



**HANS MERENSKY HOLDINGS PROPRIETARY LIMITED**

**Registration Number: 1949/033497/07**

**A GUIDE TO ACCESSING INFORMATION**

**Manual in terms of section 51 of**

**The Promotion of Access to Information Act No. 2 of 2000**

**(the “Act”)**

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## **PREAMBLE**

The Promotion of Access to Information Act No. 2 of 2000, (the “**Act**”) came into operation on 23 November 2001. Section 51 of this Act requires that a private body such as Hans Merensky Holdings Proprietary Limited (the “**Company**”), must compile this Manual to give information to the public regarding the procedure to be followed in requesting information from it for the purpose of exercising or protecting rights.

## **INTRODUCTION TO THIS PRIVATE BODY**

The main activities of the Company is the growing of timber on a long-term rotation, sawmilling, timber laminating, the growing and processing of avocados and mangoes, and the marketing of these products.

The Company has compiled this Manual not only to comply with the provisions of the Act, but to further foster a culture of transparency and accountability in its environment, and ensure that members of the public have effective access to information in its possession which will assist them in the exercise and protection of their rights.

In this Manual you will be able to view the categories of information which the Company possesses, and the correct procedure to follow should you require access to any of this information.

A copy of this Manual is also available on its website – [www.hmh.co.za](http://www.hmh.co.za).

**SECTION A – OUR DETAILS**

Full Name : HANS MERENSKY HOLDINGS PROPRIETARY LIMITED  
(and following subsidiaries):

**Agrivet (Pty) Limited**  
**C Tabanelli Export (Pty) Limited**  
**De Nada Avo (Pty) Limited**  
**Langeni Forest Products (Pty) Limited**  
**Macavo Farming (Pty) Limited**  
**Merensky Timber (Pty) Limited**  
**Singisi Forest Products (Pty) Ltd**  
**Westfalia Fruit (Pty) Limited**  
**Westfalia Fruit Products (Pty) Limited**  
**Westfalia Fruit Estates (Pty) Limited**  
**Westfalia Marketing (Pty) Limited**  
**Tzaneen Fruit Packers (Pty) Limited**

Registration Number : 1949/033497/07

Registered Address : 9 Eton Road  
Parktown  
Johannesburg  
2193

Postal Address : P O Box 52288  
Saxonwold  
2132

Telephone Number : (011) 482-1770

Fax Number : (011) 726-8600

Head/CEO : Claus Lippert

Designated Information Officer : Masechaba Sandamela-Chifunyise

Email Address of Information Officer : masechabas@hmh.co.za

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

## SECTION B – THE OFFICIAL GUIDE

In accordance with section 10 of the Act, the South African Human Rights Commission (“**SAHRC**”) has compiled a Guide containing information reasonably required by a person wishing to exercise or protect any right in terms of this Act. It is available in all of the official languages.

The Guide contains the following information:

1. the objects of the Act;
2. particulars of the information officer of every public body;
3. particulars of every private body as are practicable;
4. the manner and form of a request for access to information held by a body;
5. assistance available from both the information officers and the Human Rights Commission in terms of this Act;
6. all remedies in law regarding acts, omissions, rights and duties, including how to lodge an internal appeal and a court application;
7. schedules of fees to be paid in relation to requests for access to information; and
8. regulations made in terms of the Act.

The Guide is available for inspection, *inter alia*, at the office of the offices of the Human Rights Commission at 29 Princess of Wales Terrace, cnr York and St. Andrews Street, Parktown and on its website at [www.sahrc.org.za](http://www.sahrc.org.za). See further contact details below:

**Post:** South African Human Rights Commission  
Promotion of Access to Information Act Unit  
Research and Documentation Department  
Private Bag 2700  
Houghton  
2041

**Telephone:** (011) 484-8300

**Fax:** (011) 484-0582

**E-mail:** [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

## SECTION C – INFORMATION AVAILABLE IN TERMS OF THE ACT

### 1. Categories of information

We hold the following categories of information

#### (a) STATUTORY COMPANY INFORMATION

- (i) Certificate of Incorporation;
- (ii) Certificate of Change of Name (if any);
- (iii) Memorandum and Articles of Association;
- (iv) Certificate to Commence Business;
- (v) Minute Book, CM25 and CM26, as well as Resolutions passed at general/class meetings;
- (vi) Proxy Forms; (if these have been lodged)
- (vii) Proxy Forms used at Court convened meetings; (If such meetings have been held)
- (viii) A Register of Allotments – after a person ceased to be a member;
- (ix) Register of Members;
- (x) Index of Members;
- (xi) Register of Mortgages and Debentures and Fixed Assets;
- (xii) Register of Directors' shareholdings;
- (xiii) Register of Directors and Certain Officers;
- (xiv) Directors' Attendance Register;
- (xv) Annual Financial Statements including:
  - (a) Annual accounts;
  - (b) Directors' reports;
  - (c) Auditor's report.
- (xvi) Books of Account regarding information required by the Companies Act, 2008; and
- (xvii) Supporting schedules to books of account and ancillary books of account.

#### (b) ACCOUNTING RECORDS

- (i) Books of Account including journals and ledgers; and
- (ii) Delivery notes, orders, invoices, statements, receipts, vouchers and bills of exchange.

#### (c) STATUTORY EMPLOYEE RECORDS

- (i) Employees' names and occupations;
- (ii) Time worked by each employee;
- (iii) Remuneration paid to each employee;
- (iv) Date of birth of each employee;
- (v) Wage register;
- (vi) Attendance register;
- (vii) Employment equity plan;

- (viii) Salary and wages register;
- (ix) Records of foreign employees;
- (x) Collective agreements;
- (xi) Arbitration awards;
- (xii) Determinations made in terms of the Wage Act;
- (xiii) Records of strikes, lockouts or protest action.
- (xiv) Industrial training records;
- (xv) Staff records (after date of employment ceases); and
- (xvi) Expense accounts.

(d) OTHER EMPLOYEE RECORDS

- (i) Employee contracts;
- (ii) Incentive schemes;
- (iii) Staff loan schemes;
- (iv) Study assistance schemes;
- (v) Maternity leave policy;
- (vi) Relocation policy;
- (vii) Housing scheme;
- (viii) Disability scheme;
- (ix) Funeral insurance scheme;
- (x) Group personal accident;
- (xi) Group life;
- (xii) Micro loan scheme;
- (xiii) Employee stock purchase plan; and
- (xiv) Code of conduct.

(e) PENSION AND RETIREMENT FUNDING RECORDS

- (i) Pension Fund Rules;
- (ii) Pension Fund account records;
- (iii) Minutes of Meetings of trustees and investment sub-committee'
- (iv) Actuarial Valuation Reports;
- (v) Contribution Reports; and
- (vi) Annual accounts.

(f) ENVIRONMENTAL HEALTH AND SAFETY

- (i) Noise exposure records;
- (ii) Records of assessment and aid monitoring;
- (iii) Records of training given to employees in respect of exposure to noise;
- (iv) Records of assessment and monitoring for noise exposure;

- (v) Medical surveillance records in respect of noise exposure;
- (vi) Records and results of tests for noise exposure of employees;
- (vii) Records of training of employees in respect of noise exposure;
- (viii) Safety management systems, data and audits;
- (ix) Permits, licences, approvals and registrations for operations of sites and business;
- (x) Emergency response plans;
- (xi) Environmental impact assessments;
- (xii) Environmental management programs and systems; and
- (xiii) Details of air emissions discharges.

(g) FIXED PROPERTY

- (i) Title Deeds;
- (ii) Leases;
- (iii) Building Plans; and
- (iv) Mortgage Bonds or other encumbrances to fixed property.

(h) MOVEABLE PROPERTY

- (i) Asset Register;
- (ii) Finance and Lease Agreements;
- (iii) Notarial Bonds; and
- (iv) Deeds of Pledge.

(i) INTELLECTUAL PROPERTY

- (i) Patents, patent applications and inventions;
- (ii) Trademarks, trade names and protected names;
- (iii) Copyrights;
- (iv) Agreements relating to intellectual property such as licence agreements, secrecy agreements, research and development agreements, consulting agreements, use agreements, joint venture agreements and joint development agreements; and
- (v) Litigation and other disputes involving intellectual property.

(j) AGREEMENTS AND CONTRACTS

- (i) Material agreements concerning provision of services or materials;
- (ii) Joint venture agreements, partnership agreements, participation, franchise, co-marketing, co-promotion or other alliance agreements;
- (iii) Agreements with shareholders, officers or directors;
- (iv) Acquisition or disposal documentation;
- (v) Agreements with contractors and suppliers;



- (vi) Agreements with customers;
- (vii) Warranty agreements;
- (viii) Sale agreements;
- (i) Distributor, dealer or agency agreements;
- (ii) Restraint agreements;
- (iii) Agreements with governmental agencies; and
- (iv) Purchase or lease agreements.

(k) TAXATION

- (i) Copies of all Income Tax Returns and other tax returns and documents;

(l) LEGAL

- (i) Complaints, pleadings, briefs and other documents pertaining to any actual, pending or threatened litigation, arbitration or investigation;
- (ii) Settlement agreements; and
- (iii) Material licences, permits (timber and water) and authorisations.

(m) INSURANCE

- (i) Insurance policies;
- (i) Claim records; and
- (ii) Details of insurance coverages, limits and insurers.

(n) TRANSPORTATION

- (i) Transportation rights;
- (i) Permits;
- (ii) Transportation System Delivery Plan; and
- (iii) Transportation, Warehouse and Storage Contracts.

(o) INFORMATION TECHNOLOGY

- (i) Hardware;
- (ii) Operating Systems;
- (iii) Telephone Exchange Equipment;
- (iv) Telephone Lines, Leased Lines and Data Lines;
- (v) WAN and LAN installations;
- (vi) Software Packages;
- (vii) Disaster Recovery;
- (viii) Internal Systems Support and Programming / Development;
- (ix) Capacity and Utilisation of Current Systems;

- (x) Development or Investment Plans;
- (xi) Agreements;
- (xii) Licences; and
- (xiii) Audits.

(p) SALES AND MARKETING

- (i) Products;
- (ii) Markets;
- (iii) Customers;
- (iv) Brochures, Newsletters and Advertising Materials;
- (v) Sales;
- (vi) Public Relations Policies and Procedures; and
- (vii) Domestic and Export Orders;

(q) CREDIT INFORMATION

- (i) Applications to open New Accounts;
- (ii) Standard Terms and Conditions;
- (iii) Account Managers Reports and Motivations;
- (iv) Credit Information Reports;
- (v) Trade References;
- (vi) Customer Contracts and Agreements;
- (vii) Customers Audited Financials;
- (viii) Customers Managed Accounts
- (ix) Customer Correspondence; and
- (x) General.

(r) RESEARCH AND DEVELOPMENT

- (i) Brochures;
- (i) Avocado and Mango Research Priorities;
- (ii) Avocado and Mango Nursery;
- (iii) Timber Research Priorities; and
- (iv) Website.

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

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

- Our information officer (whose contact details are in section A of this manual);
- The SAHRC website ([www.sahrc.org.za](http://www.sahrc.org.za))
- The Department of Justice and Constitutional Development website ([www.doj.gov.za](http://www.doj.gov.za))

There is a prescribed fee (payable in advance) for requesting and accessing information in terms of the Act. Details of these fees are contained in the request form (see Annexure "B").

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

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

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

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

- Administration of Estates Act No. 66 of 1965
- Atmospheric Pollution Prevention Act No 45 of 1965
- Basic Conditions of Employment Act No 75 of 1997
- Companies Act No 71 of 2008
- Compensation for Occupational Injuries and Diseases Act No 130 of 1993
- Competition Act No 89 of 1998
- Credit Agreement Act No 75 of 1980
- Customs and Excise Act No 91 of 1964
- Debt Collectors Act No 114 of 1998
- Employment Equity Act No 55 of 1998
- Housing Act No 107 of 1997
- Income Tax Act No 58 of 1962
- Labour Relations Act No 66 of 1995
- National Environmental Management Act No 107 of 1998
- National Road Traffic Act No 93 of 1996
- National Water Act No 36 of 1998
- Occupational Health and Safety Act No 85 of 1993
- Protection of Personal Information Act 4 of 2013
- Prevention of Organised Crime Act No 121 of 1998
- Road Transportation Act No 74 of 1977
- Security Officers Act No 92 of 1987
- Short-term Insurance Act No 53 of 1998
- Transfer Duty Act No 40 of 1949
- Unemployment Insurance Act No 63 of 2001

Where applicable to our operations, we also retain records and documents in terms of the following statutes:

- Agricultural Produce Agents Act No 12 of 1992
- Basic Conditions of Employment Act No 75 of 1997
- Companies Act No 71 of 2008
- Compensation for Occupation Injuries and Diseases Act No 130 of 1993
- Customs and Excise Act No 91 of 1964
- Employment Equity Act No 55 of 1998
- Income Tax Act No 58 of 1962

- Insolvency Act No 24 of 1936
- Labour Relations Act No 66 of 1995
- Machinery and Occupational Safety Act No 6 of 1983
- National Water Act No 36 of 1998
- Nursing Act No 50 of 1978
- Occupational Health and Safety Act No 85 of 1993
- Protection of Personal Information Act 4 of 2013
- Stamp Duties Act No 77 of 1968
- Transfer Duty Act No 40 of 1949
- Value-Added Tax Act No 89 of 1991

## **SECTION E – INFORMATION AUTOMATICALLY AVAILABLE**

The following categories of records are automatically available for inspection, purchase or photocopying. In other words you do not need to request this information in terms of the Promotion of Access to Information Act.

Request forms for these categories of information are also available from our information officer, whose contact details appear in section A of this manual.

1. Newsletters
2. Booklets
3. Pamphlets / Brochures
4. Reports
5. Posters
6. Other literature intended for public viewing

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53 (1) of the Promotion of Access to Information Act, 2000

(Act No. 2 of 2000))

A. Particulars of private body

The Head:

.....  
.....  
.....

B. Particulars of person requesting access to the record

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

Full names and surname:.....

Identity number:.....

Postal address:.....

.....

.....

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

Telephone number:..... E-mail address:.....

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

.....

C. Particulars of person on whose behalf request is made

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

Full names and surname:.....

.....

Identity number:.....

**D. Particulars of record**

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

- 1. Description of record or relevant part of the record:.....  
.....  
.....
- 2. Reference number, if available:.....
- 3. Any further particulars of record:.....  
.....  
.....

**E. Fees**

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

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

**F. Form of access to record**

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

Disability:  
.....  
.....  
.....

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



Mark the appropriate box with an **x**.

**NOTES:**

- (a) Compliance with your request 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.

<b>4. If the record is in written or printed form:</b>						
	Copy of record*		Inspection of record			
<b>3. If record consists of visual images</b> (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):						
	View the images		Copy of the images*		Transcription of the images*	
<b>2. If record consists of recorded words or information which can be reproduced in sound:</b>						
— —	Listen to the soundtrack (audio cassette)		Transcription of soundtrack* (written or printed document)			
<b>1. If record is held on computer or in an electronic or machine-readable form:</b>						
— —	Printed copy of record*	— —	Printed copy of information derived from the record*	— —	Copy in computer readable form* (stiffy or compact disc)	
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?					— —	— —
<b>Postage is payable.</b>						

**G. Particulars of right to be exercised or protected**

If the provided space is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.**

1. Indicate which right is to be exercised or protected:.....  
.....  
.....
2. Explain why the record requested is required for the exercise or protection of the aforementioned right:  
.....

.....  
.....  
.....

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

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

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

.....  
.....

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

.....

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF

REQUEST IS MADE

**ANNEXURE “B”**

AN EXPLANATORY NOTE ON FEES TO BE CHARGED BY A PRIVATE BODY WHEN GRANTING A REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000.

The fees chargeable by private bodies are contained in Part III of Annexure “A” of the Regulations. A copy of Part III is attached for your convenience. The present charges are as follows:

**1. Copies of the manual**

Should an individual require a copy of the private body’s manual, a fee of R1,10 is chargeable for every photocopy of an A4 page or part thereof.

**2. Reproduction fees<sup>1</sup>**

Reproduction fees apply to obtaining copies or transcriptions of information which is automatically available from the private body. The fees are listed in paragraph 2 of Part III of Annexure “A” to the Regulations.

**3. Access fees<sup>2</sup>**

Access fees are chargeable for copies or transcriptions of information requested under this Act. The fees are listed in paragraph 4 of Part III of Annexure “A” to the Regulations.

**4. Other fees**

- 4.1 A request fee<sup>3</sup> of R50,00 is payable by a requester who is seeking access to a record containing information which is not personal to the requester. See paragraph 6 of Part 1 of this Work.
- 4.2 A search fee<sup>4</sup> may be charged at a rate of R30,00 per hour or part thereof for searching and preparing the record for disclosure provided such time was reasonably required for that purpose.
- 4.3 If the request is not limited to records containing information which is personal to the requester and if the head of the private body is of the opinion that the time taken to give effect to the request will exceed six hours the requester can be called upon to pay a deposit of not more than one third of an estimate of the access fee which will become payable.<sup>5</sup>
- 4.4 If a copy of a record is posted to a requester, the requester is obliged to pay the actual postage payable.

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- 1 Section 52(3) and Regulation 1(1)
- 2 Section 54(7) and Regulation 11(3)
- 3 Section 54(1) and Regulation 11(2)
- 4 Annexure “A”, Part III, Item 4(1)(f)
- 5 Section 54(2)

PART III  
FEES IN RESPECT OF PRIVATE BODIES

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

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

R

(a) For every photocopy of an A4 size page or part thereof..... 1,10

(b) For every printed copy of an A4 size page or part thereof held on a computer or in electronic or machine readable form..... 0,75

(c) For a copy in a computer readable form on –

(i) Stiffy disc..... 7,50

(ii) Compact disc..... 70,00

(d) (i) For a transcription of visual images, for an A4 size page or part thereof..... 40,00

(ii) For a copy of visual images..... 60,00

(e) (i) For a transcription of an audio record, for an A4 size page or part thereof..... 20,00

(ii) For a copy of an audio record..... 30,00

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

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

R

(1) (a) For every photocopy of an A4 size page or part thereof..... 1,10

(b) For every printed copy of an A4 size page or part thereof held on a computer or in electronic or machine readable form..... 0,75

(c) For a copy in a computer readable form on –

(i) Stiffy disc..... 7,50

(ii) Compact disc..... 70,00

(d) (i) For a transcription of visual images, for an A4 size page or part thereof..... 40,00

(ii) For a copy of visual images..... 60,00

(e) (i) For a transcription of an audio record, for an A4 size page or part thereof..... 20,00

(ii) For a copy of an audio record..... 30,00

(f) To search and prepare for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.

(2) For purposes of section 54 (2) of the Act, the following applies:

(a) Six hours as the hours to be exceeded before a deposit is payable; and

(b) One third of the access fee is payable as a deposit by the requester.

(3) The actual postage is payable when a copy of a record must be posted to a requester.