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M A N U A L S

IN ACCORDANCE WITH

THE PROMOTION OF ACCESS TO

INFORMATION ACT (NO. 2 OF 2000)



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ALLAN GRAY

LONG TERM INVESTMENT MANAGEMENT

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Internet site: <http://www.allangray.co.za>

MANUAL PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, NO 2 OF 2000, FOR THE FOLLOWING ENTITIES:

- Allan Gray Limited
- Allan Gray Unit Trust Management Limited
- Allan Gray Life Limited
- Allan Gray Property Trust Management Limited
- Allan Gray Namibia (Pty) Limited
- Allan Gray Capital (Pty) Ltd
- Allan Gray Financial (Pty) Ltd
- Allan Gray Preservation Pension Fund
- Allan Gray Preservation Provident Fund
- Allan Gray Retirement Annuity Fund

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A. INTRODUCTION TO ENTITIES

Allan Gray Unit Trust Management Ltd, Allan Gray Life Ltd and Allan Gray Namibia (Pty) Ltd are wholly owned subsidiaries of Allan Gray Limited. Allan Gray Property Trust Management Ltd is majority owned by Allan Gray Limited. Allan Gray Capital (Pty) Ltd and Allan Gray Financial (Pty) Ltd are the proprietary holdings investment companies of Allan Gray Limited.

Allan Gray Limited is approved by the Financial Services Board ("the FSB") as an investment manager, as well as a pension fund administrator. Allan Gray Unit Trust Management Ltd and Allan Gray Property Trust Management Ltd are registered with the FSB as unit trust management companies. Allan Gray Life Ltd is also registered with the FSB as a long-term insurance company.

Although approved as a pension fund administrator, Allan Gray Ltd does not act as administrator for the Allan Gray Preservation Pension Fund, Allan Gray Preservation Provident Fund or Allan Gray Retirement Annuity Fund, but instead outsourced this function.

The head of Allan Gray Limited has tasked Legal and Compliance to attend to all matters relating to this Act.

B. PARTICULARS IN TERMS OF THE SECTION 51 MANUAL

This Manual has been compiled in accordance with the Promotion of Access to Information Act 2 of 2000 (the Act) and applies to all the identified entities.

1. Contact details

Allan Gray Limited will deal with all requests relating to any of the entities. All requests for information in terms of this manual should be directed to:

The Information Officer
Allan Gray Limited
Po Box 51318
CAPE TOWN
8001

Ground Floor, Granger Bay Court
Beach Road
V&A Waterfront
CAPE TOWN

Telephone: +27 - 21 - 415 - 2300
Fax: +27 - 21 - 415 - 2400

2. The section 10 Guide on how to use the Act

Should you require greater clarity on or assistance with the Act, we refer you to the Guide that must be published by the Human Rights Commission in terms of section 10 of the Act. It will, *inter alia*, include:

- what the objects of this Act are
- the relevant contact details of each public and private body (where possible)
- the process that needs to be followed in order to request access to records
- assistance available from the "SAHRC" and Information officers of public bodies
- how to get access to the manual of a private body
- all the remedies available in law to you
- details on prescribed fees payable in respect of requests for information

The Guide will be printed in each official language in the *Government Gazette* and will be available for inspection by the public at the offices of the Human Rights Commission by no later than August 2003.

Please direct any queries to:

The South African Human Rights Commission:

**PAIA Unit
The Research and Documentation Department**

Postal address: Private Bag 2700
HOUGHTON
2041

Telephone: +27 - 011 484 - 8300

Fax: +27 - 011 484 - 0582/1360

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

3. Types of Records

(a) Records available in terms of any other legislation

All records kept and made available in terms of legislation applicable to any of the entities listed in this Manual and the Financial Services Industry in general, as it applies to the specific environment in which the entity operates, are available in accordance with said legislation.

(b) Records available without requesting access in terms of the Act

A private body may, on a voluntary and periodic basis, submit to the Minister a description of categories of records, which are automatically available without a person having to request access in terms of the Act. The Minister must publish any description so submitted by notice in the Gazette.

The identified entities have not submitted any such description for publication in the Gazette. Certain records are however freely available on the website at www.allangray.co.za

(c) Records available on request

We set out below the subjects and categories of records that are, subject to access being denied as set out in the Act, available for the purposes of the Act.

Records are held on the following subjects:

- Personnel records
- Client-related records
- Private body record
- Records in the possession of or pertaining to other parties

(i) Personnel records

Personnel refers to any person who works for or provides services to or on behalf of the private body and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of the private body. This includes, without limitation, directors, executives, non-executives, all permanent, temporary and part-time staff as well as contract workers.

Personnel records include the following:

- Any personal records provided to the private body by their personnel;

- Any records a third party has provided to the private body about any of their personnel;
- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Internal evaluation records; and
- Other internal records and correspondence.

(ii) Client-related records

A client includes any natural or juristic entity, who receives services from the private body. Client-related information includes the following:

- Any records a client has provided to a third party acting for or on behalf of the private body;
- Any records a third party has provided to the private body; and
- Records generated by or within the private body pertaining to the client, including transactional records.

(iii) Private body records

The following are considered to include but not be limited to records, which pertain to the private body's own affairs:

- Financial records;
- Operational records;
- Databases;
- Information technology;
- Marketing records;
- Internal correspondence;
- Records relating to products and services;
- Statutory records;
- Internal policies and procedures;
- Treasury-related records;
- Securities and equities; and
- Records held by officials of the private body.

(iv) Other parties

The private body may possess records pertaining to other parties, including without limitation contractors, suppliers, subsidiary/holding/sister companies, joint venture companies, service providers. Alternatively, such other parties may possess records, which can be said to belong to the private body.

The following records fall under this category:

- Personnel, client or private body records which are held by another party as opposed to being held by the private body; and
- Records held by the private body pertaining to other parties, including without limitation financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors / suppliers.

4. Requesting procedures

A person who wants access to the records of any of the identified entities must complete the necessary request form.

The request form can be accessed on www.allangray.co.za or www.sahrc.org.za. If a person needs assistance to obtain the form or on any other matter, please contact the Information Officer at the telephone number provided in clause 1.

The completed request form must be sent to the address or fax number provided in clause 1 and marked for the attention of the Information Officer.

The Information Officer will process the request and inform the requester of the fees (if any) that are payable and of the different procedures that must be followed until the request is finalised. A copy of the fee structure applicable to private bodies can be accessed on www.allangray.co.za.

All the pertinent sections must be completed fully, failing which the process will be delayed while the Information Officer requests such additional information.

NOTE: Access to certain records may be or must be denied on the grounds set out in the Act.

Mandatory grounds for refusal include but are not limited to:

- Information for the protection of the privacy of individuals
- Information for the protection of commercial information and confidential information of third parties
- Information privileged from production in legal proceedings
- Commercial information of the company
- Research information

5. Availability of the manual

Copies of this manual is available for inspection, free of charge, at the offices of Allan Gray Limited; copies are also available from the South African Human Rights Commission; from the Government printer and on our website (www.allangray.co.za)



INFORMATION MANUAL

*In terms of section 51 of the Promotion of Access to Information Act
Act 2 of 2000*

1 INTRODUCTION

Section 32 of the Constitution of the Republic of South Africa, No. 108 of 1996 ("the Constitution") provides:

- (1) *Everyone has the right of access to –*
 - (a) *any information held by the State; and*
 - (b) *any information that is held by another person and that is required for the exercise or protection of any rights.*
- (2) *National legislation must be enacted to give effect to this right, and may provide for reasonable measures to alleviate the administrative and financial burden on the state.*

The Promotion of Access to Information Act, 2 of 2000 ("the Act"), was enacted on 3 February 2002 to give effect to section 32 of the Constitution, thus giving effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights. Where a request is made in terms of this Act, the private or public body to whom the request is made is obliged to release the information, except where the Act expressly provides that the information must not be released. The Act sets out the requisite procedural issues attached to such request.

The Act came into effect on 9 March 2001 with the exception of sections 10, 14, 16 and 51 which sections were brought into operation on 15 February 2002.

2 WHO MAY REQUEST INFORMATION IN TERMS OF THE ACT

Any person who requires information for the exercise or protection of any rights may request information from a private body. Section 50 of the Act states that;

- (1) *A requestor must be given access to any record of a private body if –*
 - (a) *that record is required for the exercise or protection of any rights;*
 - (b) *that person complies with the procedural requirements in this Act relating to a request for access to that record; and*
 - (c) *access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

3 PROCEDURES FOR OBTAINING ACCESS

3.1 Contact Details

Any person who wishes to request any information from BoE Insurance Company Limited with the object of protecting or exercising a right may contact the Information Officer whose contact details are as follows;

Postal Address

The Information Officer
Alan Faber
BoE Insurance Company Limited
PO Box 5662
Durban
4000

Physical address

NBS Kingsmead
90 Ordnance Road
Durban
4000

Tel: (031) 3642233
Fax (031) 3642951
e-mail afaber@boecorp.co.za
Website www.boe.co.za

3.2 Prescribed Access Form

In terms of section 53, a request for access to a record of BoE Corporate Limited must be made in the prescribed form to BoE Insurance Company Limited the address, fax number or electronic mail address given above. The form requires the requestor to provide the following:

- sufficient information to enable the Information Officer to identify the requestor;
- sufficient information to enable the Information Officer to identify the record(s) requested;
- the form of access required;
- the requestor's postal address or fax number;
- identification of the right sought to be exercised or protected;
- an explanation on why the record is required to exercise or protect that right;
- the manner in which the requestor wishes to be informed of the decision on the request, if in a manner in addition to written notification; and

- if the request is made on behalf of a person, the submission of proof of the capacity in which the requestor makes the request, to the satisfaction of the Information Officer.

For a specimen of the request form see **ANNEXURE A** to the manual. Requestors must note that all of the information as listed above should be provided, failing which the process will be delayed while the private body requests such additional information. The prescribed time periods will not commence until all pertinent information has been furnished on the private body by the requestor.

3.3 Prescribed Fees

Payment of fees is regulated in terms of section 54 of the Act. The Regulations to the Act provide for two types of fees:

- Request fee: This is a non-refundable administration fee paid by all requestors with the exclusion of personal requestors. It is paid before the request is considered.
- Access fee: This is paid by all requestors only when access is granted. This fee is intended to re-imburse the private body for the costs involved in searching for a record and preparing it for delivery to the requestor.

BoE Insurance Company Limited may withhold a record until the request fee and the deposit (if applicable) have been paid. A schedule of the prescribed fees is attached as **ANNEXURE B** to the manual.

A. Requestor other than Personal Requestor

The Information Officer must give written notice to a requestor other than a personal requestor of the request fee and amount to be paid before the request may be further processed.

If in the Information Officer's opinion the search for a record, or preparation of the record for disclosure will require more than the prescribed hours, the Information Officer may require the requestor to pay a deposit, not being more than one third of the access fee that would be payable if the request is granted. If the request is declined, the deposit must be repaid to the requestor.

The notice given by the Information Officer must advise the requestor that s/he has a right to apply to court against the payment of the request fee or deposit, and also advise of the procedure of the application.

B. Personal Requestor

A personal requestor is described in terms of the Act as a requestor seeking access to a record containing information about the requestor.

A personal requestor is not liable to pay a request fee, is liable for payment of access fees in the event of a request being granted, but may not be required to pay a deposit before the granting of the record.

4 HUMAN RIGHTS COMMISSION GUIDELINE

In terms of section 10 of the Act, the Human Rights Commission must compile a guide by 14 August 2003. This guide is intended to assist users in the interpretation of the Act. The guide will contain a description of the objects of the Act, the contact details of the information officers of all the public bodies, particulars of the public bodies, the manner of access to the records of those public bodies and the remedies available in law regarding a breach of any of the provisions of the Act.

The South African Human Rights Commission's contact details are as follows:

Private Bag 2700
Houghton
2041
Tel: 011 484 8300
Fax 011 4841360

5 TYPES OF RECORDS

The requestor may request access to the following types of documents;

5.1 Personnel Records

These include;

- Any personal records provided to the private body by their personnel;
- Any records a third party has provided to the private body about any of their personnel;
- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Internal evaluation records; and
- Other internal records and correspondence.

5.2 Customer-related records

A customer includes any natural or juristic entity who receives services from the private body. Customer-related information includes the following:

- Any records a customer has provided to a third party acting for or on behalf of the private body;
- Any records a third party has provided to the private body; and
- Records generated by or within the private body pertaining to the customer, including transactional records.

5.3 Private body records

This includes but is not limited to the following:

- Financial records;
- Operational records;
- Databases;
- Information technology;
- Marketing records;
- Internal correspondence;
- Product records;
- Statutory records;
- Internal policies and procedures;
- Treasury-related records;
- Securities and equities; and
- Records held by officials of the private body.

5.4 Other Parties

The private body may possess records pertaining to other parties, including without limitation, contractors, suppliers, subsidiary/holding/sister companies, joint venture companies, service providers. Alternatively, such other parties may possess records which can be said to belong to the private body.

The following records fall under this category:

- Personnel, customer or private body records which are held by another party as opposed to being held by the private body; and
- Records held by the private body pertaining to other parties, including without limitation financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors / suppliers.

C. Records available in terms of other legislation

The requestor may also request information which is available in terms of legislation, such as the following;

Legislation	Specific Section/ Regulation	Industry (Banking/ Insurance)		Person(if limited)
Administration of Estates Act 66 of 1965	section 28(5)	Banking	Banks must keep information of a cheque account or savings account that has been opened by an executive in the name of the estate and all information relating to vouchers in relation to the cheque or savings account .	The Master or any surety of the executor have the same rights to this information
Short term Insurance Act 53 of 1998	Section 4(3)	Insurance	The short term insurer upon notice from the Registrar may be directed to furnish the Registrar within a specified period with specified information or documents required by the Registrar for purposes of the Act	Registrar

	Section 47.	Insurance	A short term insurer is required to provide a person who enters into short term policy with a copy of the policy within 30 days after entering into or varying the policy	The insured person
Deeds Registries Act 47 of 1937, Sections 27 and 82	Section 27	Bank	The bank must produce a copy of the bond together with written consent to the petitions and substitution of land.	The Registrar
	Section 82	Bank	For the registration of a notarial bond specially hypothecating a registered lease or sub-lease the deed of lease or sub-lease must be produced	The Registrar
The Long Term Insurance Act 52 of 1998	Section 27	Insurance	A long term insurer shall whenever required to do so, furnish a return in the form and containing the particulars and information which the Registrar determines i.r.o. the following: (a) its shareholders and (b) any person who directly or indirectly has the power to require those shareholders to exercise their rights as shareholders in the long term insurer in accordance with such person's directions or instructions (c) a person in whose name shares in a long term insurer are registered, or (d) a person who wishes shares in a long term insurer to be alluded or issued to such person or to be registered in such person's name	The Registrar
	Section 36	Insurance	A long term insurer shall furnish the Registrar with returns relating to its business.	The registrar
	Section 48	Insurance	A long term insurer must furnish in writing a person who enters into or varies a long term policy with information relating to the following matters: (a)	Insured

			representations made by or on behalf of that person to the insurer which were regarded by that insurer as material to its assessment of the risks under the policy (b) the premiums payable and the policy benefits to be provided under the policy and seek the event i.r.o. which the policy benefits are to be provided and the circumstances if any in which those benefits are not to be provided.	
The Credit Agreements Act 75 of 1980	Section 4	Bank	Any prospective credit granter or employee shall before entering into a credit agreement at a place not being his business premises in writing draw the attention of a prospective credit receiver to the provisions of section 13. In terms of section 13 when any credit agreement is signed by any credit receiver at a place other than the business premises where the credit granter conducts business the credit receiver may within 5 days after the date of the credit agreement terminate the agreement in writing and by tendering the return of any goods delivered to him i.t.o. the credit agreement	Credit receiver
	Section 26	Banking	In terms of section inspector furnished with inspection authority in writing by the Director General of Trade and Industry may conduct an investigation to gather information that the Director General or official may require to determine whether the provisions of this Act are being or have been complied with and may for that purpose at all reasonable times enter any place and order any person to produce to him any book or record or other document in the possession or under the control of such	Inspector

			person.	
Designs Act No. 195 of 1993	Section 7(2)	Banking/ Insurance	Copies of all deeds, agreements, licences and other documents affecting any registered design or application for the registration of a design which are required to be recorded in the register, shall be supplied in a prescribed manner for filing in the Designs Office	Registrar
	Section 8(1)	Banking/ Insurance	The register in the Designs Office or any document lodged at the Designs Office shall on payment of the prescribed fee be open to inspection by the public during the prescribed hours.	
	Section 9	Banking/ Insurance	The Registrar shall at the request of any person and on payment of the prescribed fee, furnish copies of any documents lodged at the Designs Office and which are open to public inspection or particulars from the Registrar, or furnish a certificate thereof	
Debt Collectors' Act No. 114 of 1998	Section 19(4)	Banking	A debt collector shall deliver to a debtor, upon request and against payment of a prescribed fee a settlement account containing a complete exposition of all debits and credits in connection with a specific collection provided that a debtor shall be entitled to request a settlement account free of charge once in every six months	Debtor
	Section 20(4)	Banking	A debt collector is required to keep proper accounting records in respect of all monies received, held or paid by him or her on behalf of or to any other person. The council of debt collectors may itself or through its nominee examine the accounting records of a debt collector in order to satisfy itself that the provisions of this section are complied with	Council of Debt Collectors or its nominees
The Custody	Section 3(3)	Banking	A depositor institution shall	Registrar

and Administration of Securities Act No. 85 of 1992			on request disclose information with regard to the holdings of a client in a securities account, unless the client concerned directs otherwise in writing in a case where the client may do so in terms of any law	
	Section 15(2)	Banking	An executive officer of a central securities depository shall furnish all notices, minutes and documents which are furnished to members of the controlling body thereof or a sub- committee of that body to the Registrar as if the Registrar were a member of that body or sub-committee	Registrar
The Criminal Procedures Act No. 51 of 1977	Section 236	Banking	The entries in the accounting records of a bank and any document which is in the possession of any bank and which refers to the said entries or to any business transaction of the bank can be proved in criminal proceedings by producing an affidavit made by any person working for the bank any party to the criminal proceedings against whom the evidence is intended to be adduced. The accused may upon the order of the court before which the proceedings are pending inspect the original of the document or entry in question and any accounting record in which such entry appears or of which such entry forms part and may make copies of such documents or entries.	Accused Person
The Labour Relations Act 66 of 1995	Section 13(5)	Banking/ Insurance	With each monthly remittance the employer must give (a) A List of the names of every member from whose register employer has made the deductions that are included in the remittance (b) Details of the amounts deducted and remitted and the period to which the deductions relate	Representative Trade Union

			and (c) A copy of every notice of revocation i.f.o. sub-section 3.	
	Section 16(2)	Banking/ Insurance	An employer must disclose to a trade union representative all relevant information that will allow the trade union representative to perform effectively the following functions to (a) assist and represent the employee in grievance and disciplinary proceedings (b) to monitor the employer's compliance with the workplace related provisions of the Labour Relations Act, any law regulating terms and conditions of employment and any collective agreement binding on the employer. (c) To report any alleged contravention of the workplace related provisions of this act, any law regulating terms and conditions of employment and any collective agreement binding on the employer to (i) The employer (ii) The representative trade union and (iii) any responsible authority or agency and (d) to perform any other function agreed to between the representative trade union and the employer	Trade Union Representative
	Section 21(10)	Banking/ Insurance	The employer must make available to the commissioner any information and facilities that are reasonable necessary for the commissioner to determine the membership or support of the registered trade union	Commissioner
	Section 89(1)	Banking/ Insurance	An employer must disclose to the workplace forum all relevant information that will allow the workplace forum to engage effectively in consultation and joint decision making. In terms of section 90(1) any documented information that	Workplace Forum

			is required to be disclosed by the employer i.t.o. section 89 must be made available on request to the members of the workplace forum for inspection. The employer must provide copies of the documentation on request to the members of the workplace forum.	
	Section 189(3)	Banking/ Insurance	The employer must disclose in writing all relevant information related to dismissals based on operational requirements including but not limited to (a) The reasons for the proposed dismissals (b) The alternatives that the employer considered before proposing the dismissals, and the reasons for rejecting each of those alternatives. (c) The number of employees likely to be affected and the job categories of which they are employed. (d) The proposed method for selecting which employees to dismiss. (e) The time when, or the period during which the dismissals are likely to take effect. (f) The severance pay proposed. (g) Any assistance that the employer proposes to offer to the employees likely to be dismissed. (h) The possibility of the future employment of the employees who are dismissed. (i) The number of employees employed with the employer and (j) The number of employees that the employer has dismissed for reasons based on its operational requirements in the preceding 12 months.	Trade Union or representatives of the employees or employees
	Section 197(b)	Banking/ Insurance	An employer that applies to be wound up or sequestrated whether i.t.o. the Insolvency Act 1936 or any other law must at the time of making application provide (a) Any person whom the employer is	Employees or workplace forum or registered Trade union

			<p>required to consult in terms of a collective agreement (b) If there is no collective agreement that requires consultation a workplace forum if the employees likely to be affected by the proposed dismissals are employed in a workplace of which there is a workplace forum and (b) Any registered trade union whose members are likely to be affected by the proposed dismissals. (c) If there is no workplace forum in the workplace in which the employee is likely to be affected by the proposed dismissals are employed, any registered trade union whose members are likely to be affected by the proposed dismissals or (d) If there is no trade union the employees likely to be affected by the proposed dismissals or their representatives nominated for that purpose with a copy of the applications. In terms of section 197(2)(b) an employer that receives an application for its winding up or sequestration must supply a copy of the application to any consulting party within two days of receipt or if the proceedings are urgent within 12 hours. to the Registrar of Labour Relations.</p>	
	<p>Section 205</p>	<p>Banking/ Insurance</p>	<p>Every employer must keep the records that an employer is required to keep in compliance with any applicable (a) Collective Agreement (b) Arbitration Award (c) determination made i.t.o. the Wage Act. The employer must retain the records for 3 years from the date of the event or end of the period to which they relate, submit the records in response to a demand made at any reasonable time to any agent of a bargaining council,</p>	<p>Bargaining Council or Commissioner or person who functions i.t.o the act in the resolution of disputes</p>

			commissioner or any person whose functions i.t.o. this Act includes the resolution of disputes. In terms of section 205(3) an employer must keep a record of the prescribed details of any strike, lockout or protest action involving its employees. The records must be submitted in the prescribed manner	
Employment Equity Act No. 55 of 1998	Section 18(1)	Banking/ Insurance	When a designated employer engages in consultation i.t.o. this Act the employer must disclose to the consulting parties all relevant information that will allow those parties to consult effectively.	Consulting parties
	Section 25(1), (2) & (3)	Banking / Insurance	An employer must display at the workplace where it can be read by employees a notice in the prescribed form informing them about the provisions of the Employment Equity Act. In terms of sub-section 25(2) a designated employer must in each of its workplaces, place in prominent places that are accessible to all employees (a) the most recent reports submitted by that employer to the Director General (b) Any compliance order, arbitration award or order of the Labour Court concerning the provisions of this Act in relation to that employer and (c) any other document concerning this Act as may be prescribed. In terms of section 25(3) an employer who has an employment equity plan must make a copy of the plan available to its employees for copying and consultation.	Employees
	Section 26	Banking / Insurance	An employer must establish and for the prescribed period maintain records i.r.o. its workforce, its employment equity plan and any other	Employees

			records relevant to its compliance with this Act.	
The Basic Conditions of Employment Act 75 of 1997	Section 29(1)	Banking / Insurance	An employer must supply an employee when the employee commences employment with particulars of work. In terms of sub-section 2 when any matter changes the written particulars must be revised to reflect the change and the employee must be supplied with a copy of the document reflecting the change. In terms of section 29(4) the written particulars must be kept by the employer for a period of 3 years after termination of employment.	Employee
	Section 31(1)	Banking / Insurance	Every employer must keep a record containing at least the following information: (a) the employee's name and occupation (b) the time worked by each employee (c) the remuneration paid to each employee (d) the date of birth of any employee under 18 years of age and (e) any other prescribed information. The record must be kept by the employer for a period of 3 years from the date of the last entry in the record.	Employee
	Section 33(1)	Banking / Insurance	An employer must give an employee the following information in writing on each day the employee is paid (a) the employer's name and address (b) the employee's name and occupation (c) the period for which the payment is made (d) the employee's remuneration in money (e) the amount in purpose of any deduction made from the remuneration (f) the actual amount paid to the employee.	Employee
	Section 66 (1)	Banking / Insurance	In order to monitor or enforce compliance with any employment law a labour inspector may require a person to disclose	Labour Inspector

			information either orally or in writing and either alone or in the presence of witnesses on any matter to which an employment law relates and require that disclosure be made under oath, copy any record or document to which an employment law relates.	
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The Information Officer will take into consideration section 8 of the manual to decide on whether or not access to any of the information stated above should be given to the requestor.

6 DECISION-MAKING PROCESS

- 6.1 In terms of Section 55, the information officer will take all reasonable steps to find a record that has been requested. If the record cannot be found or does not exist, the information officer must notify the requestor by way of affidavit or affirmation that it is not possible to give access to the record. This is deemed to be a refusal of the request. If, however, the record is later found, the requestor must be given access if the request would otherwise have been granted.
- 6.2 Section 56 provides that the Information Officer must within 30 days of receipt of a correctly completed request notify the requestor of the decision as to whether or not to grant the request. If the request is:
- **Granted:** the notification must state the applicable access fee required to be paid, together with the procedure to be followed should the requestor wish to apply to court against such fee, and the form in which access will be given.
 - **Declined:** the notification must include adequate reasons for the decision, together with the relevant provisions of the Act relied upon, and provide the procedure to be followed should the requestor wish to apply to court against the decision.
- 6.3 The Information Officer may extend the period of 30 days by a further period not exceeding 30 days if:
- the request is for a large number of records or requires a search through a large number of records;
 - the request requires a search for records located in a different office of the private body not situated in the same city;
 - consultation between divisions of the private body, or with another private body is required; or
 - the requestor consents to the extension.
- The requestor must be notified within the initial 30 day period in writing of the extension, together with reasons therefor, and the procedure involved should the requestor wish to apply to court against the extension.

The Information Officer's failure to respond to the requestor within the 30 day period constitutes a deemed refusal of the request.

- 6.4 Section 59 provides that the Information Officer may sever a record and grant access only to that portion which the law does not prohibit access to.

If access is granted, access must be given in the form that is reasonably required by the requestor, or if the requestor has not identified a preference, in a form reasonably determined by the Information Officer.

7 THIRD PARTIES

If the request is for a record pertaining to a third party, the Information Officer must take all reasonable steps to inform that third party of the request. This must be done within 21 days of receipt of the request. The manner in which this is done must be in the fastest means reasonably possible, but if orally, the Information Officer must thereafter give the third party a written confirmation of the notification. The third party may within 21 days thereafter either make representation to the private body as to why the request should be refused, alternatively grant written consent to the disclosure of the record. The third party must be advised of the decision taken by the Information Officer on whether to grant or decline the request, and must also be advised of his/her/its right to appeal against the decision by way of application to court within 30 days after the notice.

8 GROUNDS FOR REFUSAL OF A REQUEST

Notwithstanding compliance with section 50, the request may be declined in accordance with one of the prescribed grounds in terms of the Act, namely:

- 8.1 Section 63 of the Act prohibits the unreasonable disclosure of the personal information of natural-person third parties to requestors. This includes the personal information of deceased persons. However Section 63(2) does provide exceptions to this.
- 8.2 Section 64 states that a request must be refused if it relates to records containing third party information pertaining to:
- trade secrets;
 - financial, commercial, scientific or technical information where disclosure would be likely to cause harm to the commercial or financial interests of that third party; or
 - information supplied in confidence by the third party, the disclosure of which could reasonably be expected to put the third party at a disadvantage in contractual or other negotiations, or prejudice the third party in commercial competition.
- The information must, however, be released if it pertains to the results of product or environmental testing, the disclosure of which would reveal a serious public safety or environmental risk.
- 8.3 Section 65 prohibits disclosure of information if such disclosure would constitute a breach of any duty of confidentiality owed to a third party in terms of an agreement.

- 8.4 In terms of section 66, a private body must refuse a request for access to a record of the body if disclosure could reasonably be expected to:
- endanger the life or physical safety of an individual;
 - prejudice or impair the security of a building, structure or system, including but not limited to a computer or communication system, means of transport or any other property
 - The private body may also refuse a request for access to information which would prejudice methods, systems, plans or procedures for the protection of an individual in accordance with a witness protection scheme or safety of the public.
- 8.5 Section 67 mandates the refusal of a request if the record is privileged from production in legal proceedings, unless the person entitled to the privilege has waived the privilege.
- 8.6 Section 68 pertains to records containing information about the private body itself and unlike the other provisions pertaining to decline of a request, is not mandatory, but rather discretionary. BoE Insurance Company Limited may refuse access to a record if the record:
- contains trade secrets of BoE Insurance Company Limited;
 - contains financial, commercial, scientific or technical information, the disclosure of which would be likely to cause harm to the commercial or financial interests of BoE Insurance Company Limited;
 - contains information which, if disclosed, could reasonably be expected to put the private body at a disadvantage in contractual or other negotiations, or prejudice BoE Insurance Company Limited in commercial competition; or
 - consists of a computer program owned by BoE Insurance Company Limited.

Notwithstanding the above, the information must be released if it pertains to the results of product or environmental testing, the disclosure of which would reveal a serious public safety or environmental risk.

- 8.7 Section 69 prohibits the disclosure of information about research where disclosure is likely to expose the third party, the person conducting the research on behalf of the third party, or the subject matter of the research to serious disadvantage. Disclosure is discretionary if such research pertains to BoE Insurance Company Limited itself.

Notwithstanding any of the above-mentioned provisions, section 70 provides that a record must be disclosed if its disclosure would:

- reveal evidence of a substantial contravention of or failure to comply with the law, imminent and serious public safety or environmental risk; and
- if the public interest in the disclosure clearly outweighs the harm.

9 RIGHTS OF APPEAL

A requestor that is dissatisfied with the Information Officer's refusal to grant access to any information may, within 30 days of notification of the decision, apply to court for relief. Likewise, a third party dissatisfied with the Information Officer's decision to grant a request may, within 30 days of notification of the decision, apply to court for relief.

It should be noted that notwithstanding any provision in this Act, the court may examine the record(s) in question. No record may be withheld from the court on any grounds. The court may not, however, disclose the contents of the record(s).

The court is empowered to grant any order that is just and equitable, including:

- confirming, amending or setting aside the Information Officer's decision
- requiring the Information Officer to take any action, or refrain from taking any action as identified by the court within a specified period;
- granting an interdict, interim or special relief, declaratory order or compensation; or costs.

**MANUAL IN TERMS OF SECTION 51 OF THE
PROMOTION OF ACCESS TO INFORMATION ACT NO. 2 OF 2000**

**LOUIS GISHEN & ASSOCIATES
ATTORNEYS, NOTARIES & CONVEYANCERS**

1. CONTACT PARTICULARS

Senior Partner: Mr. L. Gishen

Bull & Bear House
58 Peter Place
Lyme Park
Sandton

P O Box 3967
Cramerview
Bryanston
2060

Tel: (011) 790-4200

Fax: (011) 790-4222

E mail: gislaw@iafrica.com

2. GUIDE IN TERMS OF SECTION 10 OF THE ACT

Any person who wishes to exercise any right contemplated in the Promotion of Access to Information Act, 2000, may obtain a copy of the information guide issued by the Human Rights Commission in all official languages, from the Human Rights Commission, tel (011) 484-8300, fax (011) 484-7149.

**3. FACILITATION OF A REQUEST FOR ACCESS TO INFORMATION,
SUBJECTS ON WHICH LOUIS GISHEN & ASSOCIATES HOLDS
RECORDS AND THE CATEGORIES OF RECORDS HELD**

Information which is not readily available as indicated in paragraph 4 of this manual, may be requested in accordance with the procedure prescribed in terms of the Promotion of Access to Information Act.

Copies of the prescribed forms to be completed for submitting a request, are available from Louis Gishen & Associates.

4. Information held:

4.1 INFORMATION / DOCUMENTS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION (Section 51(1)(d) of the Act)

Louis Gishen & Associates keeps information / documents in accordance with the following legislation (please note that this is not an exhaustive list):-

- Income Tax Act, Act No. 58 of 1962 (Section 75)
- Value-Added Tax Act, Act No. 89 of 1991 (Section 65)
- Unemployment Insurance Act, Act No. 30 of 1966 (Section 32)
- Basic Conditions of Employment Act, Act No. 75 of 1997 (Section 31)
- Employment Equity Act, Act No. 55 of 1998 (Section 26)
- compensation for Occupational Injuries and Diseases Act, Act No. 130 of 1993 (Section 97)
- Insolvency Act, Act No. 24 of 1936 (Sections 134 and 155)
- Occupational Health and Safety Act, Act No. 85 of 1993
- Attorneys Act, Act No. 53 of 1979
- Skills Development Act, Act No. 97 of 1998.

4.2 Professional Affairs

	Subjects	Categories of Information
1	Details of employees	Contact details Full names and identity numbers Salaries Benefits
2	Details of clients	Contact details Personal particulars Details of legal work undertaken for and against clients
3	Financial details of Louis Gishen & Associates	
4	Administrative matters	

4. CATEGORIES OF RECORDS: AUTOMATIC DISCLOSURE IN TERMS OF SECTION OF THE ACT

The following categories of information are automatically available from Louis Gishen & Associates without a person having to request access in terms of the Act:

Nil

5. CATEGORIES OF RECORDS: VOLUNTARY DISCLOSURE IN TERMS OF THE ACT

The following categories of information are voluntarily disclosed by Louis Gishen & Associates subject to access thereto being requested in terms of the Act:

Any request made for information must be requested on the enclosed form and a fee will be charged for records.

**TRANS HEX GROUP LIMITED**

(Reg No: 1963/007579/06)

**MANUAL PREPARED IN TERMS OF SECTION 51 OF THE
PROMOTION OF ACCESS TO INFORMATION ACT (ACT 2 OF
2000)**

1. Chief Executive Officer of Trans Hex Group Limited
 - 1.1 **Name:** Calvyn Gardner
 - 1.2 **Postal Address:** P O Box 723
PAROW
7499
 - 1.3 **Street Address:** 405 Voortrekker Road
PAROW
7500
 - 1.4 **Business phone:** (021) 937 2000
 - 1.5 **Business fax:** (021) 937 2100
 - 1.6 **E-mail address:** calvyng@transhex.co.za
2. The Guide contemplated in Section 10 on how to use the Act is not yet available.
3. A list of records that are voluntarily available in terms of Section 52(2), is attached hereto and marked Annexure "A".
4. The following records are available in accordance with the following legislation:
 - 4.1 **Companies Act 61 of 1973 (as amended)**
 - 4.1.1 Certificate of Incorporation (Form CM1)
 - 4.1.2 Application for Reservation of Name (Form CM5)

- 4.1.3 Articles of Association
- 4.1.4 Memorandum of Association
- 4.1.5 Register of Directors and Officers
- 4.1.6 Share Register / Register of members
- 4.1.7 Register of Allotments / Issue of Shares
- 4.1.8 Prospectus / Statement in terms of Section 141
- 4.1.9 Annual Financial Statement and Directors Report
- 4.1.10 Interim Reports
- 4.1.11 Disclosure in terms of Sections 234 – 241 / Register of Directors interests in terms of Section 240
- 4.1.12 Directors Consents to act as Director or Officer (Form CM 27)
- 4.1.13 Share Certificates / Share Warrants

- 4.2 **Labour Relations Act 66 of 1995 (as amended)**
- 4.2.1 Information in terms of Section 16;

- 4.3 **Occupational Health and Safety Act 85 of 1993**
- 4.3.1 Reports in terms of Section 24
- 4.3.2 Information allowed in terms of Section 36

- 4.4 **Mine Health and Safety Act 29 of 1996**
- 4.4.1 Appointments in terms of Sections 3 & 4(1) & Notification in terms of Section 4(2)
- 4.4.2 Health and Safety Policy
- 4.4.3 Records as prescribed in Section 15
- 4.4.4 Annual medical reports in terms of Section 16

- 4.4.5 Records as prescribed in Section 19
- 4.4.6 Appointments in terms of regulations 2.6.1, 2.9.2 and 2.13.2 and 2.13.12
- 4.4.7 Notice of Appointment in terms of regulation 2.5.6

- 4.5 **Basic Conditions of Employment Act 75 of 1997**
- 4.5.1 Written particulars of Employment in terms of Section 29
- 4.5.2 Statement of Employees Rights in terms of Section 30
- 4.5.3 Records in terms of Section 31
- 4.5.2 Remuneration Information in terms of Section 32
- 4.5.3 Notice of Termination of Employment in terms of Section 37 where applicable

- 4.6 **Employment Equity Act 55 of 1998**
- 4.6.1 Information as required in terms of Section 18
- 4.6.2 Employment Equity Plan in terms of Section 20
- 4.6.3 Report to Director-General in terms of Section 20
- 4.6.4 Summary of Report in terms of Section 22
- 4.6.5 Successive Employment Equity Plans in terms of Section 23
- 4.6.6 Information and Documentation in terms of Sections 25 and 26
- 4.6.7 Income Differential Statement in terms of Section 27

- 4.7 **Unemployment Insurance Act 30 of 1966**
- 4.7.1 Contributor's record cards in terms of Section 33(2)

- 4.8 **Hazardous Substances Act 15 of 1973**
- 4.8.1 Appointments of Radiation Protection Officers and Acting Radiation Protection Officers
- 4.8.2 Appointments of Radiation Protection Advisor
- 4.8.3 Appointments of Radiation Co-ordinating Officer and Acting Radiation Protection Officer
- 4.8.4 Stock records in terms of Regulation 9
- 4.8.5 Source registers and logbooks
- 4.8.6 Radiation worker Register
- 4.8.7 Monthly Inspection reports
- 4.8.8 Licenses in terms of Section 4
- 4.8.9 Authorities in terms of Regulation 2
- 4.8.10 Internal Rules / Policy on the Safe Handling of Radioactive Isotopes in terms of Regulation 7

- 5. The subjects on which the company holds records and the categories on each subject are as listed below. Please note that a requestor is not automatically allowed access to these records and that access to them may be refused in accordance with Sections 62 to 69 of the Act.
- 5.1 **OPERATIONAL RECORDS:**
- 5.1.1 Production statistics. See Section 68 (1) (b)
- 5.1.2 Deposit / Exploration results and/or analyses. See Section 68 (1) (b)
- 5.1.3 Cost analyses
- 5.1.4 Emission Control records
- 5.1.5 Noise records

5.2 MACHINERY & EQUIPMENT RECORDS:

5.2.1 Asset registers

5.2.2 Leases

5.3 DISTRIBUTION RECORDS:

5.3.1 Consumable stock records

5.3.2 Orders

5.3.3 Invoices

5.3.4 Delivery notes

5.4 HUMAN RESOURCES:

5.4.1 Disciplinary records

5.4.2 Performance assessments and performance records

5.4.3 Payroll records

5.4.4 Leave, sick leave, maternity and special leave records

5.4.5 Returns to UIF

5.4.6 Seta records

5.4.7 Employment Equity reports and statistics

5.4.8 Training schedules and material

5.4.9 OHASA records

5.4.10 Employee Assistance Program statistics and reports

5.5 FINANCIAL RECORDS:

5.5.1 Annual Financial reports

5.5.2 VAT returns

5.5.3 Income tax returns and assessments

5.6. **ENVIRONMENTAL RECORDS:**

5.6.1 Environmental impact studies

5.6.2 Environmental Management programs

5.7 **MINING, MINERAL AND PROSPECTING RIGHTS:**

5.7.1 Mining Leases

5.7.2 Mining Licenses

5.7.3 Prospecting Permits

5.8 **MARKETING MATERIAL:**

5.8.1 Newsletters

5.8.2 Annual reports

6. Requests for access to records available under 5 above should be made in accordance with Section 53 of the Act and directed to The Company Secretary, Trans Hex Group Limited, P O Box 723, Parow, 7499. General information on the company can be accessed via the Internet on www.transhex.co.za.

ANNEXURE "A"**RECORDS AVAILABLE IN TERMS OF SECTION 52(2)**

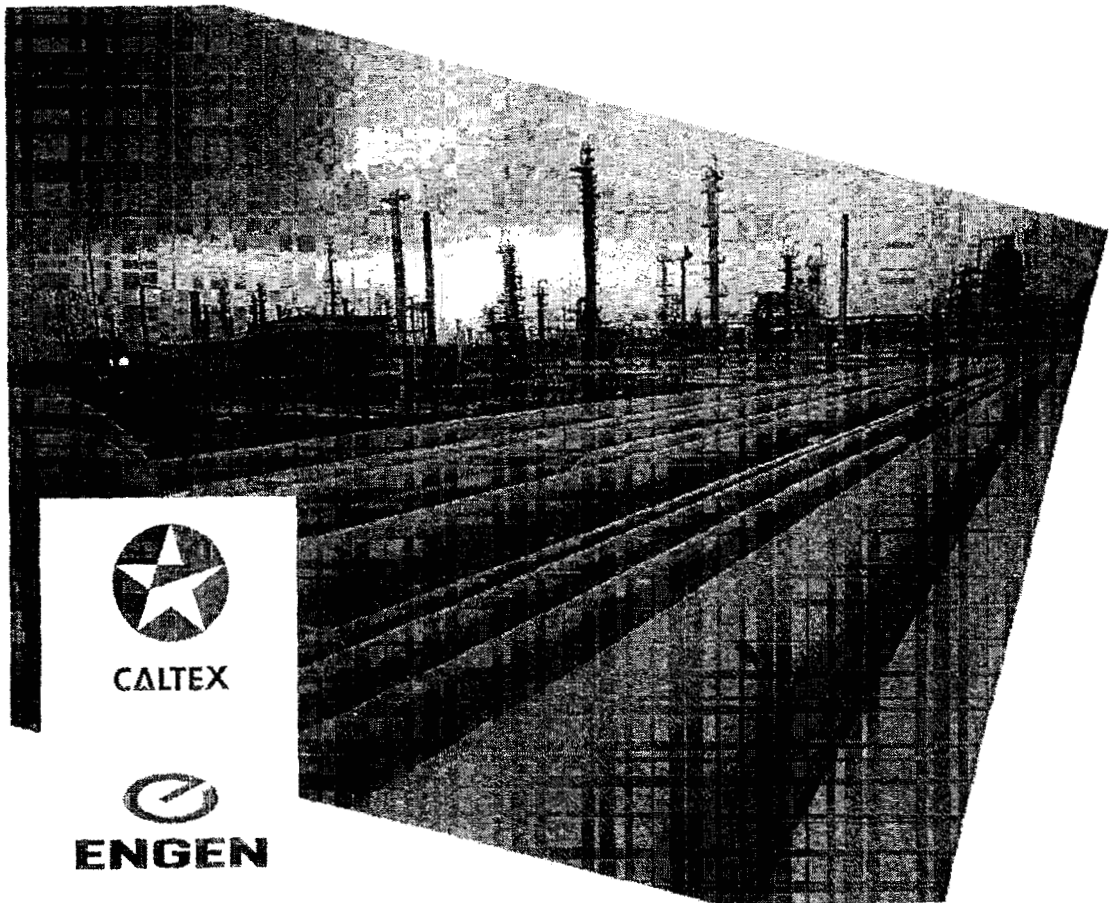
- 6.1 HUMAN RESOURCES
 - 6.1.1 Conditions of Employment and Disciplinary procedures
 - 6.1.2 Employment Equity policy
 - 6.1.3 Flexi-time policy
 - 6.1.4 External Recruitment Advertising procedure
 - 6.1.5 Grievance Procedures
 - 6.1.6 Human Resources Development policy
 - 6.1.7 Contracting of ex-employees policy
 - 6.1.8 Light duty and Injuries in service policy
 - 6.1.9 Post grading policy
 - 6.1.10 Recruitment and Selection procedure
 - 6.1.11 Recruitment, selection & socialization policy
 - 6.1.12 Leave policy
 - 6.1.13 Aids & HIV policy
 - 6.1.14 Housing Assistance scheme procedures
 - 6.1.15 Payment of Overtime policy
 - 6.1.16 Business kilometres policy
 - 6.1.17 Donations, gifts and sponsorship policy
 - 6.1.18 Policy and Procedures: Employee Assistance Program
 - 6.1.19 Occupational Health & Safety policy

- 6.1.20 Long Service Award policy
- 6.1.21 Motor vehicle scheme
- 6.1.22 Company vehicles: Saxendrift
- 6.1.23 Transfer & Relocation subsidy scheme
- 6.1.24 Performance Management policy
- 6.1.25 Private vehicles – business use
- 6.1.26 Private vehicles – medical reasons
- 6.1.27 Racial & Sexual harassment policy
- 6.1.28 Travel & Accommodation expense claims: Domestic / Local
- 6.1.29 School & related expenses policy
- 6.1.30 Strandfontein Guest-house policy
- 6.1.31 Socialization procedure
- 6.1.32 Smoking policy
- 6.1.33 Policy on the safe handling of Radioactive Isotopes
- 6.1.34 Internet Acceptable Use policy
- 6.1.35 Internet & E-mail policy
- 6.1.36 Contracts policy
- 6.1.37 Accident reporting, investigation and follow-up procedure

- 6.2. FINANCIAL RECORDS
 - 6.2.1 Capital Expenditure & Asset Management policy
 - 6.2.2 Procurement policy
 - 6.2.3 Black Economic Empowerment policy

SOUTH AFRICAN OIL REFINERY (PTY) LTD. (SAFOR)

THE PROMOTION OF ACCESS TO INFORMATION ACT NO. 2 OF 2000



CALTEX



ENGEN



S A F O R

SOUTH AFRICAN OIL REFINERY (PTY) LTD. (SAFOR)
THE PROMOTION OF ACCESS TO INFORMATION ACT
NO. 2 OF 2000

PREAMBLE

The Promotion of Access to Information Act was promulgated in March 2001.

The Act was put in place in order to actively promote a society in which the people of South Africa have effective access to information, which enables them to more fully exercise and protect their rights. The promulgation of the Act was also designed to foster a culture of transparency and accountability in Public and Private Bodies, as defined.

Safor is a Private Body as defined in terms of the Act.

This manual has been prepared in accordance with Section 51 of The Promotion of Access to Information Act, No. 2 of 2000.

Any information, which is to be made public in terms of any Act or Regulations, will be made available immediately as requested. Should any request not fall under this category, it will then be assessed under the provisions of The Promotion of Access to Information Act, No.2 of 2000.

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THE SOUTH AFRICAN OIL REFINERY (PTY) LTD.

The South African Oil Refinery (Pty) Ltd. was registered with the Registrar of Companies in Pretoria, South Africa, on 9th December 1970 as a limited liability company under the Companies Act, 1926 (Act 46 of 1926) with a company registration number of 70/16130.

The only object for which the company was established is to construct, own and operate a lubricating oil refinery for the manufacture of solvent refined lubricating oil blend stock.

The current shareholders of Safor are:

- Engen Petroleum Ltd. – 47%
- Caltex Oil South Africa (Pty) Ltd. – 34%
- Total Refining South Africa (Pty) Ltd. – 19%

The registered office is at 465 Tara Road, Wentworth, Durban, South Africa. The Safor Lubricating Oil Refinery is situated adjacent to the fuels refinery, which is wholly owned by Engen Petroleum Ltd.

Safor operates under the environmental permits granted by the authorities to Engen Refinery for the entire site.

Safor manufactures the following Group 1 Solvent refined base oils:

- 100 spindle
- 150 neutral
- 450 neutral
- 150 Bright Stock
- 225 Cylinder Stock

The facility is situated in the Engen Refinery Complex and operated by Engen Refinery under an operating agreement signed by the shareholders.

SAFOR
THE PROMOTION OF ACCESS TO INFORMATION ACT
NO. 2 OF 2000

All requests for information are to be made in the prescribed format and are to be addressed to:

Engen Petroleum Ltd.

The Chief Information Officer

P.O. Box 35

Cape Town

8000

Tel: (021) 403 4197

Fax: (021) 403 4651

Email: **informationactcentre@engenoil.com**

Physical Address: Engen Court

Thibault Square

Cape Town

Request forms can be found on:

1. **www.engen.co.za**
2. The Government Gazette No. 23119 dated 15 February 2002

PROCEDURE TO REQUEST INFORMATION FROM THE SOUTH AFRICAN OIL REFINERY (PTY) LTD.

The following procedure will be followed in requesting information from the South African Oil Refinery (Pty) Ltd.:

1. The information that is readily available can be obtained by visiting the Engen website, www.engen.co.za.
2. Any information not available on the website may be requested by completing the prescribed request form and sent either by fax or email to the given address.

The request form is available on the Engen Website and can be submitted by clicking the submit button or The Government Gazette No. 23119 dated 15 February 2002.

3. The requestor of information will be notified in writing of the receipt of the request.
4. The requestor will be notified of the decision on request within 30 days of receipt of the request.
5. The Manual will be made available on the Engen, Caltex and Total websites and will be available at the shareholders head offices for inspection. The manual may be inspected during office hours with prior arrangements being made with the information officer or manager concerned.

THE SOUTH AFRICAN OIL REFINERY (PTY) LTD. (SAFOR) RECORDS

In terms of the Management Agreement signed by the shareholders, Engen manages the running of the Safor facility and therefore all Health, Safety, Environment and Quality records for Safor are kept at the Engen Refinery.

Should you wish to request any information from The South African Oil Refinery (Pty) Ltd. please follow the request procedure as explained elsewhere in this manual.

LEGISLATION

Records are kept in accordance with the following legislation:

The Occupational Health & Safety Act, No. 85 of 1993
Hazardous Chemical Substance Regulations
Asbestos Regulations
Lead Regulations
Medicine and related substances control Act, 101 of 1965
Compensation for Occupational Injuries and Diseases Act, 130 of 1993
Environmental Conservation Act
National Environmental Management Act
Atmospheric Pollution Prevention Act
Applicable Municipal by-laws
National Key Points Act, No 102 of 1985
Private Security Industry Act, No. 56 of 2001
National Water Act
The Company's Act
The Constitution of The Republic of South Africa, No 3 of 1994 as amended
The Promotion of Administrative Justice Act, No 3 of 2000
Basic Conditions of Employment Act, 75 of 1997
Employment Equity Act, 55 of 1998
Labour Relations Act, 66 of 1995
Unemployment Insurance Act, 30 of 1966
Income Tax Act, 58 of 1962
Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000



ENGEN PETROLEUM LTD.

THE PROMOTION OF
ACCESS TO
INFORMATION ACT

NO. 2 OF 2000





PREAMBLE

The Promotion of Access to Information Act was promulgated in March 2001.

The Act was put in place in order to actively promote a society in which the people of South Africa have effective access to information, which enables them to more fully exercise and protect their rights. The promulgation of the Act was also designed to foster a culture of transparency and accountability in Public and Private Bodies, as defined.

Engen is a Private Body as defined in terms of the Act.

This Manual has been prepared in accordance with Section 51 of The Promotion of Access to Information Act, No. 2 of 2000.

Any information, which is to be made public in terms of any Act or Regulations, will be made available immediately as requested. Should any request not fall under this category, it will then be assessed under the provisions of the Promotion of Access to Information Act, No.2 of 2000.

Each request will be considered on its merit and the supplier of the information has the right to charge a requestor for the information in terms of Annexure A Part III of the Regulations as published in Government Gazette No. 7278. See Annexure 1 of the Manual for a list of the costs involved.



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ENGEN PETROLEUM LTD.

THE PROMOTION OF ACCESS TO INFORMATION ACT

NO. 2 OF 2000

All requests for information are to be made in the prescribed format and are to be addressed to:

The Chief Information Officer

Engen Petroleum Ltd.
P.O. Box 35
Cape Town
8000

Tel: (021) 403 4197
Fax: (021) 403 4651
Email: informationactcentre@engenoil.com

Physical Address

Engen Court
Thibault Square
Cape Town

Request forms can be found on

1. www.engen.co.za

or in

2. The Government Gazette No. 23119 dated 15 February 2002.



PROCEDURE TO REQUEST INFORMATION FROM
ENGEN PETROLEUM LTD.

The following procedure will be followed in requesting information from Engen Petroleum Ltd.

1. The information that is readily available can be obtained by visiting the Engen website, www.engen.co.za
2. Any information not available on the website may be requested by completing the prescribed request form and sent either by fax or email to the given address.

**The request form is available from Government Gazette Website
(via the Engen website) or from The Government Gazette No.
23119 dated 15 February 2002.**

3. The requestor of information will be notified in writing of the receipt of the request.
4. The requestor will be notified of the decision on request within 30 days of receipt of the request.
5. The manual is available on the Engen website (www.engen.co.za) and at all major business premises. The manual may be inspected during office hours with prior arrangements being made with the Chief Information Officer or the Manager of the following business premises:
 - Engen Court, Thibault Square, Cape Town. Tel: (021) 403 4911.
 - Engen Refinery, 465 Tara Road, Wentworth, Durban.
Tel: (031) 460 3911.
 - Gauteng Business Unit, Engen House, 10 St. Andrews Str, Parktown, Johannesburg. Tel: (011) 480 6111.
 - Inland Business Unit, Engen House, Cnr Allandale & Bekker Str, Waterfall Park, Midrand, Johannesburg. Tel: (011) 207 6811.
 - Eastern Region Office, Engen Terrace, 5 Derby Downs, University Road, Westville, Durban. Tel: (031) 250 2911.
 - Southern Region Office, Engen Place, Raapenberg Road, Golf Park, Pinelands, Cape Town. Tel: (021) 680 5500.
 - LOBP, Luzon Road, Island View, Durban. (031) 451 7111.
 - Grease Blend Plant, 25 Adcock Street, Chamdor, Johannesburg.
Tel: (011) 761 6711.



THE ENGEN CODE OF CONDUCT AND ETHICS

GENERAL BUSINESS PRINCIPLES

Engen is an African oil company committed to meeting the agreed needs of its customers in order to increase its business interests and profit share in Africa.

We at Engen strive to be a winning company and having defined our goals and objectives, we will pursue their attainment with a single-minded focus.

We will always operate within the laws of the land, in accordance with good business ethics and in a safe and environmentally responsible way.

We will have win-win relationships with all our stakeholders. The goal of adding value in a balanced manner will be the driving force in the pursuit of all business opportunities.

- We will create economic value and deliver returns to our shareholders at least commensurate with investments of similar risk;
- In order to deliver the required returns, we will meet the agreed needs of our customers. We will maximise value to the company while giving value to all our customers;
- We will create growth opportunities and options by having win-win relationships with all our business partners - suppliers, dealers, agents, joint business venture associates and the governments of the countries in which we operate;
- We will obtain a sustainable competitive advantage by having committed and competent employees. We value and will build on the diversity and capabilities of all employees; and
- We will demonstrate our commitment to being a responsible and caring corporate citizen by forming socio-economic partnerships with communities impacted by our operations.

Our measures of success are the extent to which we meet these commitments, the long-term value we create for our shareholders, the pride of our employees in their accomplishments, the satisfaction of our customers and all those with whom we do business, and the extent to which communities, both local and international, judge our activities as beneficial.



BUSINESS INTEGRITY

We will pursue our business with honesty, integrity, and fairness.

Corporate funds and assets will only be used for lawful or proper purposes and all business transactions will be reflected accurately and fairly.

We recognise that transparency and open communication are essential. To this end, we will provide all relevant information as may be required by our stakeholders about our activities, subject only to overriding considerations of business confidentiality.

VALUES

In everything we do, we will be guided by our Shared Values. We will keep a balance between our 5 Quality Principles and People Values.

The Engen 5 Quality Principles

1. Conformance to requirements (the definition)
2. Prevention (the system)
3. Right things right every time (the standard)
4. Price of non-conformance (PONC TM) (the measurement)
5. Proactive leadership at all levels (the responsibility)

People Values

We will:

1. Treat others with uncompromising truth.
2. Lavish trust on our associates.
3. Mentor unselfishly.
4. Be receptive to new ideas, regardless of their origin.
5. Take personal risks for the organisation's sake.
6. Give credit where it is due.
7. Put the interests of others before our own.
8. Not touch dishonest money.



COMMITMENT TO COMMUNITY

As part of our commitment to be a good corporate citizen, it is our policy to conduct business in a manner that is compatible with the economic, social, and environmental needs of the communities in which we operate. To this end, we will:

- Endeavour to ensure that our presence enhances people's lives in meaningful ways;
- Take our environmental responsibilities seriously and abide by applicable environmental laws;
- Communicate openly and honestly and encourage meaningful dialogue with concerned stakeholders in the community.

HEALTH SAFETY AND ENVIRONMENTAL PROTECTION

In conducting our activities, we will take every reasonable and practicable step to prevent and eliminate the risk of injuries, health hazards, and damage to property, and will take proactive measures toward the conservation and preservation of the environment in a reasonable and cost-effective manner.

To achieve these objectives, we will:

- Ensure that our facilities, products and services are in accordance with applicable legal requirements and industry standards;
- Provide the necessary resources, organisation and training, and communicate with employees, contractors, customers, suppliers and the public regarding appropriate matters on health, safety and the environment;
- Ensure that contingency plans are in place and maintained to deal with emergencies and periodically review health, safety and environmental management systems and practices to ensure their continual improvement; and
- Work with key stakeholders on sustainable development issues to find ways to meet the needs of the present without compromising the requirements of future generations.



QUALITY

We confirm our commitment to achieve and maintain quality and reliability for all Engen products and services, through the effective implementation, maintenance and continuous improvement of business processes, including, where applicable, Quality Management systems conforming to International Standards Organisation (ISO) 9002 and other international standards. This will ensure that we continue to strive for operational excellence and consistently meet our agreed customers requirements in a competitive and cost effective way.

EMPLOYMENT PRACTICES

Engen's Employment policies and practices are designed to embrace employee rights that compare favourably to the best in South Africa. These include freedom of association, the right to organise and bargain collectively, prohibitions on forced labour, illicit child labour and any form of discrimination in employment. We recognise and support affirmative action and have policies in place to achieve employment equity. Engen considers its employees to be intellectual assets and has various programmes to nurture, retain and grow each member.

CONFLICTS OF INTEREST

Engen's policy requires that directors, officers and employees avoid any conflict between their own interests and the interests of Engen in dealing with suppliers, customers and other third parties. All Engen employees are required to adhere to the Engen group statement of policies relating to conflict of interest as they will be rigorously applied.

COMPLIANCE WITH LOCAL LAW

All employees, contractors and agents of the company will comply with applicable laws wherever we operate.

HUMAN RIGHTS

We believe businesses have a key role to play in the promotion and protection of internationally recognised human rights standards within their respective spheres of influence.



To this end, we will:

- Not allow our operations to contribute to, and our infrastructure to be used for, violations of such human rights;
- Encourage all entities with whom we do business to observe laws governing such human rights;
- Ensure adequate human rights training for our personnel; and
- Refrain from knowingly employing anyone who has participated in violations of any human rights.



CORPORATE GOVERNANCE STATEMENT

THE KING REPORT

The directors believe that effective corporate governance is an essential requirement for the successful realisation of Engen's business objectives. The board is committed to the principles of openness, integrity and high ethical standards in the fulfilment of Engen's corporate responsibilities.

The company endorses the principles advocated in the Code of Corporate Practices and Conduct (the Code) which formed part of the King Report on Corporate Governance issued on 29 November 1994. Engen substantially complies with the recommendations contained in the Code, and continues to review areas requiring further attention. The directors recognise that, in the light of international and South African developments and experience, which includes the latest King Report on Corporate Governance for South Africa released on 26 March 2002, Engen's application of good corporate governance principles will require ongoing review, and where necessary, revision.

The following information is to provide an appreciation of Engen's current procedures to ensure a high standard of corporate governance.

BOARD AND COMMITTEE STRUCTURE

The Engen board comprises three executive and six non-executive directors and meets at least five times a year. A non-executive director is the Chairman of the board. The six non-executive directors have a wide range of differing skills, and significant commercial and other interests that enable them to bring independent judgement to board deliberations and decisions. All directors have access to the advice and services of the Company Secretary, and are entitled, at the company's expense, to seek independent professional advice about the affairs of the business.

The Managing Director and Chief Executive Officer is Chairman of the Management Committee (MC) with General Managers of all the divisions being members of the MC. The MC meets at least six times a year and deals with all the operational and strategic issues affecting the business.

The Audit Committee comprises one independent non-executive director, three non-executive directors and two executive directors and meets at least three times a year. A non-executive director is the Chairman of the Audit Committee. The Audit Committee is regulated by specific terms of reference, which includes the review of the effectiveness of the company's internal and external auditors who attend its meetings, and have unrestricted access to the Chairman and its members which ensures that their independence is in no way impaired.

The Remuneration Committee comprises two non-executive directors and one executive director and meets at least twice a year. This committee is regulated by specific terms of reference and is responsible for approving the remuneration policy, the packages of executive directors and senior management and the establishment of short and long term incentive plans.

ACCOUNTABILITY AND CONTROL

The directors are required by the Companies Act to prepare annual financial statements which fairly present the financial position of Engen as at the end of the financial year and the profit and loss for that period, in conformity with the Companies Act and generally accepted accounting practice and standards issued by the International Accounting Standards Committee.

The directors have overall responsibility for Engen's system of internal control. The board has formally adopted a clearly defined approval framework detailing those matters which are required to be brought to it for decision, including appropriate strategic, financial, operational and compliance matters.

The board has put in place an organisational structure with clearly defined lines of responsibility, segregation of duties and delegation of authority. There are also established business procedures for business planning and capital expenditure, and information and reporting systems for monitoring Engen's business and its performance.

The directors have delegated to general managers implementation of the company's internal controls throughout the business aimed at reducing the risk of error or loss in a cost-effective manner. This includes financial controls, which enable the board to meet its responsibilities for the integrity and accuracy of Engen's accounting records. Engen's annual report, prepared from these records, complies fully with the Companies Act and generally accepted accounting practice.

The work of the internal auditors is focused on the areas of greatest risk to Engen, determined on the basis of a risk management approach to audit. The external auditors are engaged to express an opinion of Engen's annual financial statements. In co-ordination with the internal auditors they also review and test the system of internal financial control and the data contained in the annual report to the extent necessary for expressing their opinion.

ETHICS

All employees are required to maintain the highest ethical standards in ensuring that the company's business practices are conducted in a manner which in all reasonable circumstances is above reproach.

The company has endorsed an explicit policy of guiding principles, which govern and will continue to govern, the affairs of the company.

WORKER PARTICIPATION

Attention continues to be given to the establishment and strengthening of appropriate consultation and negotiation mechanisms to facilitate communication between Engen's operating entities and our employees and unions.

AFFIRMATIVE ACTION

Engen has a clearly defined affirmative action policy with specific objectives and action plans, which forms part of its business plan.

A Statement of Intent was released by the Chief Executive Officer committing the company to achieving a leading Employment Equity Status in the oil industry by 2004. The company has an Employment Equity policy and has nine divisional employment equity committees consisting of employer and employee representatives. These committees are tasked with setting employment equity targets and plans and implementing Employment Equity within their respective areas, to be reported to the Company Committee made up of the Chief Executive Officer, the chairpersons of divisional committees and two employee representatives (one representing the Bargaining Unit and the other the Non-Bargaining Unit). The task of this committee is to consolidate annual divisional plans and approve the Engen Annual Employment Equity Plan. It is also responsible for driving the implementation process, monitoring progress and reporting to the Department of Labour.

The Company is committed to being a leader in the implementation of a fair, sustainable and effective Employment Equity programme which extends to all levels and requirements of the present statute and best practice.

GOING CONCERN

The directors are of the opinion that the business will be a going concern for the foreseeable future. For this reason, they continue to adopt the going concern basis in preparing the Annual financial Statements.



LEGISLATION

Engen will comply with all Acts and regulations, will enforce good corporate governance and will keep all the required documents.

The following are the major Acts that apply to Engen:

- The Constitution of The Republic of South Africa, Number 3 of 1994
- The Promotion of Administrative Justice Act, Number 3 of 2000
- The Companies Act, Number 61 of 1973
- Income Tax Act, Number 58 of 1962
- Environmental Conservation Act, Number 73 of 1989.
- National Environmental Management, Act Number 107 of 1998
- Atmospheric Pollution Prevention Act, Number 45 of 1965
- Applicable Municipal By-Laws
- National Key Points Act, Number 102 of 1980
- Private Security Industry Act, Number 56 of 2001
- National Water Act, Number 36 of 1998
- The National Road Transport Act, Number 93 of 1996
- Basic Conditions of Employment Act, Number 75 of 1997
- Employment Equity Act, Number 55 of 1998
- Labour Relations Act, Number 66 of 1995
- Unemployment Insurance Act, Number 30 of 1966
- Promotion of Equality and Prevention of Unfair Discrimination Act, Number 4 of 2000
- The Occupational Health & Safety Act, Number 85 of 1993 and its Regulations.
- Medicine and related Substances Control Act, Number 101 of 1965
- Compensation for Occupational Injuries and Diseases Act, Number 130 of 1993



ENGEN PETROLEUM LTD. DIVISIONS

Engen Petroleum Ltd. is divided up into the following divisions:

- Engen Sales & Marketing
- Engen Refinery
- Logistics & Supply
- International Business Development
- HSE, Product Quality & Industry Liaison
- Financial Services
- Corporate Services
- Corporate Planning
- Strategic Alliances
- The CEO's Office
 - Group Legal Services
 - Corporate Affairs and BEE
 - Internal Audit



ENGEN SALES & MARKETING

Engen Sales & Marketing is responsible for all Engen's downstream marketing operations in South Africa, Lesotho and Swaziland. This includes all retail and commercial activities as well as convenience marketing.

Engen Sales & Marketing is made up of various business units and departments:

- Geographic Business Units
- Fuels and Retailing Strategies
- Special Products Business Unit
- Lubes Business Unit
- Marketing Support (Business Controls)
- Technical Services & HSE
- Customer Services

A. Geographic Business Units

There are four geographic business units: Gauteng, Inland, Eastern Region and Southern Region.

The key responsibility of the four geographic business units is to manage the complete operation of the business areas that they are responsible for. This includes:

- Retail activities
- Commercial activities (commercial customers, Sales and Distribution companies, agents)
- Credit
- Construction and Maintenance
- Health, Safety and Environment
- Marketing Support
- Business controls

The geographic business units keep the following records:

INDEX	FORMAT	VOLUNTARY
1. Engen sponsorships	Video	Yes
2. HSE Management Manual	Hard copy	Yes
3. Delegation of Authorities	Hard copy	Yes



B. Fuels and Retailing Strategies

This department is responsible for the delivery of market driven strategies.

The three main focus areas are Retail Marketing, Convenience Marketing and Consumer Marketing. Other focus areas are:

- Advertising and Promotions
- Automation
- E-business
- Strategic Marketing Projects
- Retail Engineering and Construction

All records kept in this division are considered as competitive information and are therefore kept confidential.

C. Special Products Business Unit

The Special Products Business Unit is responsible for the sales and marketing of Engen's chemicals range. This comprises solvents, process and white oils and many others. Engen also supplies large amounts of bitumen product.

All records kept in this division are considered as competitive information and are therefore kept confidential.

D. Lubricants Business Unit

The departments that make up the Lubricants Business Unit are:

- Marketing
- Sales
- Grease Blend Plant – Grease manufacturing and packing
- LOBP & ZBP – Lubricants blending and filling
- Non Fuels Distribution – Storage, handling and delivery of all non-fuels products (including solvents)
- Non-Fuels Logistics – Replenishment planning of all non-fuels products



INDEX	FORMAT	VOLUNTARY
1. Grease Blend Plant <ul style="list-style-type: none"> ▪ Certificates of Analysis ▪ Calibration Certificates 	Electronic Hard copy	Yes Yes
2. LOBP & ZBP <ul style="list-style-type: none"> ▪ Certificates of Calibration ▪ Maintenance Checklists ▪ Hazardous Material Spill Plan ▪ Certificates of Disposal ▪ Laboratory Safety Checklist ▪ Record of Daily Trade Effluent Meter Readings ▪ Metro Wastewater Trade Effluent Readings ▪ Cold Work Permit ▪ Hazardous Work Permit ▪ Special Lubes Respirator Checklist ▪ Waste Disposal Records 	Hard copy Hard copy Hard copy Hard copy Hard copy Hard copy Hard copy Hard copy Hard copy Hard copy	Yes Yes Yes Yes Yes Yes Yes Yes Yes Yes
3. Non Fuels Logistics & Distribution <ul style="list-style-type: none"> ▪ Stock Availability 	Electronic	Yes

E. Marketing Support (Business Controls)

This department is responsible for managing the Engen Sales & Marketing's profitability – forecasting and reporting, projects, pricing, master data management and procurement.

F. Technical Services & HSE

The Technical Services & HSE department is responsible for technical, maintenance and HSE support to the various departments in Engen Sales & Marketing. The department is made up of the following sub-groups:

- Health, Safety & Environmental (HSE) – Responsible for HSE support and compliance within the division.
- Fuels Technology Group – Responsible for fuel quality and standards.
- Laboratories – The Epping and Isando laboratories are responsible for product testing and research.
- Maintenance – This is essentially a maintenance “philosophy” and guidance support function.



INDEX	FORMAT	VOLUNTARY
1. Certificates of Calibration	Hard copy	Yes
2. Certificates of Analysis	Hard copy	Yes

G. Customer Services

This department is responsible for order and delivery management, query management, maintenance requests, product technical advice and telesales.



ENGEN REFINERY

The Refinery's purpose is to manufacture in the most cost effective, safe and responsible manner the agreed volume, quality and range of products required to meet the needs of our customers.

The Refinery has a very good social investment programme and works hard at building relationships and creating a positive image of the Refinery with its neighbours. The Refinery has made a promise to its surrounding communities to reduce its emissions and ensure the safety of all employees and the community.

The Refinery has a maintenance schedule, which governs the regular inspection and upkeep of all equipment on the plant.

A. Health, Safety, Environment & Quality

INDEX	FORMAT	VOLUNTARY
1. Environment		
▪ Refinery Waste Streams	Electronic / Hard copy	Yes
▪ Safe Disposal Certificates	Hard copy	Yes
▪ Monthly Waste Data	Electronic / Hard copy	Yes
▪ Sulphur Dioxide Emission Data	Electronic	Yes
▪ Nox, particulates, CO Emissions	Electronic	Yes
▪ Individual Stack Emissions	Electronic	Yes
▪ Monthly Environmental Indicators	Electronic	Yes
▪ EIA Scoping Documents	Electronic / Hard copy	Yes
▪ Environmental Improvement Programme	Electronic / Hard copy	Yes
2. Quality & Equipment Integrity & Library		
▪ Pipeline Management Programme	Hard copy	As per request form
▪ Management of Change Records	Hard copy	As per request form
▪ Hazard and Operability Records	Hard copy	As per request form
▪ Statutory Code Data Books for Pressurised Equipment	Hard copy	As per request form

2. Quality & Equipment Integrity & Library (cont.) <ul style="list-style-type: none"> ▪ Piping Repair packs including Statutory Hydro test records ▪ Unit turnaround Operational Hand-over records ▪ Hazardous Area Certificates for Electrical Equipment ▪ Incident/Accident Reports sent to Department of Labour 	<p>Hard copy</p> <p>Hard copy</p> <p>Hard copy</p> <p>Hard copy</p>	<p>As per request form</p> <p>As per request form</p> <p>As per request form</p> <p>As per request form</p>
3. HSE Training <ul style="list-style-type: none"> ▪ Various Induction Data ▪ HSE Policy Statement ▪ HSE Mission Statement ▪ Monthly Toolbox and Mandatory talks ▪ Induction cards and signed attendance registers 	<p>Electronic</p> <p>Electronic</p> <p>Electronic</p> <p>Electronic</p> <p>Hard copy</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

B. Human Resources

INDEX	FORMAT	VOLUNTARY
1. Job Advertisements	Hard copy	Yes

C. Public Affairs

INDEX	FORMAT	VOLUNTARY
1. Brochures and pamphlets	Hard copy	Yes
2. Social Investment Policy	Hard copy	Yes



LOGISTICS & SUPPLY

The Logistics & Supply Division is responsible for the purchasing of crude for the Refinery as well as the selling and distribution of products to all our customers in the most cost effective, professional and environmentally friendly way.

The Logistics & Supply Division is made up out of the following departments:

- Business Controls
- Commercial Trading and Shipping
- Optimisation
- Supply Department
- National Fuels Distribution
- Operations Engineering
- Distribution System, Health, Safety and Environment (DSHSE)

A. National Fuels Distribution

INDEX	FORMAT	VOLUNTARY
Emergency Plans (Location specific) along with Emergency procedures	Hard / Soft copy	Yes
Records relating to compliance with various legislative requirements	Hard / Soft copy	Yes
Records on product quality tests	Hard / Soft copy	As per request form

B. HSE

INDEX	FORMAT	VOLUNTARY
HSE Quarterly Reports	Hard / Soft copy	Yes
HSE – Oil spill contingency plans	Hard / Soft copy	Yes



INTERNATIONAL BUSINESS DEVELOPMENT

IBDD is responsible for all Engen's downstream marketing operations in Africa other than South Africa, Lesotho and Swaziland. IBDD has a retail and consumer presence in Botswana, Burundi, Democratic Republic of Congo, Ghana, Kenya, Mozambique, Namibia, Tanzania, Zambia and Zimbabwe.

In addition to its marketing operations, IBDD has a Business Development section, which constantly seeks new business opportunities in existing Engen Affiliates as well as countries where Engen would like to operate in future.



HSE, PRODUCT QUALITY & INDUSTRY LIAISON DIVISION

The Health, Safety, Environment, Product Quality and Industry Liaison Division has been established to provide support and direction to the business in order to ensure that Engen is in the best strategic position in all five sectors.

Health, Safety, Environment and Product Quality is of utmost importance to Engen. As a company we strive to be the top performers in this field and to set an example to the rest.

We ensure the health and safety of all our employees as well as our surrounding communities by complying with the best international standards and by improving our environmental performance.

We aim to build good working relationships with all our stakeholders as well as with the rest of Industry and Government.

INDEX	FORMAT	VOLUNTARY
1. MHI Risk Assessments	Electronic / Hard copy	Yes
2. Material Safety Data Sheets	Electronic / Hard copy	Yes
3. HSE & Product Quality Indicators	Electronic	As per request form



FINANCIAL SERVICES

Financial Services is committed to meeting the needs of the business in the areas of accounting, treasury, financing, tax, credit, insurance, information technology and property matters. The Division is also the main repository of financial based information.



CORPORATE SERVICES

Corporate Services provides two key service functions to the organisation - Human Resources and Group Security, including the management of the Engen Court building.

Human Resources

Human Resources is managed through six departments:

- Human Resources Development - responsible for recruitment, career development, succession planning, corporate training and development, job profiling and the corporate performance management system
- Compensation and Benefits, including job evaluation
- Employee Relations and Employment Equity - responsible for ensuring adherence to all labour and employment equity legislation, co-ordinating Engen's employment equity initiatives, trade union relationships and the Company's internal grievance and disciplinary procedures
- Organisational Health, including Employee Care
- Organisational Development – responsible for co-ordinating the Shared Values and 5 Quality Principles operating systems together with organisational issues such as the management of change and cultural diversity, new employee orientation programmes and leadership development.

Specialists in areas such as Retirement Funds, Skills Development and special HR-related projects complete the HR team.

Group Security & Engen Court

This department is responsible for developing and implementing policies relating to employee risk management and installation security, both in South Africa and the African Affiliates. The function includes the management of all aspects of Engen Court, which is Engen's head office in Thibault Square, Cape Town.

INDEX	FORMAT	VOLUNTARY
1. Engen AIDS Policy	Hard copy	Yes
2. Engen Employment Equity Policy	Hard copy	Yes
3. Employee Relations Policy	Hard copy	Yes
4. Skills Development Policy	Hard copy	Yes
5. Bursary Scheme Policy for external people	Hard copy	Yes
6. Drug & Alcohol Policy	Hard copy	Yes



CORPORATE PLANNING

The Corporate Planning Division has two departments - Business Planning and Strategic Planning.

The Business Planning Department is responsible for the corporate business planning process, capital budgets and corporate performance measurement; and also manages the Business Information Warehouse and Data Quality functions.

The Strategic Planning Department is responsible for carrying out long-range strategic planning including portfolio analysis and review and also for resolving strategic cross-functional issues and developing new business opportunities, other than growth prospects in Africa, which are undertaken by the International Business Division. The Strategic Planning Department also provides competitive intelligence and library services.



STRATEGIC ALLIANCES

The Strategic Alliances Division is responsible for managing the interface with our strategic partners. The division consists of Group Procurement, Black Economic Empowerment and Strategic Partnerships and Alliances.

Group Procurement

The objectives of this department are to:

- Ensure that Group-wide procurement strategies are implemented
- Ensure that procurement policies and guidelines are implemented, reviewed and audited
- Ensure "lowest cost" mindset in the acquisition of goods & services prevailed overall by our *Total Cost of Ownership* philosophy
- Keep our procurement processes effective and very efficient by introducing smarter work tools
- Provide business leadership in the procurement profession.

Black Economic Empowerment

The objectives of this department are to:

- Develop and improve strategy
- Ensure alignment
- Share BEE progress reports and organisational learning
- Solve cross-cutting BEE problems
- Identify and address roadblocks / opportunities
- Learn from external sources (diversity, conflict resolution, Malaysian experience)
- Evangelise BEE and ensure a truly shared vision.

Our focus areas are:

- Ownership & Control
- Employment Equity
- Service Station Dealerships
- Procurement
- Partnerships in all facets of the business
- Social Investment.

Our BEE philosophy is published on our website www.engen.co.za together with the progress we have made in the various focus areas.

INDEX	FORMAT	VOLUNTARY
1. BEE		
▪ Engen BEE Policy	Hard copy / Electronic	Yes
▪ Application form for HDSAs	Hard copy / Electronic	Yes
▪ Annual BEE Status Report to DME	Hard copy	Yes

Strategic Partnerships and Alliances

The objectives of this department are to:

- Performance monitoring and review of all Engen's investments and strategic alliances.
- Ensure alignment with Engen's strategies in terms of both our BEE philosophy and our profit and market share objectives.
- Establish and strengthen Engen's strategic alliances / partnerships.



THE CEO'S OFFICE

A. Group Legal Services

The Group Legal Services Department provides secretarial and legal services to the group. The Secretarial section provides complete secretarial services and ensures compliance with statutory requirements. The Legal Services section covers all the legal service requirements of the company from drafting, vetting and analysing agreements to generally providing legal services on any issue that may arise.

B. Corporate Affairs

The division focuses predominantly on the areas of internal and external image management.

Key initiatives include providing effective communications to all identified stakeholders and ensuring that corporate social investment, sponsorship and advertising add value for Engen. Value is also added through enhancing Engen's image and brand, improving strategic relationships and supporting Engen's African growth strategy whilst contributing to employee pride and Engen's strategy for Historically Disadvantaged South Africans (HDSAs).

There are five departments altogether namely, Public Affairs, Group Communications, African Affiliates, Corporate Sponsorships and Group Brand.

Public Affairs

The concept of nation building is the one central issue, which informs all of Engen's Corporate Social Investment activities.

Four focus areas have been identified, which we believe are critical to the concept of nation building in South Africa and on the African continent. In summary they are:

- **Education quality and delivery**

The main focus is placed in the field of Early Childhood Development, Mathematics, Science and Technology, Bursaries, Compensatory Education and Teacher Training.



- **Sustainable job creation**

The Open Africa initiative was established to optimise the synergies between job creation, tourism and conservation in Africa, resulting in the concept of Afrikatourism and the vision to link the splendours of Africa in a continuous network of tourism routes from Cape to Cairo.

As part of Engen's black economic empowerment strategy we provide opportunities to small, medium and micro enterprises (SMMEs) to service the company's needs. Part of our focus is to provide training and capacity building to these suppliers.

- **Peace and security**

Given the company's presence in over ten African countries, the peace and stability of the continent are of considerable strategic importance to Engen. For the past five years, Engen has been the principal sponsor of the Africa Peace Award.

Engen participates in road safety projects including the Arrive Alive campaign, and also sponsors crime prevention projects.

- **Building national (and African) pride and identity**

Engen focuses on development in three codes of sport and takes the view that sport is a key element in building national pride and identity. Development programmes help to build equity and redress the balance in those communities that have been denied access to training and facilities in the past. In conjunction with Basketball South Africa and Athletics South Africa, the following codes receive support:

- Athletics: through the Engen Grand Prix Summer Series
- Basketball: through the Engen 18 and Under Basketball Challenge
- Motor sport: through the Engen/Terry Moss Development Trust.

Internally, the Corporate Social Investment Programme is driven through our Employee Community Partnership Programme. Employees are encouraged to become actively involved with those organisations that play a meaningful role in their communities. Through financial support for these organisations, the company is able to form appropriate partnerships.



Group communications

The objective of this department is to protect and enhance Engen's image as a good corporate citizen, thereby optimising Engen's position and reputation in the market place.

The key focus areas are:

- Position Engen in an appropriate societal role
- Ensure that all stakeholders are appropriately informed
- Establish a culture of communications amongst employees
- Manage the corporate communications framework
- Ensure balanced media coverage
- Provide advice and support to internal customers on all communications matters.

African affiliates

The main focus is on internal and external image management and to ensure consistency in the projecting of Engen's image in the countries where we do business, through:

- customised image building/management strategies
- stakeholder relationships
- issues management
- customised internal communications programmes.

Corporate sponsorship

The importance of sport extends beyond the playing fields of our country. It not only impacts on the economy, but society in general, through the promotion of physical health, mental well-being and personal self-esteem.

Sport plays a major role in nation building and it is Engen's belief that through our investment in sport, we can contribute to the development of tomorrow's achievers, our future role models for South Africa's youth.

Engen's focus is in the following areas:

- Athletics: through the sponsorship of the Engen Grand Prix Summer Series
- Basketball: through the sponsorship of the BSA 18 and Under Inter Provincial, National Club and Southern Africa (African Challenge) programmes
- Motor sport: Sponsorship of the Engen VW Cup series
- Soccer: Sponsorship of the Engen Smart Soccer competition.



Group brand

Our brand is our single most important and underrated asset and it needs careful management and handling. The aim is to ensure that all employees are proud of and committed to the Engen Brand.

In the last few years, brand management has become a pivotal force within our company and a catalyst for change. This has enabled the company to lead the way in evolving our brand and sub-brands. It has also had a profound impact on many areas of our business, such as our retail network, which has led the industry in evolving the traditional garage in South Africa to become more of a centre of customer convenience, rather than just a place to fill up with petrol.

INDEX	FORMAT	VOLUNTARY
1. Communications <ul style="list-style-type: none"> ▪ Press releases ▪ Advertorials 	Hard copy / www.engen.co.za Hard copy	Yes Yes
2. Corporate Sponsorship <ul style="list-style-type: none"> ▪ Athletics TV series, news items. ▪ Basketball TV series, news items. ▪ Motor sport TV series, news items ▪ Soccer news items. 	Hard copy (press clippings) & VHS Cassettes Hard copy (press clippings) & VHS Cassettes Hard copy (press clippings) & VHS Cassettes Hard copy (press clippings) & VHS Cassettes	Yes Yes Yes Yes
3. Corporate Social Investment <ul style="list-style-type: none"> ▪ Funded projects per region ▪ Key Corporate Social Investments projects per Business Unit/Region 	Hard copy Hard copy	Yes Yes

C. INTERNAL AUDIT

Internal audit evaluates areas of risk within the group as well as designing and conducting audits aimed at expressing an opinion to the Board on the adequacy of management controls in mitigating these risks.



ENGEN PETROLEUM LTD. WEBSITE
VOLUNTARY INFORMATION
www.engen.co.za

1. ABOUT ENGEN

A. Annual Report

i. Corporate Governance

- The King Report
- Board and Committee Structure
- Accounting and Control
- Ethics
- Worker Participation
- Affirmative Action
- Going Concern

ii. Chairman's report

iii. CEO's review

iv. Directorate and Administration

B. Code of Conduct

C. Profile

D. Executive Committee

E. HSE – Policy Statement

F. Social Investment

G. Africa Peace Award

H. BEE

I. SMMEs

J. About Oil



2. PRODUCTS & SERVICES

A. Material Safety Data Sheets

- Automotive
- Aviation
- Base Oils
- Bitumen
- Engen Chemicals
- Fuel
- Grease
- Industrial
- Marine
- Refinery Streams & Chemicals
- Zenex

B. 1-Stops

C. Quick Shops

D. Motorist

- Car Needs Analysis
- Engen 1-Stops
- Engen Quick Shop
- Leisure link
- Driver Education

E. Mining

F. Fleet

G. Industrial

H. Aviation

I. Marine

J. Agriculture

K. Government

3. REFINERY

A. Community Responsibility

- Community Empowerment Projects and sporting events
- Education Projects
- Visit the Refinery

B. Emergency Response

C. Products & Processes

- How the Refinery works
- Process flow diagram

D. Refinery History

- Refinery chronology

**E. Environment**

- Emission Data
- Environmental Improvement Programme
- Environmental Help lines
- Conference Papers

4. SPORT

- A. Athletics**
- B. Basketball**
- C. Motor sport**

5. TRAVEL

- A. Hints and Tips**
- B. Open Africa**
- C. Route Planner**

6. FUN STUFF

- A. Choosing a destination**
- B. Preparing to go**
- C. On the road**
- D. Travel Don'ts**
- E. Holiday Activities**
- F. Entertainment**
- G. Colouring-in Books**

RELATED WEBSITES (LINKS)

- Afrikatourism
- Customer Login
- Dealer Login
- Engen Chemicals
- Engen Smart Soccer
- Petronas Website
- Rose Foundation
- Sapia
- Worldwide
- Dynamic 97 Unleaded



DYNAMIC 97 UNLEADED WEBSITE
VOLUNTARY INFORMATION
www.engendynamic.co.za

1. PRODUCT INFORMATION

- A. Description
- B. Application
- C. Benefits
- D. Physical Characteristics
- E. Performance level

2. COMPATABILITY

3. DEALERS

- A. Participating Dealers

4. MSDS

5. FAQ

- A. What is Engen Dynamic 97 Unleaded Petrol?
- B. What is the significance of this increased octane level?
- C. So does a higher octane increase performance, and what are the other benefits?
- D. The Government has stipulated that all leaded petrol needs to be phased out by 2006. Was this the main instigator for the development of Engen Dynamic 97 Unleaded?
- E. Is there any other petrol produced and sold locally which is similar to Dynamic 97 Unleaded Petrol?
- F. Where can I get Engen Dynamic 97 Unleaded?
- G. Are there any special precautions one should exercise when changing from normal unleaded petrol to Engen Dynamic 97 Unleaded?
- H. Is it safe to fill up with Engen Dynamic 97 Unleaded petrol at the coast when I will be driving inland?
- I. I normally use unleaded petrol. Can I use Engen Dynamic 97 Unleaded in my car?
- J. Do I need a catalytic converter to gain the full benefit from Engen Dynamic 97 Unleaded?
- K. When will I be able to buy Engen Dynamic 97 Unleaded in other parts of the country, for example Bloemfontein?
- L. How does Engen Dynamic 97 Unleaded differ from other unleaded petrol?



ANNEXURE 1

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(1) are as follows:
 - a) For every photocopy of an A4-size page or part thereof
 - b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form
 - c) For a copy in a computer-readable form on –
 - i. Stiffy disc
 - ii. Compact disc R70,00
 - d) i. For a transcription of visual images, for an A4-size page or part thereof R40,00
 - ii. For a copy of visual images R60,00
 - e) i. For a transcription of an audio record, for an A4-size page or part thereof R20,00
 - ii. For a copy of an audio record R30,00

3. The request fee payable by a requestor, 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:
 - 1) a. For every photocopy of an A4-size page or part thereof R1,10
 - b. For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0,75
 - c. For a copy in a computer-readable form on –



- | | |
|--|--------|
| i. Stiffy disc | R7,50 |
| ii. compact disc | R70,00 |
| d. i. For a transcription of visual images, for an A4-size page or part thereof | R40,00 |
| ii. For a copy of visual images | R60,00 |
| e. i. For a transcription of an audio record, for an A4-size page or part thereof | R20,00 |
| ii. For a copy of an audio record | R30,00 |
| f. To search for and prepare the record 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:
- Six hours as the hours to be exceeded before a deposit is payable; and
 - 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.

FINANCIAL AND FISCAL COMMISSION



MANUAL IN TERMS OF SECTION 14 OF THE ACT A PRACTICAL GUIDE

PROMOTION OF ACCESS TO INFORMATION ACT, ACT NO 2 OF 2000

The Financial and Fiscal Commission
Private Bag x 69
Halfway House
1695
Tel: 0861 315 710
Fax: 011 207 2344
1st Floor, Montrose Place,
Waterfall Park, Bekker Street,
Midrand, South Africa

To obtain copies of this manual please contact the Librarian at 0861 315710 or fax a request for copies to fax number 011 2072344. Copies may also be obtained from our office in Cape Town – please contact Kim Biko at 0861 315710 or fax a request for copies to fax number 021 4264935. A schedule of prescribed fees and forms for making requests can be requested from the offices of the FFC – see address on p7 or downloaded from the FFC website – <http://www.ffc.co.za>

**PROMOTION OF ACCESS TO INFORMATION ACT,
ACT NO 2 OF 2000**

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2. PARTICULARS IN TERMS OF SECTION 14 OF THE ACT

A. THE FUNCTIONS OF THE FINANCIAL AND FISCAL COMMISSION

i. THE OBJECTIVES AND FUNCTIONS OF THE FFC

Section 220 of the Constitution outlines the primary objectives of the FFC.

These objectives are:

- (1) To make recommendations on financial and fiscal matters, as envisaged in the Constitution, and in particular, chapter 13, or in national legislation, to Parliament, provincial legislatures and any other authorities determined by national legislation;

- (2) To maintain the independence and impartiality of the FFC;

In addition, Section 3 of the Financial and Fiscal Commission Act provides for the FFC

- (3) To act as a consultative body and give advice on financial and fiscal matters to organs of state;
- (4) To perform its functions as required by the Constitution or by national legislation;
- (5) To act on its own initiative or on the request of an organ of state;
- (6) To ensure the efficient and effective functioning of the FFC;
- (7) To undertake research and publish reports.

Finally, Section 26 of the Financial and Fiscal Commission Act also provides for the FFC

- (8) To report annually to both houses of Parliament, to each provincial legislature and to organized local government, on the activities of the Commission during each financial year.

Promotion of Access to Information Act, 20 of 2000

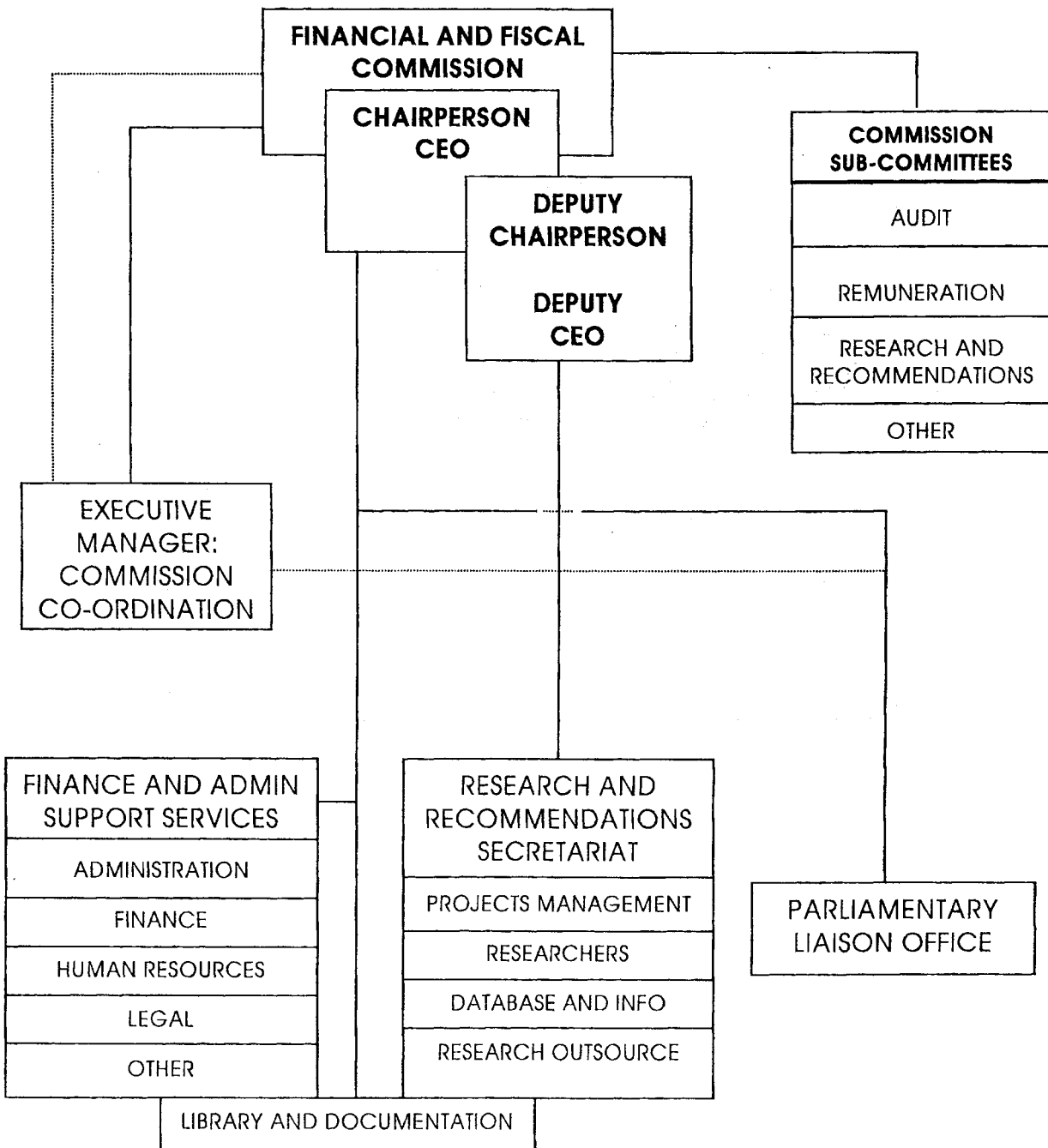
The core business of the FFC is pre-determined by the legislative provisions of the Constitution, the Financial and Fiscal Commission Act, the Intergovernmental Fiscal Relations Act and the Borrowing Powers of the Provincial Governments Act.

In terms of the legislative provisions, the key annual priorities of the FFC are the following:

- (1) Make and submit recommendations for the equitable division of nationally collected revenue among the three spheres of government;
- (2) Make and submit recommendations in accordance with specific constitutional mandates, the relevant national legislation and the FFC Act regarding any other allocations norms and standards and applicable criteria for various intergovernmental fiscal arrangements;
- (3) Produce and distribute to all legislatures various reports, including audited financial statements on an annual basis;
- (4) Maintain an effective functioning and management of the FFC; and
- (5) Undertake relevant research and appraise itself of relevant information so as to be able to provide advice on financial and fiscal matters.

Promotion of Access to Information Act, 2 of 2000

ii. DIAGRAM OF THE STRUCTURE OF THE FFC



Promotion of Access to Information Act, 2 of 2000

iii. THE STRUCTURE OF THE FFC

In accordance with the Constitutional requirements, the President appoints 22 Commissioners to the FFC. This status quo remains until the end of 2002 where after, in terms of a new Constitutional amendment, the total number of Commissioners to be appointed by the President will be nine (9) - Constitution of the Republic of South Africa Second Amendment Act, No 34, 2001. During the reporting period the composition of the Commission was constituted in terms of the following:

- A chairperson and a deputy chairperson who may be full time members;
- Nine persons nominated by the executive councils of each of the nine provinces;
- Two persons nominated by the South African Local Government Association (SALGA) as representative of organized local government; and
- Nine other persons.

The recent Constitutional amendments pertaining to the FFC were enacted by the Constitution of the Republic of South Africa Second Amendment Act, No 34, 2001 provides for the reduction of the composition of the Commission from 22 members to nine. In terms of the Second Amendment Act, the new composition profile of the Commission will be as follows:

1. A Chairperson and Deputy Chairperson;
2. Three persons selected, after consulting the Premiers, from a list compiled in accordance with a process prescribed by national legislation;
3. Two persons selected after consulting organized local government, from a list compiled in accordance with a process prescribed by national legislation; and
4. Two other persons.

However, due to legislation not having being enacted yet to deal with the selection procedure to be followed for the nomination of provincial appointees and appointees from organized local government (a provision in the Act), it is anticipated that the Act will only become fully operational in 2003 once this piece of legislation is enacted, hopefully before the end of 2002.

Promotion of Access to Information Act, 2 of 2000

Currently, the Financial and Fiscal Commission is made up of 12 Commissioners (including the Chairperson and Deputy Chairperson) and the Secretariat. The Financial and Fiscal Commission's Secretariat is housed in Midrand, providing research, analytical and administrative support to the Commission. The Commission also has a Parliamentary Liaison Office based in Cape Town and serves to maintain stakeholder relations and interaction with Parliament.

The Chairperson and the Deputy Chairperson of the Commission, currently, Mr. Murphy Morobe and Mr. Jaya Josie respectively, are full time Commissioners. Other persons serving on the Commission are: Tania Ajam, John Douw, Philip Hourquebie, Professor Lieb Loots, Dr. Antony Melck, Gugu Moloi, Dr. Renosi Mokate, Dr. Pundy Pillay, Khehla Shubane, Kamalasen Chetty, Duncan Albertyn, Dr. Haroon Borhat, Thabo Mosololi, Mmathebe Moja, Marcus Lucas Mdhuli, Nosipho Damasane and Marius van Blerck.

The Secretariat performs its functions under the overall management and supervision of the Chairperson and the Deputy Chairperson. The Secretariat comprises of the following key managerial posts: Executive Manager - Commission Co-ordination; Manager – Parliamentary Office; Manager - Budget Analysis; Manager – Fiscal Policy Analysis; Database Co-ordinator; Administration and Network Manager; and Financial Officer. The position of the Chief Financial Officer will be filled shortly.

B. CONTACT DETAILS

Information Officer Chairperson

Postal address:
Private Bag X69
HALFWAY HOUSE
1685
Tel. No: 0861 315 710
Fax No: (011) 207 2344

Physical address:
1st Floor, Montrose Place,
Waterfall Park,
Bekker Street
Midrand
South Africa
Website: www.ffc.co.za

Deputy Information Officer Executive Manager

Private Bag X 69
HALFWAY HOUSE
1685
Tel. No: 0861 315 710
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Contact Official Librarian

Private Bag X 69
HALFWAY HOUSE
1685
Tel. No: 0861 315 710
Fax No: (011) 207 2344
antonettes@ffc.co.za

Promotion of Access to Information Act, 2 of 2000

C. GUIDE IN TERMS OF SECTION 10 (HUMAN RIGHTS COMMISSION)

The Human Rights Commission has indicated that it would make available a guide on how to use the Act by not later than August 2003. All inquiries in this regard must be directed to the South African Human Rights Commission, PAIA Unit, website: www.sahrc.org.za or e-mail PAIA@sahrc.org.za

D. ACCESS TO RECORDS HELD BY THE FFC

i. AUTOMATIC DISCLOSURES

A notice in terms of section 15 (2) describes the categories of records of the bodies that are available without a person having to request access in terms of the Act. Information for the FFC notice in terms of section 15 (2) is not currently available. However, the following records can be obtained free of charge from the Internet website of the FFC at <http://www.ffc.co.za> (updated as at 30 October 2002).

(a) About the Financial and Fiscal Commission

History, mission and constitutional mandate of the FFC

Key Stakeholders, Organisational structure and Sub-Committees, profile of staff and Commissioners

FFC Core Mandates

FFC Work Cycle

(b) The following items of legislation are those that affect the Financial and Fiscal Commission:

The Interim Constitution	No 200 of 1993
The Constitution of South Africa	No 108 of 1996
The Constitution of the Republic of South Africa Amendment Act (Section 17)	No 34 of 2001

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The Constitution of the Republic of South Africa Amendment Act (Sections 4 &7)	No 61 of 2002
Intergovernmental Fiscal Relations Act	No. 97 of 1997
Financial and Fiscal Commission Act	No. 99 of 1997
Borrowing Powers of Provincial Governments Act	No. 48 of 1996
Public Finance Management Act	No. 1 of 1999
Public Finance Management Amendment Act	No. 29 of 1999
Local Government: Municipal Systems Act	No. 32 of 2000
Provincial Tax Regulation Process Act (Section 4(b))	No. 53 of 2001
Financial and Fiscal Commission 1993 Constitutional Provisions Repeal Act	No 96 of 1997
Remuneration of Public Office Bearers Act	No. 20 of 1998
Promotion of Access to Information Act	No. 2 of 2000

(c) Corporate Information

Employment Equity Profile

HR Management

Audit Policy

Strategic Plan 2002/03

Donor Relations

(d) Submissions:

Annual Submissions:

Allocation of Financial Resources to the National and Provincial
Governments for the 1996/97 Financial Year. 1995

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Allocation of Financial Resources to the National and Provincial Governments for the 1997/98 Financial Year 1996

Comments and Recommendations on Matters relating to the Allocation of Financial Resources to the National, Provincial, and Local Governments 1997

Financial and Fiscal Commission Proposals 1997

Allocation of Financial Resources to National, Provincial, and Local Governments for the 1998/99 Fiscal Year 1998

Part 1: Recommendations for the 2001-2004 MTEF Cycle 2000
Part 2: Principles for Intergovernmental Fiscal Relations 2000

Submission: Division of Revenue 2002-2003 2001

Submission: Division of Revenue 2003-2004 30 April 2002

Submission on the Division of Revenue 2003-2004 2002
(Plain language summary/abridged text – April 2002)

Submissions on the Division of Revenue Bill:

Submissions on the Division of Revenue 2002-2002 to the Portfolio Committee on Finance February 2001

Submission to Parliament on the 2002-2003 Division of Revenue Bill February-March 2002

Other Submissions:

Remuneration of Municipal Councillors July 2001

Division of Municipal Powers and Functions between District and Local Municipalities July 2001

Submission on the Provincial Tax Regulation Process Bill 2001 to the Select Committee on Finance October 2001

Assessment of the Disaster Management Bill February 2002

Submission on the Municipal Finance Management Bill Feb 2002

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Restructuring of the Electricity Distribution Industry March 2002

Submission of Preliminary Comments of the Financial and Fiscal Commission on the Report of the Committee of Inquiry into a Comprehensive System of Social Security for South Africa June 2002

Submission on the Property Tax Bill Aug 2002

Research Projects:

Research Projects 2002-2003

(e) Annual Reports:

1999/2000 Annual Report

2000/2001 Annual Report

2001/2002 Annual Report

(f) Publications and Reports

Public Expenditures on Basic Social Services in South Africa. An FFC Report for UNICEF and UNDP. January 1998.

(g) Recent trends and Data Sets

List of Datasets

(h) Presentations

List of presentations 2001-2002

(i) Speeches and Presentations:

Speeches in Parliament:

Address to the National Council of Provinces 27 Sept 2001

(j) Media Index:

News Index

FFC Recommends National Agency for Social Grants 30 April 2002

New Law will not Undermine Municipal Autonomy: Treasury 13 Feb 2002

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Proposed Constitutional Amendments Criticized 19 Sept 2001

Provincial Income Tax Surcharge 29 August 2001

Division of Revenue Bill Passed Unopposed 1 March 2001

Press Statements Index

Project 2001 - FFC to launch next phase of recommendations
March 2001

Financial and Fiscal Commission releases social sector and
capital expenditure report 2001

(k) Links to other relevant websites

(l) Jobs

Call for Proposals: Request for Expression of Interest from Consultants

RECORDS AVAILABLE FREE OF CHARGE FROM THE FFC OFFICES, MIDRAND

- Financial and Fiscal Commission Financial Report 1996-1997
- Financial and Fiscal Commission Financial Report 1997-1998
- Financial and Fiscal Commission Financial Report 1998-1999

ii. RECORDS THAT MAY BE REQUESTED

A description of subjects and categories held by the FFC (updated 31 July 2002)

AGENDAS AND MINUTES OF MEETINGS (Subject)

1. **MINMEC Meeting**(Category) 1996 – 2000
2. **Commission Meetings** (Category)
 - Audit Committee Meeting** (Sub-category) 1999 - 2000
 - Audit report
 - Strategic audit plan
 - Manco meetings / Management Meeting** (Sub Category)

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▪ Feedback reports	1996 - 2000
▪ Agreements	
Commissioners (Sub category)	1997 - 2000
▪ Provincial Consultations	
Steering Committee Meeting (Sub category)	1996 - 2000
3. Procurement Meeting(Category)	1998
4. Staff Meeting(Category)	1996 - 1999
5. Research Meeting / Programme Meeting(Category)	1998
6. Transcripts of Meetings(Category)	1998

REPORTS (Subject)

1. Annual Report(Category)	1999 - 2001
▪ Quotations regarding the report	
▪ Commission and Steering Committee meetings discussions	
▪ Audit reports	
2. Financial Report	1996
• FFC Actual costs vs MTEF budget	2000
3. Procurement Administration and Policy	
4. Research Reports (Category)	1996 - 2000
• Vertical Division	
• Costed Norms approach	
• Infrastructure Investment Review	
• Municipal boundaries and structures	
• Social Welfare	
• Grants	
• Project 2001	
• Debt Financing	
• Borrowing issues	
• Capital Expenditure	
• Provincial expenditure	
• Project 2002	
• MTEF Budgets	
• Equalisation	
• AIDS	
5. Task Teams and Consultants reports(Category)	1998 - 2001
▪ Contracts with consultants	
▪ SA / Canada programme on governance	
6. Reports regarding legislation(Category)	

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7. **Legal advice**(Category) 1999 - 2000
8. **HR Reports**(Category) 1996 - 2000
- HR Policies and Procedures Manual
 - FFC Job Remuneration and benefits survey 1999
9. **HUMAN RESOURCES – OTHER** (Subject)
- Personnel files
 - Leave schedules
 - Contracts
 - Commissioner's details
 - FTR tax consultants
 - Payroll
 - UIF
 - Medical Aid
 - Irp5
 - RACI
 - Human resources and performance management issues / skills analysis
 - Salary structuring
 - Cost to company

STRATEGIC CORPORATE PLAN(Subject)

PROCUREMENT SERVICE PROVIDERS(Subject)

1. **Suppliers**(Category)

PRESENTATIONS(Subject)

1998

OTHER RESEARCH DOCUMENTS (Subject)

1996 – 2000

1. **Research Proposal** (Category)
- Study tour funding
2. **Intergovernmental fiscal relations** (Category)
3. **Consultants proposal & presentations** (Category)
4. **FFC formula (equitable share)** (Category)
6. **FFC protocol** (Category)

CONFERENCE PAPERS / WORKSHOPS(Subject)

1996 - 2000

BOSBERAAD / LEKGOTLA (Subject)

1996 - 2000

HR LEGISLATION(Subject)

- Compensation for Occupational Injuries and Diseases
- Skills Development
- Employment Equity
- Labour Relations

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MEMORANDUMS(Subject) 1996 - 2000

- Parliamentary Office Activities
- Project 2002 – key Issues
- Filing procedures
- Employment Equity Plan
- Appointment of Deputy Chairperson

AGREEMENTS(Subject) 1996 – 2000

- Consultants and technical advisors
- Auditors

LETTERS(Subject) 1996 - 2000

- Of appointment
- To The President regarding resignation of Commissioners or Vacancies for Commissioners
- From stakeholders
- To Minister of Finance regarding Division of Revenue Bill
- FFC Legal requirements
- Appointment of technical advisors and consultants

E-MAILS(Subject) 1997 – 2000

- Correspondence with consultants
- Terms of reference
- Legal advice

QUESTIONNAIRES(Subject)

- Exit interview Questionnaire 2000
- Human resources strategy 2000
- Local Government Survey 1997
- Public hospital services 1997

PARLIAMENTARY LIAISON OFFICE: CAPE TOWN (Subject)

- Reports of Parliamentary Meetings 1999-2002
- FFC Consultation Process 2000-2002
- FFC Hearings(Parliamentary and Provincial) 2001-2002
- Parliamentary minutes 2002
- Parliamentary weekly reports 2000-2002
- Submissions to Parliament 2000-2002
- Parliamentary oversight and accountability
- Portfolio Committee: Finance – Liaison issues
- Portfolio Committee: LG 2001-2002

FINANCES(Subject)

- Financial Procedures Manual
- FFC MTEF Submissions
- Annual Financial Statements (refer to Annual Reports)
- Auditor-General Audit Planning memorandum
- Auditor-General Management Letters

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- Service level agreements
- Monthly statements
- Submissions for Adjustment Budget Estimates
- FFC Budget Submission to Parliament
- Financial Records

BOOKS, REPORTS AND JOURNAL ARTICLES(Subject)

COMMUNICATION – PR – MEDIA (Subject)

IT (Subject)

1. **Internal IT System** (Category)
 - Computer system
 - Network upgrade

iii. THE REQUEST PROCEDURES

A requester must be given access to a record of a public body if the requester complies with the following:

- The requester complies with all the procedural requirements in the Act relating to the request for access to that record; and
- Access to that record is not refused on any ground of refusal mentioned in the Act.

Nature of the request:

- A requester must use the form that has been printed in the Government Gazette [Govt. Notice R187- 15 February 2002] (Form A).
- The requester must also indicate if the request is for a copy of the record or if the requester wants to come in and look at the record at the offices of the public body. Alternatively if the record is not a document it can then be viewed in the requested form, where possible [s 29(2)].
- If a person asks for access in a particular form then the requester should get access in the manner that has been asked for. This is unless doing so would interfere unreasonably with the running of the public body concerned, or damage the record, or infringe a copyright not owned by the state. If for practical reasons access cannot be given in the required form but in an alternate manner, then the fee must be calculated according to the way that the requester first asked for it [s 29(3) and (4)].

Promotion of Access to Information Act, 20 of 2000

- If, in addition to a written reply to their request for the record, the requester wants to be told about the decision in any other way, e.g. telephone, this must be indicated [s 18(2)(e)].
- If a requester is asking for the information on behalf of somebody else, the capacity in which the request is being made should be indicated [s 18(2)(f)].
- If a requester is unable to read or write, or has a disability, then they can make the request for the record to be made orally. The information officer must then fill in the form on behalf of such a requester and give them a copy [s 18(3)].

There are two types of fees required to be paid in terms of the Act, being the request fee and the access fee (s 22):

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:

- The information officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
- The request fee payable to public bodies is R35. The requester may lodge an internal appeal, where appropriate, or an application to the court against the tender or payment of the request fee.
- After the information officer has made a decision on the request the requester must be notified of such a decision in the way in which the requester wanted to be notified in.
- If the request is granted then a further access fee must be paid for the search, preparation, reproduction and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

Promotion of Access to Information Act, 20 of 2000

E. THE FFC AND SERVICES AVAILABLE

i. NATURE OF SERVICES

The FFC, as a constitutional institution and thus independent and impartial, essentially provides a service, as per the prescripts of the Constitution, to Parliament, provincial legislatures and any other authority determined by national legislation. The Constitution (Section 222) also states that the FFC must function in terms of an Act of Parliament. This Act is the Financial and Fiscal Commission Act (FFC Act), 1997. This Act states that the FFC acts as a consultative body for, and makes recommendations and gives advice to, organs of state in the national, provincial and local spheres. It may perform these functions on its own initiative or on the request of an organ of state.

ii. HOW TO GAIN ACCESS TO THE SERVICES

All organs of state, either individually or collectively, in the national, provincial and local spheres of government, and authorities so provided for in national legislation, may, through their executive authority (e.g. Head of the organ of state, Minister of a national department, chairperson of an state institution, commission or body, mayor of a municipal council, the office of a Premier, the appropriate office of Parliament and provincial legislatures, etc) make a request to the FFC for advice, comment, consultation, and recommendations on financial and fiscal matters in terms of the provisions of the Constitution and the relevant national legislation thereof. A written request must be submitted to the Chairperson of the Commission that includes information requested by the FFC in terms of a prescribed form. The request must be sent to

The Chairperson of the Commission
For Attention: the CEO/Executive Manager

Postal Address: Private Bag X69
Halfway House
1685

Physical Address: 1st Floor,
Montrose Place,
Waterfall Park,
Midrand
1685

Tel: 0861 315 710
Fax: 011 2072324
Website: www.ffc.co.za

Promotion of Access to Information Act, 20 of 2000

In terms of this manual and the procedures therein, a request for information must be sent the Information Officer as indicated in 2 (B) p.7.

F. ARRANGEMENTS ALLOWING FOR PUBLIC PARTICIPATION IN THE FORMULATION OF POLICY AND THE EXERCISING OF THE POWERS OF THE FFC

Section 220 (2) of the Constitution states that the Financial and Fiscal Commission is independent and subject only to the Constitution and the law, and must be impartial. The obligation to be impartial is further provided for in Section 3 (3) of the FFC Act. The FFC Act (Section 3 (4)) also stipulates that no person or organ of state may interfere with the functioning of the Commission.

However, the FFC Act provides for the Commission to relate to and or engage a person or organ of state, or institution (on its own initiative).

At the FFC arrangements, in terms of the above legal provisions, would include:

Public Hearings featuring the consideration of the FFC's Annual Submission on the Division of Revenue, the Division of Revenue Bill, and other submissions – the public may attend and make representations at hearings organised and conducted by Parliament and provincial legislatures. Members of the public who wish to do so should contact Parliament and the provincial legislatures for a schedule of events pertaining to hearings on the FFC submissions.

Internship Programmes – there is a recruitment policy in place for the recruitment of students at academic institutions interested in intergovernmental fiscal relations.

Consultants and contract researchers – there is a policy in place for the recruitment of contract researchers within the constraint of resources available to the Commission and its human resources plan. The FFC will from time to time call for consultants to submit proposals and their curriculum vitae for inclusion in its consultant database.

Information required by the FFC- as and when required, the FFC will approach the relevant organ of state or institution for information to give effect to the performance of its functions.

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Workshops and seminars – As and when required the FFC invites persons or institutions with expertise in the field of intergovernmental fiscal relations to its workshops and seminars on specific areas in financial and fiscal issues as may be determined and required in terms of its recommendations and research programme.

G. THE REMEDIES AVAILABLE IF THE PROVISIONS OF THIS ACT ARE NOT COMPLIED WITH IN RESPECT OF AN ACT OR A FAILURE TO ACT BY THE BODY

The Financial and Fiscal Commission and other Chapter Nine Institutions (in terms of the Constitution of South Africa, Act 108 1996) do not have internal appeal procedures like most other public bodies. The courts will have to be approached in such instances where there is no compliance with the provisions of the Act by these bodies. This would apply to any situation in which the requester wishes to appeal a decision made by the information officer. Although mention is made of internal appeal procedures, this is subject to such a mechanism actually being in place within a public body to facilitate such an internal appeal. (see Form B – Internal Appeal, p. 40)

H. OTHER INFORMATION AS PRESCRIBED IN TERMS OF THE ACT

There is currently no information available from the Minister of Justice and Constitutional Development in terms of section 92 to be placed here.

I. UPDATING OF THE MANUAL

The FFC will, if necessary, update and publish its manual referred to in subsection (1) of section 14, at intervals of not more than a year.

J. AVAILABILITY OF THE MANUAL

In terms of Regulation No R.187 of 15 February 2002, Section 4(1), the manual of the FFC is made available in the following manner:

Promotion of Access to Information Act, 20 of 2000

- o A copy in three official languages will be made available to every place of legal deposit as defined in Section 6 of the Legal Deposits Act, 1997; the South African Human Rights Commission; and the offices of the FFC based at Midrand and in Cape Town.
- o The manual will be published in three of the official languages in the *Gazette*.
- o The manual will be made available on the website of the FFC, at the website address – www.ffc.co.za

K. REQUEST TO THE MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT FOR THE COMPILATION OF ONE MANUAL

In terms of Section 14(4)(a) and Section 14(4)(b) of the Act, if the functions of two or more public bodies are closely connected, the Minister may on request or of his or her own accord determine that the two or more bodies compile one manual only.

The public bodies in question must share the cost of the compilation and making available of such manual as the Minister determines.

At the time of the publication of this manual no such request was made to the Minister by the FFC.

L. EXEMPTION BY THE MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT FROM ANY PROVISION OF THIS SECTION FOR A DETERMINED PERIOD

For security, administrative or financial reasons, the Minister may, on request, or of his or her own accord, by notice in the *Gazette*, exempt any public body or category of public bodies from any provision of this section for such period as the Minister thinks fit.

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