

## NOTICE 1818 OF 2001

## DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

PROMOTION OF ACCESS TO INFORMATION ACT, 2000  
(ACT NO. 2 OF 2000)INVITATION TO COMMENT ON DRAFT AND INTERIM REGULATIONS  
RELATING TO THE PROMOTION OF ACCESS TO INFORMATION

1. The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)(the Act), with the exception of sections 10, 14, 16 and 51, came into operation on 9 March 2001.

2.1 It is now intended to put sections 10, 14, 16 and 51 into operation on 23 November 2001. In order to ensure the effective implementation of these sections, regulations must be promulgated for purposes of the sections. Section 10 provides for the compilation of the guide on how to use the Act, by the Human Rights Commission. Sections 14 and 51 provide for the compilation of the manuals by public and private bodies. Section 16 provides that the particulars relating to the information officer of every public body must be published in a telephone directory by the Director-General of the national department responsible for government communications and information services.

2.2.1 Further aspects may or must be prescribed in terms of sections 13, 14(1)(i), 32(j) and 51(1)(f). Section 13 provides for the Minister to determine, on his or her own accord or on the request of a public body, whether a public body is part of another public body or a separate public body in the prescribed manner and by notice in the *Gazette*. Sections 14(1)(i) and 51(1)(f) provide for additional matters to be included in the manual as may be required by the regulations, while section 32(j) makes provision for the additional matters that may be prescribed, to be submitted in the report to the Human Rights Commission.

2.2.2 During a meeting held on 28 February 2000 with internal role players and a meeting held on 19 June 2001 with a few role players to discuss the regulations the following conclusions were reached:

- (a) Since section 13 may be amended, no regulations regarding the matter will be drafted.
- (b) At this stage there is no need to draft regulations regarding the matters set out in sections 14(1)(i), 32(j) and 51(1)(f).
- (c) Officials of the national department responsible for government communications and information services indicated that there is no need at this stage to draft regulations to assist that department in carrying out its mandate.

Kindly indicate if you agree with these views.

2.3 Draft regulations to give effect to the aforementioned sections are as set out in the attached Schedule for your comments. The draft regulations will be finalised after the evaluation of comments received and will be promulgated simultaneously with the commencement of the outstanding sections of the Act.

2.4 Due to the short period allowed to submit comments on the regulations made under section 92 of the Act which came into operation on 9 March 2001 and published in the *Gazette* (No. 22125) of 9 March 2001 (Government Notice No. R. 233), the regulations were regarded as interim regulations. The intention is to finalise these regulations simultaneously with the draft regulations.

3. Your comments on -

- (a) the interim regulations;
- (b) the draft regulations;
- (c) the decision not to draft regulations in specific cases  
and
- (d) the proposed date of commencement,

will be appreciated. If no response is received by the closing date it will be accepted that you agree with our proposals.

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**Please submit your comment on or before 31 August 2001 to:**

**The Director: Secondary Legislation**

**Department of Justice and Constitutional Development**

**Private Bag X 81**

**Pretoria**

**0001**

**or**

**Room 403**

**Saambou Building**

**Church Square**

**Pretoria**

**or**

**Fax to(012) 328 5567**

**or**

**E mail to [Cvanvuuren@justice.gov.za](mailto:Cvanvuuren@justice.gov.za)**

**SCHEDULE****PROMOTION OF ACCESS TO INFORMATION ACT, 2000  
REGULATIONS RELATING TO THE PROMOTION OF ACCESS TO  
INFORMATION**

The Minister for Justice and Constitutional Development has, under section 92 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), made the regulations in the Schedule.

**Definition**

1. In these regulations, unless the context otherwise indicates, "the Regulations" means the regulations published under Government Notice No. R. 22125 of 9 March 2001.

**Insertion of Regulations 10, 11, 12, 13, 14, and 15 in the Regulations**

2. The Regulations are hereby amended by the insertion of the following regulations after regulation 9:

**"Availability of Guide**

10(1) The Human Rights Commission must as soon as possible after the guide has been compiled in terms of section 10(1) or updated in terms of section 10(3) of the Act-

- (a) make available a copy in each official language -
  - (i) to the head of the national department responsible for government communications and information services;
  - (ii) to every legal deposit library as defined in section 6 of the Legal Deposit Act, 1997 (Act No. 54 of 1997), and tertiary educational institution established by or under any law; and
  - (iii) upon request, to the head of a private body;
- (b) make available, in each official language, to

- (i) the information officers of public bodies such number of copies of the guide as the information officer has indicated in order to comply with regulation 11(1) or (2); and
- (ii) the Director-General: Communications such number of copies of the guide as the Director-General has indicated in order to comply with regulation 11(3);
- (c) publish the guide in each official language in the *Government Gazette*;
- (d) make available a copy of the guide in each official language for public inspection during office hours at the offices of the Human Rights Commission; and
- (e) make the guide available on the Website of the Human Rights Commission.

(2). The Human Rights Commission may, on request, make available to the persons and the institutions mentioned in subregulation (1)(a) additional copies of the guide in the official languages indicated.

(3)(a) The Human Rights Commission may not, subject to paragraph (b), charge any fee for a copy being made available in terms of subregulation (1) or (2) or for inspection of a copy in terms of subregulation (1)(d).

(b) The Human Rights Commission may in respect of any copy otherwise made available, charge a fee of R0,60 for every photocopy of an A4-size page or part thereof.

11.(1) The information officer of the Department of Justice and Constitutional Development must immediately after receipt of the copies of the guide in terms of regulation 10(1)(b)(i) submit -

- (a) at least one copy of the guide in each official language to every Magistrate's Office; and

(b) at least one copy to every other office in the Department of Justice and Constitutional Development in each of the official languages mostly used in the province in which the office is located: Provided that the copy of the guide should be submitted in at least two of the official languages.

(2) The information officer of a public body must immediately after receipt of the copies of the guide in terms of regulation 10(1)(b)(i) submit at least one copy of the guide to every office of the institution in each of the official languages mostly used in the province in which the office is located: Provided that the copy of the guide should be submitted in at least two of the official languages.

(3) The Director-General: Communications must immediately after receipt of the copies of the guide in terms of regulation 10(1)(b)(ii), submit at least one copy of the guide to every post office, as defined in section 1 of the Postal Service Act, 1998 (Act No. 124 of 1998), in each of the official languages mostly used in the province in which the office is located: Provided that the copy of the guide should be submitted in at least two of the official languages.

(4) The head of an office referred to in subregulations (1) and (2) and the person in charge of a post office referred to in subregulation (3)-

- (a) must during office hours and upon request make available for inspection a copy of the guide in the official languages available;
- (b) may not charge a fee for inspection referred to in (a); and
- (c) may in respect of any copy of the guide or part thereof otherwise made available, charge a fee of R0,60 for every photocopy of an A4-size page or part thereof.

- (5) The Human Rights Commission must, within sixty days after the guide is updated in terms of section 10(3) of the Act, update the guide made available on its Website in terms of subregulation 10(1)(e).

### **Availability of Manual**

12(1) The information officer of a public body must immediately after the manual has been compiled in terms of section 14(1) or updated in terms of section 14(2) of the Act-

- (a) make available a copy in each of the three official languages in which the manual is compiled to -
- (i) every legal deposit library as defined in section 6 of the Legal Deposit Act 1997, (Act No. 54 of 1997);
  - (ii) the Human Rights Commission; and
  - (iii) every office of the institution;
- (b) make available to the Director-General: Communications such number of copies as the Director-General has indicated in order to comply with subregulation 13(1);
- (c) publish the manual in each of the three official languages in the *Government Gazette*; and
- (d) if possible, make it available on the Website of the public body.

(2). The information officer of the public body, may on request, make available to the institutions as mentioned in subregulation (1)(a) additional copies of the manual in the official language indicated.

(3)(a) The information officer of the public body may not charge any fee for a copy being made available in terms of subregulation (1) or (2).

13(1) The Director-General: Communications must immediately after receipt of the manuals in terms of regulation 12(1)(b), submit at least one copy of the manual in each of the three languages in which the manual is compiled to every post office, as defined in section 1 of the Postal Service Act, 1998.

- (2) The head of an office referred to in regulation 12(1)(a)(iii) and the person in charge of a post office referred to in subregulation (1) -
- (a) must during office hours and upon request make available for inspection a copy of the manual in the official languages available;
  - (b) may not charge a fee for inspection referred to in (a); and
  - (c) may in respect of any copy of the manual or part thereof otherwise made available, charge a fee of R0,60 for every photocopy of an A4-size page or part thereof.
- (3) The information officer of the public body must, within sixty days after the manual is updated in terms of section 14(2) of the Act, update the manual made available on its Website in terms of subregulation 12(1)(d).

#### **Availability of Manual**

14(1) The head of a private body must immediately after the manual has been compiled in terms of section 51(1) or updated in terms of section 51(2) of the Act-

- (a) make available a copy to
    - (i) the Human Rights Commission; and
    - (ii) to the controlling body of which it is a member, if applicable;
  - (b) publish the manual in the *Government Gazette*; and
  - (c) if possible, make it available on the Website.
- (2) The head of the private body-
- (a) must during office hours and upon request make available for inspection a copy of the manual;
  - (b) may not charge a fee for inspection referred to in (a); and



(c) may in respect of any copy of the manual or part thereof otherwise made available, charge a fee of R1,10 for every photocopy of an A4-size page or part thereof.

(3) The head of the private body must, within sixty days after the manual is updated in terms of section 51(2) of the Act, update the manual made available on its Website in terms of subregulation 14(1)(c).

### Commencement

15. These regulations shall come into operation on.....  
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## NOTICE 1832 OF 2001

### DEPARTMENT OF AGRICULTURE

#### PUBLICATION OF EXPLANATORY SUMMARY OF ANIMAL HEALTH BILL

The Minister of Agriculture intends introducing the Animal Health Bill in the National Assembly during August 2001. The explanatory summary of the Bill is hereby published in accordance with Rule 241(c) of the Rules of the National Assembly.

The Bill addresses the following issues:

To provide for measures to promote animal health and to control animal diseases; to assign executive authority with regard to certain provisions of this Act to provinces; to regulate the importation and exportation of animals and things; to establish animal health schemes, and to provide for matters connected therewith.

Copies of the Bill can be obtained from:

1. **Government Printers: Pretoria and Cape Town**
2. **Department of Agriculture**  
**Ms C Theron**  
**Agriculture Building**  
**20 Beatrix Street**  
**Block F-FF-15**  
**Pretoria**  
**Tel: (012) 319 7296**  
**E-mail : christat@nda.agric.za**
3. **National Department of Agriculture Website: <http://www.nda.agric.za>**