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Should you require any further detail on any of these topics, please contact us at info@hrtorque.co.za.

1) The new Approval for International Transfer Pin (AIT)

Author: Dave Beattie

On the 24th April, SARS released new enhancements to the Tax Compliance Status (TCS) process, which are to be implemented with immediate effect. These changes impact taxpayers seeking to transfer funds out of South Africa and will significantly affect those taxpayers who have ceased tax residency in the country.

As a starting point, it is important to note that a person who is a South African resident for tax purposes is entitled to transfer up to R1 million abroad annually before they need pre-approval for any further transfers. A non-resident however, needs approval for any transfer that they do. This approval takes the form of a Tax Compliance Status Pin, issued by SARS.

Prior to these new enhancements, SARS had separate processes for an Emigration TCS Pin and for a Foreign Investment Allowance TCS Pin. The former would apply to a person who was transferring funds out of South Africa following the cessation of their South African tax residency. The latter would apply in all other cases involving the transfer of funds out of South Africa. The process has now been changed to create one process for all offshore transfers, and is known as the Approval for International Transfer (AIT).

So, what has changed in terms of the information required? Not unsurprisingly, SARS has increased the extent of information and documentation required. This is the perfect time for SARS to acquire valuable information regarding the taxpayer's financial affairs that could later be used in a more extensive investigation of that taxpayer.

The first important question that is asked is whether the taxpayer is considered to be a resident or a non-resident for South African tax purposes. If non-resident is selected, SARS will require that a Notice of Non-Resident Tax Status (a non-resident confirmation letter) be provided. This is a long-winded process, and the taxpayer will probably need the help of a tax practitioner to navigate through it.

SARS then asks three more questions of the taxpayer:

- Are they beneficiaries of a trust?
- Do they have shareholding in any companies
- Have they made any loans to a trust?

SARS also requires a taxpayer to disclose both their local as well as their foreign assets and liabilities to SARS. This asset and liability disclosure is very extensive in terms of the breakdown of such assets and liabilities, and is further complicated by the fact that the assets must be valued 'at cost'.

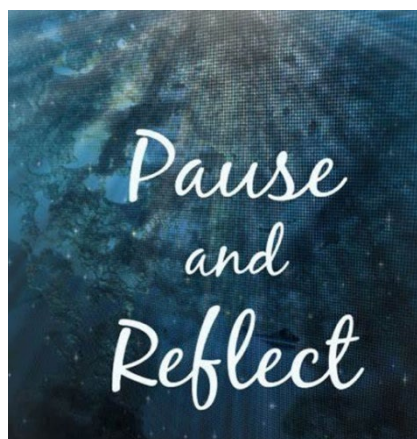
An additional new requirement is the request of the taxpayer for the sources where any of the values arose from. The taxpayer must be extremely careful as to the source selected as this is also subject to SARS verification. SARS will also ask for supporting documentation to confirm the source. The taxpayer could get into a significant pickle if they make an incorrect declaration at this point.

The change in process is just another step on the road that SARS is following to ensure that the top tier of wealthy South Africans declare their worldwide income. Those wealthy taxpayers looking to transfer funds will come under the microscope and be subject to this additional compliance requirement. Tax planning is going to be more important, as is access to a tax practitioner who knows their way around international tax legislation. Taxpayers are urged to tread lightly and be careful not to make any missteps that SARS could pounce on. If you are looking to move money, we recommend you consult with a qualified and experienced tax practitioner like HRTorQue before you unwittingly place yourself in the SARS spotlight.

Chat to one of our experts today on tax@hrtorque.co.za.

2) Take the time to pause and reflect

Author: David Frank King



In 2023's insanely paced trajectory, we often find ourselves caught up in a never-ending cycle of work, social obligations, and personal responsibilities. We become so consumed by the demands of our daily lives that we forget to take a moment to pause and reflect on our journey.

From a business perspective, taking the time to pause and reflect can help us gain a fresh perspective on our goals, assess our progress, leadership style, team dynamics, role contribution, career choice and make necessary adjustments to our strategies. This is particularly important for South Africans who face unique challenges in a difficult and competitive market – think load shedding, high unemployment rates, crime, political uncertainty and economic turmoil to name but a few!

A wise being once said: "What doesn't kill us makes us stronger." Let's call that resilience. At least we will never die of boredom, as we will always have something to improve and strive for! Out of this is born ingenuity, creativity and endless opportunities.

From a personal aspect, pausing and reflecting can help one develop a greater sense of self-awareness, which is essential for personal growth and development. In South Africa, the concept of 'ubuntu' emphasises the interconnectedness of all individuals, and the importance of taking care of one another. By reflecting on our actions and experiences, we can develop a greater understanding of ourselves and others, and cultivate a more compassionate and empathetic world view.

Let's hear from some living gurus on this topic.

According to Brene Brown, owning our story can be hard but not nearly as difficult as spending our lives running from it. Embracing our vulnerabilities is risky but not nearly as dangerous as giving up on love and belonging and joy - the experiences that make us the most vulnerable. Only when we are brave enough to explore the darkness will we discover the infinite power of our light.

Similarly, Richard Rohr reiterates: "We do not think ourselves into new ways of living, we live ourselves into new ways of thinking." So, by taking the time to pause and reflect on our experiences, we can live ourselves into new ways of thinking and being and embrace the infinite power of our own light.

In conclusion, pausing and reflecting is an essential practice for personal and business growth and development. By taking the time to reflect on our experiences, we can gain a fresh perspective, identify our strengths and weaknesses, and cultivate a greater sense of self-awareness and compassion. As South Africans, we can draw upon our unique cultural heritage and values such as ubuntu, to guide us on this journey of self-discovery and growth.

Here are some practical pause and reflect activities to try:

- Meditation or mindfulness practices
- Journaling or writing down your thoughts and feelings
- Going for a walk in nature or spending time in nature
- Practicing gratitude by listing things you are thankful for
- Engaging in deep breathing exercises
- Listening to calming music or sounds
- Taking a break from technology and social media
- Talking to a trusted friend or family member about your thoughts and feelings
- Engaging in a creative activity like drawing or painting
- Practicing yoga or gentle stretching exercises

These activities can help you slow down and be present in the moment, which can help you gain perspective, reduce stress, and increase overall well-being.

#beboldbebrave

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3) Staying healthy this winter

Author: Candice Zulu

As we approach the colder months, it is important to prioritise the health and well-being of your employees. Winter brings with it an increased risk of illnesses, particularly the flu. To ensure the well-being of your workforce, we encourage you to take proactive measures and consider flu vaccinations for your employees.

Checking medical aid coverage for flu injections

Reach out to your medical aid providers to check if they cover flu vaccinations. These injections are a valuable preventive measure to help protect your employees from the flu virus and minimise potential disruptions caused by illness during the winter season.

HRTorQue and Health4me medical insurance

At HRTorQue Outsourcing, we understand the significance of employee health and well-being. That's why we are excited to introduce you to Momentum Health4me, an affordable medical insurance package that offers a comprehensive range of benefits, including flu injections.

Health4me's gold standard package

By opting for Health4me's gold standard package, your employees gain access to an array of day-to-day benefits designed to keep them healthy and productive. Some key features of the package include:

- **Access to a local general practitioner (GP):** We have already identified a GP located within 1km of our office premises for our employees' convenience. Alternatively, employees can choose their nearest GP from the service providers' list.

- **24/7 'Hello Doctor' app/service:** Employees can consult with doctors online anytime, anywhere, using the 'Hello Doctor' app, ensuring quick and convenient access to medical advice.
- **Specialist referrals:** If necessary, employees can be referred to specialists for further evaluation and treatment.
- **Medication benefits:** Health4me covers both acute and chronic medication. Monthly deliveries of chronic medication can be arranged, saving your employees time and effort.
- **Additional benefits:** Health4me offers a wide range of benefits, including HIV benefits, COVID-19 screening, basic pathology, basic radiology, maternity benefits, health assessments, and an employee assistance programme.
- **Flu vaccinations:** With Health4me's gold standard package, your employees will receive flu vaccinations once a year, helping them stay protected during the cold winter months.

Promoting a healthy and productive workforce

Encourage your employees to prioritise their health by getting their flu jab and taking advantage of the benefits offered through Health4me. Remember, a healthy workforce is a thriving workforce. By staying healthy your employees remain productive, minimising absenteeism and ensuring the smooth functioning of your organisation.

Let's work together to keep your employees healthy and productive during the upcoming winter months! To learn more about Health4me and how we can assist your company in obtaining this affordable medical insurance, please [contact us](#). Our team will be delighted to provide you with detailed information and support you throughout the onboarding process.

4) What is emotional intelligence and why is it important to understand (and develop it in yourself)?

Author: Celia Denton (PTES Consulting)

Editor's comment: Over the next few months, we will be running a series of articles on emotion intelligence by PTES Consulting's Celia Denton, our go-to expert for professional psychometric testing services.



Becoming an astronaut with NASA is a grueling process that includes rigorous and challenging selection procedures. Out of thousands of applicants, only about half a dozen are selected each decade. In order to be able to apply, you need extensive experience and knowledge in science and engineering. You also need to be physically strong, and a pilot with about 1000 hours of flying experience.

Let's take a look at the story of Lisa Nowak, who adhered to all the criteria above. She had a master's degree in aeronautical engineering and studied postgraduate astrophysics at the U.S. Naval Academy. She flew air missions for the U.S. Navy in the Pacific for over five years. And in 1996, she was one of the fortunate few to be selected to become an astronaut.

In 2007, after discovering that her lover was seeing another woman, Lisa drove 15 hours straight, in a diaper, from Houston to Orlando, in order to confront her boyfriend's new girlfriend in an airport parking lot. Lisa packed zip ties, pepper spray and large garbage bags, and had some vague, but not-really-thought-through plans to kidnap the woman. Before she could even get her out of her car, Lisa had an emotional breakdown, resulting in her arrest.



Lisa was initially charged with attempted murder and kidnapping, but her charges were eventually reduced to burglary and misdemeanors.

She pleaded guilty in 2009 and was sentenced to a year of probation. The following year, Lisa was discharged from the Navy. She now lives in Texas and works in the private sector.

So, how does this link to emotional intelligence (EI)?

Emotional intelligence refers to the ability to perceive, control, and evaluate emotions. Some researchers suggest that emotional intelligence can be learned and strengthened, while others claim it is an inborn characteristic. The ability to express and control emotions is essential, but so is the ability to understand, interpret, and respond to the emotions of others. Imagine a world in which you could not understand when a friend was feeling sad or when a co-worker was angry. Psychologists refer to this ability as emotional intelligence, and some experts even suggest that it can be more important than IQ in your overall success in life.

So, getting back to Lisa Nowak:

If EQ is the ability to perceive, control and evaluate emotions, then:

- What emotions do you think Lisa experienced?

If EQ is the expression and control of emotions, then:

- Was Lisa able to constructively express and control her emotions?

If EQ is the understanding, interpretation, and response to the emotions of others, then:

- Did Lisa understand the emotions/feelings of the other woman?

It is very important to understand what EQ is NOT:

- Agreeableness
- Optimism
- Happiness
- Calmness
- Dropping your own standards
- Giving in to excuses
- Letting people get away with things
- Hugging and consoling

So, a low EQ would look like:

- Being argumentative
- Not listening (Lisa maybe?)
- Blaming others
- Emotional outbursts (Again, maybe Lisa?)
- Always having to be 'right'
- Oblivious to other's feelings (Lisa?)
- Poor coping skills (Lisa?)
- Turn conversations to themselves
- Struggle with relationships (And lastly, again maybe Lisa?)

What does a high EQ look like:

High EQ individuals control their interactions with other (or difficult) people by keeping their feelings in check. When they need to confront a difficult person, they approach the situation rationally. They identify their own emotions and don't allow anger or frustration to fuel the chaos. Typically, they:

- Have a robust emotional vocabulary
- Are curious about people
- Know their strengths and weaknesses
- Are a good judge of character

- Are difficult to offend
- Let go of mistakes
- Don't hold grudges
- Neutralise toxic people
- Don't seek perfection
- Disconnect
- Limit caffeine intake
- Get enough sleep
- Stop negative self-talk in its tracks
- Won't let anyone limit their joy

So how does one go about developing EI in oneself? Look out for the second part of our article in July's Reporter.

If you are in need of a tried, tested and trusted psychometric solution for your staff, then look no further. Contact us on info@hrtorque.co.za for more information.

5) Amendment of rules for the CCMA

Author: Denelle Gopal

The institution that plays a critical role in safeguarding the rights of employees is the Commission for Conciliation, Mediation and Arbitration – commonly known as the CCMA.

In order to meet the demands of labour challenges in today's rapidly changing world, the CCMA has adapted and enhanced its rules in order to streamline the dispute resolution process, promote access to justice, and create an environment that fosters productive employer-employee relationships.

Among a number of amendments, there are two new rules that have been added (Rule 1A and 31C).

Rule 1A has been introduced to ensure the protection of personal information as per legislation – the responsible party must process the personal information of the other party in accordance with POPIA.

Rule 31C relates to the re-enrolment of a matter, which states that the referring party has 14 days to request re-enrolment which then allows the opposing parties seven days to oppose.

For your convenience, below is a very brief description of the amendments to the current rules.

Rule 1	Telefax has been removed as one of the contact methods.
Rule 2	The insertion of the commission to determine operating hours aside from normal hours, as well as documents may no longer be faxed to the CCMA.
Rule 3	The commission is now able to schedule matters for the period between the 16 th of December and the 7 th of January.
Rule 4	If a document has not been signed or if it was signed by someone who is not allowed to, that party can still show their intention to submit the document by attending the scheduled proceedings in front of the commissioner or by using any other way to confirm their intention. Electronic signatures, inclusive of an electronic referral, are deemed acceptable.
Rule 5	Cosmetic changes referring to the wording, for example, instead of 'the commissioner may direct or accept', it has changed to 'the commissioner may order the service'.
Rule 7	Faxing documents have been excluded as a filing method. The electronic online portal is now a preferred method of contact.
Rule 9	The amendment clarifies that condonation must be sought for a late referral according to the Act, CCMA rules, or other employment laws. A condonation application can be submitted through LRA 7.11 or electronically on the CCMA online portal, while opposition by the other party would be governed by Rule 31.

Rule 10	A party must refer a dispute using a 7.11 form, which can be submitted through the electronic portals. If using alternative methods, they must provide proof that it was served to the other parties and include an application for condonation if the referral is late. Failure to include condonation may result in the commission deciding how to handle the matter. Rule 10(3) has been added, stating that the CCMA will decide whether condonations will be determined through a hearing or written submissions.
Rule 13	The discretion of the commissioner is removed when deciding what to do if the party fails to attend. A certificate can only be issued if a signed picketing agreement is presented, or picketing rules have been established.
Rule 18	Electronic referral online portals can be used. If using alternative methods, the requesting party must provide written proof of the request being served to the other parties, attach an application for condonation if the request is late, and the commission will decide on condonation procedures if not included.
Rule 23	If a signed agreement is provided to the CCMA, the commissioner has the discretion to postpone the proceedings; however, in the absence of an agreement, an application must be made under Rule 31. Rule 23(4) allows the commissioner to either postpone the hearing, convene an inquiry to decide on postponement (for applications), or determine the matter in any appropriate manner, while Rule 24(5) states that there is no automatic right to a postponement, and unless confirmed, the matter will proceed.
Rule 24	The location of a hearing, which now encompasses both conciliation and arbitration, will be determined by the commission or the commissioner, and the term 'dispute' has been replaced with 'cause of action'. Additionally, virtual enquiries are now allowed, and an application can be made if a virtual enquiry is not scheduled.
Rule 29	Parties may request the disclosure of relevant documents after the certificate of outcome or the 30-day conciliation period (with a five-day response time), and a commissioner has the authority to order disclosure, although parties can still reach an agreement. This rule differs from disclosure disputes under Section 16 of the Act.
Rule 30	The arbitrator is required to get the reason for nonattendance. If a valid reason is provided, the arbitration may be rescheduled. However, if there is no valid reason or the absence is willful or unexplained, the party may be removed from the roll. The arbitrator must notify the parties of the decision to remove them within 14 days.
Rule 31	This rule covers various types of applications, replacing 'affidavit' with 'written statement or affidavit', allowing the delivery of a written statement or affidavit within specified timelines, and permitting applications to be determined on the papers or set down for a hearing. The commission must allocate a hearing date once the replying written statement or affidavit is delivered, and parties must be notified of the hearing details.
Rule 32	This rule does not apply to a decision taken by the commission or commissioner to remove a matter from the case roll in terms of Rule 30.
Rule 34	LRA 7.19 requires completion and signing of a form by the employee (unless specified in a contract or collective agreement), with a copy attached to the request, following guidelines set by S188A(4)(b) and only applicable to salaries above a threshold (R241 110.59 p.a.). In addition, the employer is responsible for paying the fee, while bank guaranteed cheques are no longer accepted, and conducting an enquiry would violate the Protected Disclosures Act 26 of 2000.
Rule 37	The changes include specifying that the subpoena request does not apply to documents and material, which should be requested under Rule 29. The commission or commissioner may require additional information and written responses regarding the subpoena request. Serving the subpoena now includes the option of emailing it to the person subpoenaed. Sub-rules regarding service no longer apply if the commission has waived the requirement to pay witness fees.
Rule 40	Clarifies that an arbitration award includes costs, a taxed bill of costs, and arbitration fees, and the sheriff has the authority to enforce the awarded amount, along with interest and the sheriff's costs, through execution.
Rule 41	Various definitions of words have been added or amended.

As seen above, CCMA rules can potentially be a minefield to understand and navigate correctly. If you need any advice or require the services of an expert, give HRTorQue a call. We would love to help - email us on info@hrtorque.co.za.

6) How do I introduce employee benefits without increasing my payroll cost?

Author: Jonathan Aitken

We often chat to employers who have grown their businesses and now want to introduce benefits for their staff, but are worried this will result in an unaffordable increase in salary costs.

This doesn't have to be the case. HRTorQue can help make this transition easily and affordably.

The first step in the process is to review the existing contracts of employment and staff relationship and move to a cost to company package for all staff. This requires a consultation with staff as it is a change to their package, but if done properly results in no change to their existing take home pay and therefore shouldn't be contentious. Even aside from the ability to introduce employee benefits, this move to a cost to company structure is a far better way for employers to manage their payroll costs and avoid surprises.

Once everyone has moved to cost to company, it is time to start reaching out to financial service providers to get quotes for the benefits you wish to offer your staff. This can be set up to cater for staff at all ends of the spectrum, and includes post-retirement benefits (provident funds and/or retirement annuities), tax free savings accounts, medical aid or health insurance, risk benefits (dread/disability/life cover) and others such as funeral benefits. Key to consider is what you are trying to achieve for your staff, and how this can be accomplished at the right cost benefit for both the employer and employee.

Once you know what employee benefits you wish to provide and who you wish to source these through, you can roll these out as follows:

- Existing staff can be offered the right, but not the obligation, to access the various employee benefits. Because they are on a cost to company, any selection they make would reduce their take home pay, but would not change the overall payroll cost to the employer. Take up can be encouraged by illustrating the tax benefits of, for example, contributing to post-retirement benefits, or the cost savings from an employer backed insurance product compared to trying to source this in an individual capacity.
- New staff members must automatically be engaged with the employee benefits that the employer has elected to be mandatory.

As part of this rollout, it is strongly advised to have a good process in place to monitor your employee benefits, and make sure all employees are having a positive experience. This includes:

- Training of staff so that they get the maximum benefit from their cover.
- Regular feedback to re-assess the suitability of the benefits, cover and pricing.
- A thorough payroll process for onboarding and exiting staff from benefit programmes, and making sure all risks to the employer and employee are covered.

All of this can be managed by a good broker. HRTorQue Financial Services is well-placed to assist employers with all parts of the process, including the switch to a cost to company. With our knowledge of payroll, HR and financial services, you will struggle to find anybody better to help you manage the process. [Contact us today](#) for more information.

7) Things to take note of this June

Author: Candice Zulu

1. **Upcoming tax year end** for our payroll clients in the following African tax authorities:
 - a. Botswana - June
 - b. Malawi - June

- c. Swaziland - June
- d. Uganda - June

2. **Personal tax filing season** starts on the 1st July 2023. For assistance send an email to tax@hrtorque.co.za
3. **Income tax number:** We can assist you with the registration of your employees for income tax purposes, managing the process from start to finish. Our consultants will obtain the employee's personal information from your payroll administrator and complete the necessary applications. The turnaround time for this process is 24 hours and the cost per application is R 150 plus VAT. A volume discount will be negotiated in cases where there are more than 20 applications at a time. Should you need assistance please do not hesitate to contact Dave Beattie on 031 582 7410 or dave@hrtorque.co.za.
4. **Repo rate increase:** The SA Reserve Bank's Monetary Policy Committee (MPC) has decided to raise the repo rate by 50 basis points with effect from the 26th May 2023. This increase of 0.50% will now bring the repo rate to 8.25%. The prime lending rate of commercial banks will increase to 11.75%.

The SARS 'official rate of interest' is defined in Section 1(1) of the Income Tax Act 58 of 1962 (the Act). Where a loan is obtained by an employee from his or her employer in terms of which no interest is payable or where the interest payable is less than the 'official rate of interest', the difference between the amount which would have been payable if the loan was granted at the official rate and the amount actually paid by the employee, is taxed as a fringe benefit. This 'official rate of interest' is the rate of interest that is equal to the repo rate, plus 100 basis points (1%). This rate was therefore adjusted to 9.25% on the 1st June 2023. If you require any additional information, please contact your payroll administrator or send an email to info@hrtorque.co.za.

5. **Extension of the 2022 ROE season:** The Department of Employment and Labour has published a notice to all employers, informing them that the date for the submission of the 2022 Return of Earnings (ROE) has been extended to the 30th June 2023. If you have not requested this service from us in the past and require us to complete and submit this return on your behalf before the deadline, please contact us on info@hrtorque.co.za.
6. HRTorQue hosts a variety of weekly, online, **HR-focused mini workshops**, covering various topics to assist and guide your managers to perform more optimally. View our [list of trainings available](#) or [email us](#) for more.
7. For our latest recordings from our **free Wednesday webinars** check out our [YouTube channel](#) filled with informative HR, payroll and legislation webinars. If you are not receiving our weekly invites you can subscribe to our Reporter list [here](#).

8) Monthly tax certificate submissions

Author: Dave Beattie

SARS intention to modernise the technical capability of their systems, where 'data-driven insights, self-learning computers, artificial intelligence and interconnectivity of people and devices' are key to the process, is no secret.

Since February 2020, SARS has been pushing their 'Vision 2024 PAYE' project. A very important player in this process is the payroll systems' suppliers and the Payroll Authors Group of South Africa (PAGSA). These parties would need to work with SARS to understand their intentions and identify the practical implications and complications on payroll administration.

SARS has stated that third party data and personal income tax administration reform will continue over the medium term, with a view to reducing the administrative burden for employers, payroll administrators, SARS and individual salaried taxpayers. One of the first steps in this process was giving pensioners the option to agree to more accurate PAYE withholding rates to deal with multiple sources of income. SARS has also enabled 2.9 million individual taxpayers to be auto-assessed, without the need to file personal tax returns.

The next step in the process is the provision of fully automated employer and employee data on a monthly basis. In the near future the employer annual PAYE reconciliation will fall away, and the new process will be extended to third-party data providers.

SARS, PAGSA and other third-party bulk suppliers of tax certificates are all working on a monthly PAYE business requirement specification that will cover the technical requirements for monthly tax certificate creation and submissions. Additional reporting fields are being added and changes to the file structure and records are under way. Other important areas of administration under discussion are the channels of submission, the reporting of corrections, and the possible impact on the EMP 201 declaration process. We are expecting more information to be made public as discussions are finalised.

Payroll suppliers will need to make significant changes to their payroll systems to accommodate the monthly requirements. There will also be a lengthy testing process. Expect extensive communication between payroll system suppliers and payroll users prior to the new system being introduced.

For the latest, up to date advice, [chat to one of our payroll experts](#).



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