they serve it would have stated so in clear language. It would have also replaced the disjunctive "or" with a conjunctive "and" (to provide "a financial institution or nominee company, and director, member, partner, official, employee or agent…". The legislature deliberately chose not to do so. There is no merit to the contention that "the very point of section 2(a) is to avoid directors to hide behind the corporate veil" – the point of section 2(a) is to make those persons (juristic or natural) who invest, hold, keep in safe custody, control, administer or alienate any funds accountable for their actions. When the funds are handled by entities, the entities will be accountable. When funds are handled by individuals, they will be held accountable.

SHIFTING GROUND ARGUMENT: SECTION 2(a) and 2(b)

45 For the sake of completeness, we deal with the question raised by Mr Bruinders namely whether this Tribunal may find that Mr Green contravened sec 2(b) instead of sec 2(a). The crux of his submission was:

> In a reconsideration application, where the decision under reconsideration identifies the wrong provision in a financial sector law, but the evidence establishes that a person breached another provision of a law, the FST is empowered to find that a person has breached such law.

46 He did not provide any authority to that effect save the judgment in *Potgieter v Howie NO* 2014 (3) SA 336 (GP) which is against him. That case, which is not necessarily on all fours with the present, dealt with the powers of the Appeal Board under Financial Services Board Act 97 of 1999, more particularly, sec 26B(15), something discussed by the FSB Appeal Board in *Sharemax Investments (Pty) Ltd v Siegrist and another.*[10]

47 This matter should be decided on first principles. Section 154 of the FSR Act, which deals with debarments under sec 153, details the applicable administrative justice requirements that must be fulfilled before a debarment order may issue. In contradiction, Chapter 13, which deals with administrative penalties, is silent about the requirements. Fortunately, this legislative void is covered by sec 91 which states that the Protection of Administrative Justice Act 2 of 2000 (PAJA),

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[10] https://www.fsca.co.za/Enforcement-Matters/Publications%20and%20Documents/Decision%20-%20Sharemax%20and%20others%20-%20Siegrist%20and%20Bekker.pdf. See also *Weihman NO v Rauch & Fais Ombud* https://www.fsca.co.za/Enforcement-Matters/Publications%20and%20Documents/Decision%20-%20JL%20Weihmann%20NO%20%20and%20PJJ%20Rauch%20and%20FAISOmbud.pdf; *Decision - MET Collective Investments (RF) (Pty) Ltd v FSCA and another* Case No.: A23/2019

> "applies to any administrative action taken by a financial sector regulator [the Authority] in terms of this Act or any specific financial sector law [listed in Schedule 1]".

48 The basic *audi* principle is that persons must be told what they stand accused of and must be given the opportunity to respond thereto:

> "what is required in order to give effect to the right to a fair hearing is that the interested party must be placed in a position to present and controvert evidence in a meaningful way. In order to do so the aggrieved party should know the 'gist' or substance of the case that it has to meet."[11]

49 There is no relationship between 2(a) and 2(b) and in a criminal case a conviction on the latter would not have been a competent verdict if the accusation were the former.

50 The FSR Act permits the Authority to make decisions. In the case of sec 167 the jurisdiction to impose a penalty depends on a jurisdictional finding of a contravention of a finance sector law. Then follows the decision whether to impose a financial penalty, and if so, the nature and extent. (The jurisdictional fact under sec 153 is a finding of a contravention 'in a material' way, followed by a decision to debar and the period and conditions of debarment.)

51 The issue before the Tribunal is first whether the contravention that was the subject of the administrative penalty was established. In exercising that function the Tribunal is not bound by the reasons of the Authority, and it may reach the same conclusion in another manner. In other words, it considers whether the conclusion was correct, and

[11] *Earthlife Africa* (*Cape Town*) *v Director General*: *Department of Environmental Affairs & Tourism* 2006 2 All SA 44 (C); 2005 3 SA 156 (C) par 53; *Du Preez v Truth & Reconciliation Commission* 1997 2 All SA 1 (A); 1997 4 BCLR 531 (A); 1997 3 SA 204 (SCA).

not necessarily the reasons. Cf *Tecmed Africa (Pty) Ltd v Minister of Health and another* [2012] 4 All SA 149 (SCA) at para 17. But that does not mean that it could move the target.

52 The Tribunal is entitled to set aside the penalty decision in terms of Chapter 13 (sec 167) of the FSR Act and substitute 'the decision' with its own decision (sec 234(1)(b)(i)). The incongruity or irony is, however, that the Tribunal does not have the same competence in relation to the debarment order in terms of Chapter 11 Part 5 (sec 153) which may be based on the same facts: it may only dismiss the application or set the decision aside and remit it to the Authority for further consideration (sec 234(1)(a)).

53 Even if we limit the inquiry to the penalty, the said competence of the Tribunal cannot mean that if the applicant stood accused of having contravened x, the Tribunal could find that the applicant contravened y.

54 An example was put to counsel during argument. Say, as in this case, the applicant was found to have contravened sec 2(a), would it be possible for the Tribunal to hold instead that the applicant contravened any of the many possible contraventions of sec 36 of the FAIS Act or of any contained in the multiple financial sector Acts listed in Schedule 1 of the FSR Act – or for that matter, revert to sec 65(3) despite the Authority's decision that he had not contravened it? The answer must be in the negative.

55 To summarise: The case was sec 2(a) since the first *audi* letter. The reference to 2(a) was not a slip of the pen because in each instance the Authority quoted the text of sec

2(a) and Mr Green responded in terms. He was not called on to answer any allegation concerning sec 2(b). Whether he had an answer to sec 2(b), we do not know.

56 It is accordingly unnecessary to consider the finding of the Authority (which Mr Bruinders did not deal with) that Mr Green's contravention of sec 2(a) 'impacted' on certain provisions of the FAIS Act in that he was not fit and proper [for being a director?] and did not satisfy or no longer satisfied the personal character qualities of honesty and/or integrity and /or operational ability requirements set out in the regulations.

CONCLUSION

57 It follows that the reconsideration application succeeds. Some problems with the application of sec 234(1) of the FSR Act have already been identified in paragraph 52 of this decision, namely regarding the remittal of the matter(s) for reconsideration. There is another one, and that relates to the substitution of the decision of the Authority with that of the Tribunal in relation to the penalty provision. The Legislature may have thought that the only difference between the Authority and the Tribunal could relate to the nature and scope of the penalty. That is not the case.

58 The only way this Tribunal decision can be reflected is by way of a declaratory order, declaring that the applicant did not contravene sec 2 of the Financial Institutions (Protection of Funds) Act, No. 28 of 2001.

59 Mr Franklin asked for a costs order against the Authority. For that he had to show 'exceptional circumstances' (sec 234(2)). The essence of his argument was that Mr Green had been subjected to unwarranted prosecution by the Authority and that he

had been put to the cost (financial and reputational) to defend himself against serious allegations in circumstances where not even a prima facie case against him existed.

60 The argument is unconvincing. As mentioned, Mr Green did not for reasons tactical or otherwise dispute that the company of which he was the only (albeit indirect) shareholder and beneficiary and the director 'with a say' transgressed financial laws in a material way. The Authority was entitled to seek to determine whether it could link Mr Green personally to those transgressions. It initially thought that he contravened sec 65(3) (see the first *audi* letter) but then it thought that it could link him via sec 2(a) (see the second *audi* letter). The problems with its second approach as discussed in this decision were not identified in his response to the second *audi* letter, which dispels the idea that the Authority had a bad case, should have known that, and should not have proceeded against him.

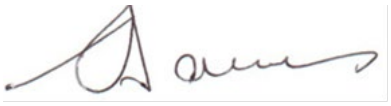
ORDER

A. The application for reconsideration is upheld and the Authority's decision to impose a financial penalty on and debar the applicant, Mr Green, is set aside.

B. It is declared that the applicant, Mr Green, did not contravene sec 2 of the Financial Institutions (Protection of Funds) Act, No. 28 of 2001, during the period he had been a director of deVere SA.

C. The debarment 'matter' is remitted to the Authority in terms of sec 234(1)(a) of the FSR Act.

Signed on behalf of the Tribunal on 4 January 2023.



LTC Harms (chair)

Typographic errors rectified by replacing references to sec 67(3) with sec 65(3) on 18 January 2023