



## **Promotion of Access to Information Act, 2 of 2000**

### **MANUAL**

Overberg Agri Limited have compiled this manual to comply with the Act and to foster a culture of transparency and accountability in our business environment and to ensure that members of the public have effective access to information in our possession which will assist them in the exercise and protection of their rights.

A copy of this manual is also available on our website, [www.overbergagri.co.za](http://www.overbergagri.co.za)

*Last updated: December 2011*

## Section A – our details

Full name: Overberg Agri Limited

Registration number: 1998/001018/06

Registered address: 11 Donkin street, Caledon, 7230

Postal address: P O Box 50, Caledon, 7230

Telephone number: 028 214 3800

Fax number: 028 212 1109

Managing Director: Vacant. AJ Uys is the acting Managing Director

Company Secretary: A Steyn

Email address of information officer: [annmaries@overbergagri.co.za](mailto:annmaries@overbergagri.co.za)

Website: [www.overbergagri.co.za](http://www.overbergagri.co.za)

This manual applies to the following active subsidiary companies:

<b>Name</b>	<b>Registration number</b>
Overberg Agri Bedrywe (Pty) Ltd	1997/021082/07
Overberg Agri Beleggings (Pty) Ltd	1998/003837/07
Promeal (Pty) Ltd	1961/001324/07
Bredasdorp Slagpale (Pty) Ltd	1966/011382/07
Procuro (Pty) Ltd	2002/014004/07
Bontebok Limeworks (Pty) Ltd	1947/025665/07
Boltfast (Pty) Ltd	2007/014081/07

## Section B – the official guide by the SAHRC

The South African Human Rights Commission (SAHRC) has published a guide containing information reasonably required by a person wishing to exercise or protect any right in terms of the Act. The guide appears on the SAHRC's website – [www.sahrc.org.za](http://www.sahrc.org.za)

The contact details of the South African Human Rights Commission are:

Postal address:                   The South African Human Rights Commission  
  Promotion of Access to Information Unit  
  Private Bag 2700  
  Houghton  
  2041

Telephone:                       011 484 8300

Fax:                                011 484 0582

Website:                         [www.sahrc.org.za](http://www.sahrc.org.za)

Email:                             [paia@saahrc.org.za](mailto:paia@saahrc.org.za)

## **Section C – information available in terms of the Act**

### **1. Categories of information**

- a. Statutory Company information
  - i. A copy of the Articles of Association
  - ii. A record of directors
  - iii. Copies of the minutes of the annual general meeting
  - iv. Copies of the annual financial statements, including the director's report
  - v. Copies of accounting records required by the Companies Act
  - vi. Copies of minutes of board meetings
  - vii. Securities register
  
- b. Accounting and financial records
  - i. Accounting records including journals and ledgers
  - ii. Delivery notes, invoices, orders, statements, receipts
  - iii. Management reports
  
- c. Statutory employee records
  - i. Employees' names and ID numbers
  - ii. Date of birth of employees
  - iii. Salaries and wages
  - iv. Employment Equity Plan
  - v. Collective agreements
  - vi. Arbitration awards
  - vii. Training records
  - viii. IRP 5 of employees
  - ix. Skills Development Plan
  
- d. Other employee records
  - i. HR Policy manual
  - ii. Employee contracts
  - iii. Study Assistance scheme
  - iv. Benefit scheme policies
  - v. Code of Conduct
  - vi. Disciplinary records
  
- e. Retirement fund records
  - i. Pension Fund rules
  - ii. Minutes of meetings
  - iii. Actuarial valuation report
  - iv. Contribution schedules
  - v. Annual financial statements
  - vi. Benefit statements
  
- f. Health and Safety records
  - i. Work related injuries and diseases reports
  - ii. Minutes of meetings held by the Safety Committee

- iii. Appointments of safety representatives
  - iv. Appointments of First Aid Officers
  - v. Records of first aid kits
- g. Fixed property
- i. Title deeds
  - ii. Building plans
  - iii. Mortgage bonds
- h. Movable property
- i. Asset register
  - ii. Finance and lease agreements
  - iii. Notarial bonds
  - iv. Deeds of pledge
- i. Intellectual property
- i. Trademarks
  - ii. Copyrights
- j. Agreements and Contracts
- i. Agreements related to the provision of material or services
  - ii. Contractor and service provider agreements
  - iii. Sale agreements
  - iv. Purchase and Sale agreements
- k. Taxation
- i. Copies of income tax returns and other tax –related documents
- l. Legal
- i. Documents pertaining to any actual, pending or threatened litigation, arbitration or investigation
  - ii. Settlement agreements
  - iii. Material licences, permits and authorisations
  - iv. Legal opinions
- m. Insurance
- i. Insurance policies
  - ii. Claims records
- n. Transportation
- i. Vehicle licence and registration documents
  - ii. Permits
- o. Information Technology
- i. Hardware
  - ii. Operating system
  - iii. Telephone lines
  - iv. LAN installations

- v. Software packages and licences
- vi. Disaster recovery
  
- p. Sales and Marketing
  - i. Products
  - ii. Customers
  - iii. Newsletters and advertising material
  - iv. Sales records
  
- q. Black Economic empowerment
  - i. Ratings conducted by agencies
  - ii. BEE certificate issued by agencies
  
- r. Auditing
  - i. Internal Audit reports
  - ii. External Audit reports

## **2. Procedure for requesting access to the above information**

If you wish to access any of the above categories of information, you are required to complete a request form as set out in Annexure A hereto.

A completed and signed request form must be addressed to the Company Secretary and submitted via post, fax or email.

There is a prescribed fee payable in advance for requesting and accessing information in terms of the Act. Details are contained in Annexure B. The fees are payable before any request is processed.

You may also be called upon to pay the additional fees prescribed by regulation for searching for and compiling the information which have been requested, including copying charges.

It is important to take note that access to information held by the company is not automatic. You must identify the right you are seeking to exercise or protect and explain why the record is required for the protection of that right. You will be notified in the manner indicated by you on the request form whether your request has been approved.

The company reserve the right, afforded to it in terms of this and other relevant legislation, to refuse information or the supply of a record.

Although the manual is reviewed on a regular basis, the company cannot warrant that this information is at all times complete and makes no representation regarding the fitness of the information therein.

## **Section D – Information available in terms of other legislation**

Where applicable to our operation, information is also available in terms of certain provisions of the following Acts:

1. Agriculture Produce Agents Act, 12 of 1992
2. Abattoir Hygiene Act, 121 of 1992
3. Agricultural Products Standards Act, 119 of 1990
4. Basic Conditions of Employment Act, 75 of 1997
5. Companies Act, 71 of 2008
6. Consumer Protection Act, 68 of 2008
7. Competition Act, 89 of 1998
8. Compensation of occupational injuries and diseases Act, 130 of 1993
9. Electronic Communication and Transactions Act, 25 of 2002
10. Employment Equity Act, 112 of 1976
11. Fertilisers, Farm Feeds, Agricultural Remedies and stock remedies Act, 36 of 1947
12. Financial Intelligence Centre Act, 38 of 2001
13. Financial Advisory and Intermediary Services Act, 37 of 2002
14. Firearms Control Act, 60 of 2000
15. Hazardous Substances Act, 15 of 1973
16. Income Tax Act, 58 of 1962
17. Labour Relations Act, 66 of 1995
18. Meat Safety Act, 40 of 2000
19. Marketing of Agricultural Products Act, 47 of 1996
20. Mine Health and Safety Act, 29 of 1996
21. Mineral and Petroleum Resources Development Act, 28 of 2002
22. National Credit Act, 34 of 2005
23. National Environmental Management Act, 107 of 1998
24. National Environmental Management Waste Management Act, 59 of 2008
25. National Environmental Management: Air Quality Act, Act 39 of 2004
26. National Heritage Resources Act, Act 25 of 1999
27. National Railway Safety Regulator Act, 16 of 2002
28. National Road Traffic Act, 93 of 1996
29. Occupational Health and Safety Act, 85 of 1993
30. Road Transportation Act, 74 of 1977
31. Securities Transfer Tax Administration Act, 26 of 2007
32. Securities Transfer Act, 25 of 2007
33. Short-Term Insurance Act, 53 of 1998
34. Skills Development Act, 97 of 1998
35. Skills Development Levies Act, 9 of 1999
36. Stock Theft Act, 57 of 1959
37. Unemployment Insurance Act, 63 of 2001
38. Value-Added Tax Act, 89 of 1991

## **Section E – Information automatically available**

The following categories of records are automatically available for inspection, purchase or photocopying:

Request forms for these documents are available in Annexure A.

1. Newsletters
2. Pamphlets
3. Group Financial statements
4. Other literature intended for public viewing



**Annexure A**

**Form C**

Request for access to record of a private body  
(Section 53(1) of the Promotion of access to information Act, 2000)  
(Regulation 10)

**A. Particulars of private body**

.....  
.....

**B. Particulars of person requesting access to the record**

*The particulars of the person who request access to the record must be given below.  
The address and or fax number where the information must be sent, must be given below.  
Proof of the capacity in which the request is made, if applicable, must be attached.*

Full name and surname: .....

Identity number: .....

Postal Address: .....

.....

Telephone number: ..... Fax number: .....

Email address: .....

Capacity in which the request is made if the request is made on behalf of another person: .....

.....

**C. Particulars of person on whose behalf request is made**

*This section must only be completed if a request is made on behalf of another person*

Full name and surname: .....

Identity number: .....

**D. Particulars of record**

*a) Provide full particulars of the record to which access is requested, including the reference number if known to you, to enable us to locate the record;*

b) *If the space provided is inadequate, please continue on a separate page and attach it to this form. **All additional pages must be signed by the requester.***

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

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.....

.....

.....

Reference number: .....

**E. Fees**

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

Reason for exemption from the payment of any fees: .....

.....

.....

**F. Forms of access to record**

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

Disability: .....	Form in which the record is required: .....
.....	.....
.....	.....

**Mark the appropriate box with a X**

Notes:

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

**If the record is in written or printed form:**

Copy of record	<input type="checkbox"/>	Inspection of record	<input type="checkbox"/>
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**If the record consists of visual images:**

View the image	<input type="checkbox"/>	Copy of the images	<input type="checkbox"/>	Transcription of the images	<input type="checkbox"/>
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**If the record consists of recorded words or information which can be reproduced in sound:**

Listen to the soundtrack	<input type="checkbox"/>	Transcription of the soundtrack	<input type="checkbox"/>
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**If the record is held on computer or in an electronic or machine-readable form:**

Printed copy	<input type="checkbox"/>	Printed copy of information derived from the record	<input type="checkbox"/>	Copy in computer readable form	<input type="checkbox"/>
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**G. Particulars of right to be exercised or protected**

*If the provided space is insufficient, please continue on a separate page and attach it to this form.*

**The request must be signed on all additional pages.**

Indicate which right is to be exercised or protected: .....

.....

.....

.....

.....

.....

.....

Explain why the record requested is required for the exercise or protection of the aforementioned right: .....

.....

.....

.....

**H. Notice of decision regarding request for access**

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

.....

.....

Signed at ..... on this ..... day of ..... 20 .....

.....

Signature of requester/person on whose behalf the request is made

## **Annexure B**

### **Fees**

#### **1. Copies of this manual**

A fee of R1.10 is chargeable per page for every photocopy of an A4 page or part thereof.

#### **2. Reproduction fees**

2.1 For every photocopy of an A4 page or part thereof: R1.10

2.2 For every printed copy of an A4 page or part thereof held on a computer or in electronic or machine form: R0.75;

2.3 For a copy in a computer readable form on a CD or similar device: R70.00;

2.4 For a transcription of visual images, for an A4 page or part thereof: R40.00;

2.5 For every copy of visual images: R60.00;

2.6 For a copy of an audio record: R30.00;

#### **3. Other fees**

3.1 A request fee of R50.00 is payable by a requester who seeks access to a record containing information which is not his/her personal information;

3.2 A search fee of R30.00 per hour or part thereof for searching and preparing a record for disclosure;

3.3 If a copy is posted to the requestor, the requestor must pay the actual posting fees