

PROMOTION OF ACCESS TO INFORMATION ACT

**SECTION 51 MANUAL FOR
BABCOCK INTERNATIONAL GROUP – AFRICA DIVISION**

1. INTRODUCTION

This manual is published in terms of Section 51 of the Promotion of Access to Information Act No.2 of 2002, (“the Act”).

The Act gives effect to the provisions of Section 32 of the Constitution of the Republic of South Africa, No 108 of 1996 (“the Constitution”), which provides that:

- (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 reference to any information in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractually or otherwise) to receive information, other than in terms of the Act.

It is important to note that the Act recognizes certain limitations to the right of access to information, including but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality, and effect and good governance and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution. Any request for access to information may be refused on the grounds as set out in Chapter 4 of Part 3 of the Act i.e. Grounds for refusal of access to records.

2. SCOPE

This manual applies in respect of each member of the Babcock International Group – Africa Division (“BIG – Africa Division”) as set out in this manual. The Information Officer named below is appointed in respect of the BIG – Africa Division as a whole in respect of each of the private bodies constituting the BIG – Africa Division. Please refer to Annexure C to this manual for a listing of all South African registered subsidiaries of the BIG – Africa Division.

BIG – Africa Division is active in the energy, process, construction and equipment sales and hire industries.

We as a private body have compiled this manual, not only to comply with the provisions of the Act, but also to foster a culture of transparency and accountability in our environment and to ensure that members of the public have effective access to information in our possession which will assist them in the exercise and protection of their rights.

A copy of this manual is also available on our website (www.babcock.co.za).

3. CONTACT DETAILS

Full Name : Babcock Africa Investments (Pty) Ltd

Registration Number : 1968/08464/07

Registered Address : Riley Road Office Park,
15E Riley Road, Bedfordview, 2007

Postal Address : P O Box 4561, Johannesburg, 2000

Telephone Number : (010) 001 0730

Fax Number : 086 201 6609

Head/CEO : Mr. Roger O'Callaghan

Designated Information officer : Mr. Neil Penson

Deputy Information officer : Ms. Gail Ridley

Deputy Information officer : Mr Thesigan Pillay

Deputy Information officer : Ms. Sue Troskie

Deputy Information officer : Mr. Hamilton Sithole

Deputy Information officer : Mr. Koos Cornelissen

Deputy Information officer : Mr. Travers Cape

Email Address of Information Officer: company.secretary@babcock.co.za

Website : www.babcock.co.za

The Information Officer named above is appointed in respect of the BIG – Africa Division as a whole and in respect of each of the private bodies constituting the BIG – Africa Division.

4. SECTION 10 GUIDE

Section 10 of the Act requires the South African Human Rights Commission (“SAHRC”) to publish a Guide containing information reasonably required by a person wishing to exercise or protect any rights in terms of this Act. It is available in all official languages.

The Guide is available for inspection at the offices of the SAHRC. A request for copies of the Guide and any enquiries should be directed to the SARHC, the contact details of which are as follows:

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

Telephone: (011) 484-8300

Fax: (011) 484-0582

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

5. SUBJECTS AND CATEGORIES OF RECORDS HELD BY THE BABCOCK GROUP IN TERMS OF THE ACT

1. Categories of Information

We hold the following categories of information (some categories only applicable to individual subsidiaries):

(a) STATUTORY COMPANY INFORMATION

- (i) Certificate of Incorporation;
- (ii) Certificate of Change of Name (if any);
- (iii) Memorandum and Articles of Association/Memorandum of Incorporation;
- (iv) Certificate to Commence Business;
- (v) Minutes of Board of Directors meetings;
- (vi) Records relating to the appointment of directors/auditor/secretary/public officer and other officers;
- (vii) Share Registers and other statutory registers;
- (viii) Shareholder agreements;
- (ix) Resolutions;
- (x) All permittry necessary to carry on business.

(b) FINANCIAL RECORDS

- (i) Annual Financial Statements;
- (ii) Accounting Records including journals and ledgers;
- (iii) Asset Registers;
- (iv) Banking records;
- (v) Delivery notes, orders, invoices, statements, receipts, vouchers and bills of exchange.

(c) STATUTORY EMPLOYEE RECORDS

- (i) Employees' names and occupations;
- (ii) Time worked by each employee;
- (iii) Remuneration paid to each employee;
- (iv) Date of birth of each employee;
- (v) Attendance register;
- (vi) Employment equity plan;
- (vii) Salary and wages register;
- (viii) Records of foreign employees;
- (ix) Collective agreements;
- (x) Arbitration awards;
- (xi) Determinations made in terms of the Wage Act;
- (xii) Records of strikes, lockouts or protest action;
- (xiii) Staff records (after date of employment ceases);
- (xiv) Expense accounts;
- (xv) Disciplinary/grievance documents;
- (xvi) Tax returns of employees.

(d) OTHER EMPLOYEE RECORDS

- (i) Employee contracts;
- (ii) Incentive schemes;
- (iii) Staff loan schemes;

- (iv) Study loan schemes;
- (v) Maternity leave policy;
- (vi) Relocation policy;
- (vii) Disability scheme;
- (viii) Funeral insurance scheme;
- (ix) Group personal accident;
- (x) Group life;
- (xi) Micro loan scheme;
- (xii) Employee stock purchase plan;
- (xiii) Code of conduct.

(e) PENSION AND RETIREMENT FUNDING RECORDS

- (i) Pension Fund Rules;
- (ii) Pension Fund account records;
- (iii) Minutes of Meeting of trustees and members;
- (iv) Actuarial Valuation Reports;
- (v) Contribution Reports;
- (vi) Beneficiaries
- (vii) Annual accounts.

(f) ENVIRONMENTAL HEALTH AND SAFETY

- (i) Noise exposure records;
- (ii) Water quality monitoring programme records;
- (iii) Waste water assessment and monitoring records;
- (iv) Records of waste water discharges;
- (v) Records of waste water storage and waste water disposal;
- (vi) Employee medical surveillance records in respect to hazardous chemical substances;
- (vii) Records investigation and tests in respect to hazardous chemicals and substances;
- (viii) Records of risk assessments and monitoring results in respect to hazardous biological agents;
- (ix) Safety management systems, data and audits;
- (x) Industrial hygiene programs, data and audits;
- (xi) Employees public health emergency action plans;
- (xii) Permit licenses, approvals and registrations for operations of sites and business;
- (xiii) Emergency response plans;
- (xiv) Environmental impact assessments;
- (xv) Environmental management programs and systems;
- (xvi) Details of aqueous discharges;
- (xvii) Details of solid waste discharges;
- (xviii) Certification of lifting equipment;
- (xix) Details of air emission discharges.

(g) INTELLECTUAL PROPERTY

- (i) Patents, patent applications and inventions;
- (ii) Trademarks, trade names and protected names;
- (iii) Copyrights;

- (iv) Agreements relating to intellectual property such as licence agreements, secrecy agreements, research and development agreements, consulting agreements, use agreements, joint venture agreements and joint development agreements;
- (v) Litigation and other disputes involving intellectual property.

(h) AGREEMENTS AND CONTRACTS

- (i) Material agreements concerning provision of services or/and materials;
- (ii) Joint venture agreements, partnership agreements, participation, franchise, co-marketing, co-promotion or other alliance agreements;
- (iii) Agreements with shareholders, officers or directors;
- (iv) Acquisition of disposal documentation;
- (v) Agreements with sub-contractors and suppliers;
- (vi) Warranty agreements;
- (vii) Sale agreements;
- (viii) Lease agreements;
- (ix) Distributor, dealer or agency agreements;
- (x) Restraint agreements;
- (xi) Agreements with governmental agencies;
- (xii) Purchase or lease agreements;
- (xiii) Licensing for vehicle and construction equipment;
- (xiv) All commercial correspondence.

(i) TAXATION

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

(j) LEGAL

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

(k) INSURANCE

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

(l) SALES AND MARKETING

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

(m) ENGINEERING AND DESIGN

- (i) Design;
- (ii) Specifications;
- (iii) Statutory and other quality documents.

2. Procedure for requesting access to the above information

7.1 Forms and Fees

7.1.1 A request for information must be made in the prescribed form, must be addressed to the Information Officer, and must submit together with the prescribed fee.

7.1.2 The prescribed request form and details regarding the prescribed fees are available from the head of the Information Officer and from the South African Human Rights Commission, whose contact details are set out above.

7.2 Form of request:

7.2.1 The requester must use the prescribed form (See Annexure A) to make the request for access to a record. This must be made to the Information Officer. This request must be made to the address, fax number or electronic mail address of the Information Officer.

7.2.2 The requester must provide sufficient detail on the request form to enable of the Information Officer to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if it requires notice of the decision of the Information Officer in any manner, other than in writing.

7.2.3 The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right.

7.2.4 If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer.

7.3 Fees:

7.3.1 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.

7.3.2 The Information Officer must by notice, require the requester to pay the prescribed fee, if any, before further processing the request.

7.3.3 The requester may lodge an application to court relating to the payment of the request fee.

7.3.4 After the Information Officer has made a decision on the request, the requester must be notified in the required form.

7.3.5 If the request is granted a further access fee must be paid for the search, reproduction, preparation and for any time, in excess of the prescribed hours, required to search and prepare the record for disclosure.

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

6. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

Where applicable and insofar as the requester complies with the requirements set out in the relevant act, the requester may request information which is available in terms of the following legislation:

- Atmospheric Pollution Prevention Act No. 45 of 1965
- Basic Conditions of Employment Act No. 75 of 1997
- Broad-Based Black Economic Empowerment Act, 53 of 2003
- Companies Act, 71 of 2008
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- Competition Act No. 89 of 1998
- Consumer protection act 68 of 2008
- Council for the Built Environment Act 43 of 2000
- Customs and Excise Act No. 91 of 1964
- Debt Collectors Act No. 114 of 1998
- Designs Act No. 195 of 1993
- Employment Equity Act No. 55 of 1998
- Engineering Profession Act No. 46 of 2000
- Financial Intelligence Centre Act No. 38 of 2001
- Income Tax Act No. 58 of 1962
- Immigration Act No. 13 of 2002
- Insolvency Act No. 24 of 1936
- Labour Relations Act No. 66 of 1995
- Legal Deposit Act No. 54 of 1997
- Long-term Insurance Act No. 52 of 1998
- National Credit Act, 34 of 2005
- National Environmental Management Act No. 107 of 1998
- National Key Points Act No. 102 of 1980
- National Road Traffic Act No. 93 of 1996
- National Water Act No. 36 of 1998
- Occupational Health and Safety Act No 85 of 1993
- Prescription Act No. 68 of 1969
- Project and Construction Management Professions Act 48 of 2000
- Promotion of Access to Information Act No.2 of 2002
- Public Finance Management Act No. 1 of 1999
- Road Transportation Act No. 74 of 1977
- Short-term Insurance Act No. 53 of 1998
- Stamp Duties Act No. 77 of 1968
- Transfer Duty Act No. 40 of 1949
- Unemployment Insurance Act No. 63 of 2001
- Value-added Tax Act No. 89 of 1991

7. INFORMATION FREELY AVAILABLE

The following information is available without a request in terms of the Act:

- Booklets;
- Pamphlets / Brochures;
- Posters;
- Other literature intended for public viewing.

ANNEXURE "A"

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53 (1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000)

[Regulation10]

A. Particulars of private body

The Head: BABCOCK AFRICA INVESTMENTS (PTY) LTD

B. Particulars of person requesting access to the record

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

Full names and surname: _____

Identity number: _____

Postal address: _____

_____ Fax number: _____

Telephone number: _____ E-mail address: _____

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

C. Particulars of person on whose behalf request is made

<p><i>This section must be completed ONLY if a request for information is made on behalf of another person.</i></p>

Full names and surname: _____

Identity number:

D. Particulars of record

(a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.

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

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

2. Reference number, if available: _____

Any further particulars of record: _____

E. Fees

(a) A request for access to a record, other than a record containing personal information about yourself will be processed only after a **request fee** has been paid.

(b) You will be notified of the amount required to be paid as the request fee.

(c) The **fee payable for access** to a record depends on the form in which access is required and the reasonable time required to search to and prepare a record.

(d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees: _____

F. Form of access to record

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

Disability: _____ _____	Form in which record is required: _____ _____
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Mark the appropriate box with an x

NOTES:

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

1. If the record is in written or printed form :			
	Copy of record*		Inspection of record
2. If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)			
	view of images	copy of the images*	Transcript of the images*
3. If record consists of recorded words or information which can be reproduced in sound:			
	Listen to the soundtrack (audio cassette)		Transcription of soundtrack* (written or printed documents)
4. If record is held on computer or in an electronic or machine-readable form:			
	Printed copy of record*	Printed copy of information derived from the record*	Copy in computer-readable form* (stiffy or compact disc).
*If you request a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?			YES NO
Postage is payable.			

G. Particulars of right to be exercised or protected

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

1. Indicate which rights is to be exercised or protected: _____

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

H. Notice of decision regarding request for access

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

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

Signed at: _____ this _____ day of _____ 20 _____

SIGNATURE OF REQUESTER/PERSON
ON WHOSE BEHALF REQUEST IS MADE

ANNEXURE “B”

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

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

1. Copies of a manual

Should an individual require a copy of the private body’s manual, a fee of R 1,10 is chargeable for every photocopy of an A4 page or part thereof.

2. Reproduction fees¹

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

3. Access fees²

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

4. Other fees

- A request fee³ of R 50.00 is payable by a requester who is seeking access to a record containing information which is not personal to the requester. See paragraph 6 of Part 1 of this work.
- A search fee⁴ may be charged at a rate of R 30.00 per hour or part thereof for searching and preparing the record for disclosure provided such time was reasonably required for that purpose.
- If the request is not limited to records containing information which is personal to the requester and if the head of the private body is of the opinion that the time taken to give effect to the request will exceed six hours the requester can be called upon to pay a deposit of not more than one third of an estimate of the access fee which will become payable⁵.
- If a copy of a record is posted to a requester, the requester is obliged to pay the actual postage payable.

¹ Section 52(3) and Regulation 1(1).

² Section 54(7) and Regulation 11(3).

³Section 54(1) and Regulation 11(2).

⁴ Annexure “A”, Part III, Item 4(1)(f).

⁵ Section 54(2).

PART III
FEES IN RESPECT OF PRIVATE BODIES

The fee for a copy of the manual as contemplated in Section 52(3) of the Act is R 1,10 for every photocopy of an A4-size page or part thereof.

The fees for reproduction referred to in Section 52(3) of the Act is as follows:
R

For every photocopy of an A4-size page or part thereof:	1,10
For every printed copy of an A4-size page or part thereof held on the computer or in electronic or machine-readable form:	0,75
For a copy in a computer-readable form on - stiffy disc:	7,50
compact disc:	70,00
For a transcription of visual images, for an A4-size page or part thereof:	40,00
For a copy of visual images:	60,00
For a transcription of an audio record, for an A4-size page or part thereof:	20,00
For a copy of an audio record:	30,00
The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2):	50,00

The access fees payable by a requester referred to in Section 54(7) of the Act is as follows:

For every photocopy of an A4-size page or part thereof:	1,10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form:	0,75
For every copy in a computer-readable form on - stiffy disc:	7,50
compact disc:	70,00
For a transcription of visual images, for an A4-size page or part thereof:	40,00
For a copy of visual images:	60,00
For a transcript of an audio record, for an A4-size page or part thereof:	20,00
For a copy of an audio record:	30,00

To search for and prepare the record for disclosure, R 30.00 for each hour to part of an hour reasonably required for such search and preparation.

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.

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

ANNEXURE “C”

Entity Name:	Registration number:
Babcock Africa Investments (Pty) Ltd	2006/037622/07
Babcock Africa Holdings (Pty) Ltd	2008/011726/07
Babcock Africa (Pty) Ltd	1960/003214/07
Babcock Ntuthuko Engineering (Pty) Ltd	1948/032084/07
Babcock Africa Services (Pty) Ltd	1968/008464/07
Babcock Education and Training (Pty) Ltd	1954/002294/07
Babcock Target Plant Services (Pty) Ltd	2002/021428/07
Babcock Financial Services (Pty) Ltd	2000/000798/07
Babcock Ntuthuko Aviation (Pty) Ltd	2009/00549/07
Babcock Africa Employee Empowerment Trust	IT 919/2012