

NON-GOVERNMENTAL ORGANIZATION

NO. 1030

16 SEPTEMBER 2016

SUGAR INDUSTRY ADMINISTRATION BOARD**MANUAL IN TERMS OF SECTIONS 14 (1) AND 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT NO. 2 OF 2000 (“the Act”)****1. DESCRIPTION OF STRUCTURE AND FUNCTIONS IN TERMS OF SECTION 14(1)(a) OF THE ACT****1.1 The Structure of the Board**

1.1.1 The Sugar Industry Administration Board (“the Board”) is established in terms of the Sugar Industry Agreement, 2000 (“the Agreement”) and consists of:-

- i. One person appointed by the South African Sugar Association (“SASA”);
- ii. Two persons appointed by the South African Sugar Millers Association (“the Millers Association”);
- iii. Two persons appointed by the South African Cane Growers Association (“the Growers Association”).

1.1.2 The member appointed by SASA will be the chairperson of the Board.

1.2 The Functions of the Sugar Industry Administration Board

1.2.1 The Board shall:-

- i. Exercise the powers and perform the duties conferred upon or imposed on it in terms of the Agreement;
- ii. Conduct the enquiries, investigations, inspections and surveys which it considers to be appropriate for the better performance of its functions in terms of the Agreement;
- iii. Be entitled to refer, of its own volition, any matter within its jurisdiction to the Appeals Tribunal for a directive or decision, in which case it will be bound by any such directive or decision.

1.2.2 The Board may:-

- i. Appoint committees from among its members and delegate to any committee any of its functions;
- ii. Appoint any person it considers fit to advise it in any matter within its jurisdiction and remunerate the person concerned; and
- iii. Generally do anything incidental to the proper performance of its functions in terms of the Agreement.

2. INFORMATION REQUIRED IN TERMS OF SECTION 14(1)(b) AND 51(1)(a) OF THE ACT**Head of Body:**

MukeshKalidas Trikam
Chairperson
Sugar Industry Administration Board

PHYSICAL ADDRESS: Kwa-Shukela
170 Flanders Drive
Mount Edgecombe

POSTAL ADDRESS : South African Sugar Association
P.O. Box 700
Mount Edgecombe
4300

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TELEFAX : + 27 (86) 686 1172

WEBSITE : <http://www.sasa.org.za>

E-MAIL ADDRESS : trix.trikam@sasa.org.za

Information Officer:

Hlengiwe Bele
Secretary to the Sugar Industry Administration Board

PHYSICAL ADDRESS: Kwa-Shukela
170 Flanders Drive
Mount Edgecombe

POSTAL ADDRESS : P.O. Box 700
Mount Edgecombe
Kwa-Zulu Natal
4300

TELEPHONE : + 27 (31) 508 7128

TELEFAX : + 27 (31) 508 7192

E-MAIL ADDRESS : secretary.siab@sasa.org.za

3. INFORMATION REQUIRED IN TERMS OF SECTION 14(1)(c) AND 51(1)(b) OF THE ACT

In terms of section 10 of the Act, the Human Rights Commission is required to compile a guide to assist persons who wish to exercise any rights under the Act. This guide is available from the Human Rights Commission which may be contacted at:

PHYSICAL ADDRESS: Forum 3, Braampark Office Park,
33 Hoofd Street
Braamfontein

POSTAL ADDRESS : Private Bag 2700
Houghton
2041

TELEPHONE : 011 877 3600

TELEFAX : 011 403 0668

WEBSITE : www.sahrc.org.za

EMAIL : info@sahrc.org.za

4. RECORDS KEPT UNDER SECTION 51(1)(d) OF THE ACT

The Board keeps records in accordance with the following legislation as amended, all of which are available subject to such legislation as amended and the Act:

Sugar Industry Agreement, 2000

5. SUBJECTS AND CATEGORIES OF RECORDS AND REQUEST PROCEDURE IN TERMS OF SECTION 14(1)(d) AND 51(1)(e) OF THE ACT

5.1 Subjects and Categories of Records held by the Board

- 5.1.1 List of current members of the Board;
- 5.1.2 Opinions from professional advisors;
- 5.1.3 Information of Growers which the Board retains in terms of the Agreement;
- 5.1.4 Minutes of Meetings of the Board;
- 5.1.5 All applications and representations made to the Board for decisions;
- 5.1.6 Copies of Decisions, Orders, Rulings, Awards and Determinations of the Board;
- 5.1.7 Recordings of hearings before the Board;
- 5.1.8 Correspondences with the Board;
- 5.1.9 Area Under Cane Survey;
- 5.1.10 Rules of procedure in relation to:-
 - 5.1.10.1 Disputes between a Mill Group Board and a grower or miller or between a grower and miller;

- 5.1.10.2 Appeals against a decision of a Mill Group Board;
 - 5.1.10.3 Appeals against a decision of a Local Pest, Disease and Variety Control Committee; and
 - 5.1.10.4 Rulings required which relate to recoverable value amendments.
- 5.2 Request Procedure, fees, decision to grant or refuse access and notice to the requester in terms of the Act**
- 5.2.1 All requests must be made in terms of and in compliance with the requirements of section 18, 22, 33, 53, 54 and 56 of the Act.
 - 5.2.2 Any requests shall be determined by the considerations in the Protection of Personal Information Act, 2013.
 - 5.2.3 The request for information process is as follows:
 - 5.2.3.1 It must be made to the Information Officer (where the request is made in terms of section 18 of the Act) or to the Head of the Body (where the request is made in terms of section 53 of the Act) using the aforementioned contact details.
 - 5.2.3.2 It must be completed on the prescribed form in terms of the Act and the Regulations.
 - 5.2.3.3 Sufficient detail must be provided on the request form to enable the Information Officer or the Head of the Body to identify the record requested and the requester.
 - 5.2.3.4 Identify the form of access required.
 - 5.2.3.5 Specify a postal address or fax number of the requester in the Republic of South Africa.
 - 5.2.3.6 State whether the record requested in terms of section 18 concerned is preferred in a particular language.
 - 5.2.3.7 If, in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, state that manner and provide the necessary particulars.
 - 5.2.3.8 Where a request is made on behalf of a third party, the requester must provide proof of authority to represent such third party to the satisfaction of the Information Officer or Head of the Body.
 - 5.2.3.9 If the request is made in terms of section 53 of the Act, the requester must identify the right that he or she is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right.
 - 5.2.4 A person who because of illiteracy or a disability is unable to make a request for access to a record of a public body in terms of section 18(1) of the Act, may make that request orally. The Board's Information Officer must reduce

the oral request to writing in the prescribed form and provide a copy thereof to the requester.

- 5.2.5 The Information Officer or Head of the Body shall notify the requester to pay the prescribed fee (if any) before further processing the request.
- 5.2.6 The Information Officer or Head of the Body, as the case may be, will then make a decision whether to grant the request or not and shall notify the requester in the required form.
- 5.2.7 If the search for a request for a record made in terms of section 18 or section 53 of the Act by a requester, other than a personal requester (that is someone who wants access to a record containing personal information about the requester), and the preparation for the disclosure of the record would, in the opinion of the Information Officer or the Head of the Body, exceed the prescribed hours to prepare the record for disclosure, the Information Officer or the Head of the Body must, by notice, request the requester to pay the prescribed deposit being one third of the access fee which would be payable if the request is granted.
- 5.2.8 If the requester pays a deposit, in respect of a request for access and the access is refused, then the Information Officer or Head of the Body must repay the deposit to the requester.
- 5.2.9 The Information Officer or the Head of the Body shall withhold a record requested either in terms of section 53 of the Act until the requester has paid the applicable fees, if any.
- 5.2.10 If the request is granted, then a further access fee must be paid for the search, reproduction and preparation, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.
- 5.2.11 This Manual is prepared both in terms of section 14 of the Act and in terms of section 51 of the Act, as the Board may in one instance be a public body and in another instance be a private body, depending on whether the record in question relates to the exercise of a power or performance of a function as a public body or as a private body. Where the Board is a public body, the request for access to a record held by the Board must be made in terms of and in compliance with section 11 of the Act. Where the request for access to a record is in circumstances where the Board is a private body, such request must be made in terms of and in compliance with the requirements of section 50 of the Act
- 5.2.12 Any request for access to a record of the Board may be refused in terms if any ground for refusal contemplated in chapter 4 of the Act.

6. SERVICES AVAILABLE TO THE PUBLIC IN TERMS OF (Section 14(1)(f))

- 6.1 The services available to members of the public from the Board are set out in paragraph 1.2.1 of this Manual.

7. REMEDIES AVAILABLE IN RESPECT OF AN ACT OR FAILURE TO ACT BY THE SUGAR INDUSTRY ADMINISTRATION BOARD (Section 14 (1)(h))

- 7.1 In terms of the Agreement a party to a dispute decided by the Board shall have the right to appeal to the Appeals Tribunal's against a decision, order, ruling or determination made by the Board. Unless otherwise stipulated by the Agreement, the person shall, within twenty one (21) days of the date of the Boards decision, order, ruling or determination, lodge with the Board a written notice of appeal, failing which the right to appeal shall lapse and the decision, order, ruling or determination of the Board shall be final and binding.
- 7.2 The Board does not have internal appeal procedures in respect of any alleged failure on the part of the Board, its Information Officer or the Head of the Board, as the case may be, to comply with the provisions of the Promotion of Access to Information Act. In such circumstances the requester shall be required to have recourse to any court of competent jurisdiction. This would apply to any situation in which the requester wishes to appeal or review a decision made by the Information Officer or the Head of the Board, as the case may be.

8. AVAILABILITY OF THE MANUAL IN TERMS OF SECTION 14(3) AND 51(3)

- 8.1 This Manual shall be available for inspection free of charge at the address of the Board (see paragraph 2 above).
- 8.2 A copy of the Manual is also available from the Human Rights Commission (see contact details in 3 above).
- 8.3 The Manual will be published in the Government Gazette and on the website of the South African Sugar Association.