

## **SECTION 51 MANUAL for PRIVATE BODIES**

*in accordance with the blueprint from*

### **THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION (SAHRC)**

*in terms of the*

### **PROMOTION OF ACCESS TO INFORMATION ACT No 2 of 2000**

(hereinafter referred to as "the Act")

For

### **LA CONSULTING ENGINEERS (PTY) LTD**

*Reg No. 2000/002002/07*

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#### **1. INFORMATION REQUIRES UNDER SECTION 51 (1) (a) OF THE ACT**

##### **1.1 HEAD OF COMPANY:**

- Vino Govender

##### **1.2 POSTAL ADDRESS:**

Po Box 25123, Gateway, 4321

##### **1.3 PHYSICAL ADDRESS:**

Office 10, First Floor, Mayfair on the Lake, 5 Park Lane, Parkside, Umhlanga, 4230

##### **1.4 TELEPHONE NUMBER:**

031 566 2300

##### **1.5 FAX NUMBER:**

031 566 2313

#### **2. GUIDE REFERRED TO IN SECTION 10: 9SECTION 51(1)(b)**

The Guide referred to section 10 of the Act is that compiled by the Human Rights Commission, which contains the information required by a person in the exercise of any right contemplated by the Act.

The guide is available for inspection inter alia, at the office of the Head of the company referred to in paragraph 1 above and also at the offices of the Human Rights Commission and on its Website.

#### **3. SUBJECTS AND CATEGORIES OF RECORDS HELD BY LA CONSULTING ENGINEERS (PTY) LTD: SECTION 51(1)(b)**

##### **3.1 COMPANIES ACT RECORDS**

- 3.1.1 Memorandum and Articles of Association

- 3.1.2 Records relating to appointment of directors/auditor/secretary/public officer and other officers
- 3.1.3 Share Register and other statutory registers
- 3.1.4 Asset Register
- 3.1.5 Minute books of Shareholders resolutions
- 3.1.6 Minute books of Directors resolutions

### **3.2 FINANCIAL RECORDS**

- 3.2.1 Annual Financial statements
- 3.2.2 Tax returns
- 3.2.3 Accounting records
- 3.2.4 Banking records
  - Bank Statements
  - Electronic banking records

### **3.3 EMPLOYMENT/EMPLOYEE RECORDS**

- 3.3.1 Employment contracts
  - 3.3.2 Restraint and other agreements with the employees
  - 3.3.3 Contracts between the company and its employees
  - 3.3.4 Employee Records
    - Leave records
    - Sick leave records
    - Loans to employees
    - Wages and salary records
    - Records containing personal information concerning employees including:
      - Disciplinary proceedings/warnings
      - Medical Records
  - 3.3.5 Medical Aid records
    - Rules of Medical aid fund
    - Members of medical aid fund
    - Contributions paid to medical aid employees
    - Medical reports/information relating to employees
  - 3.3.6 Pension Fund records
    - Pension fund rules
    - Members of pension fund
    - Records of contributions to pension fund
  - 3.3.7 Income Tax records
    - PAYE records
    - Documents Issued to employees for income tax purposes
    - Records of payments made to SARS on behalf of employees
    - All other statutory compliances
      - VAT
      - Skills Development Levies
      - Workmen's Compensation
      - Income Tax
- 3.4 Immovable Property  
Records relating to property leased

- Leases with landlords
- Records of rental paid

### 3.5 Movable Property

- 3.5.1 Fixed asset register
- 3.5.2 Cessions

### 3.6 Customer Records

- 3.6.1 Customer lists
- 3.6.2 Customer billings
- 3.6.3 Credit application forms

### 3.7 Supplier Records

- 3.7.1 Supplier lists
- 3.7.2 Stock purchase records
- 3.7.3 Credit application forms

## 4. THE REQUEST PROCEDURES

Form of request:

- The requester must use the prescribed form to make the request for access to a record. This must be made to the head of the private body. This request must be made to the address, fax number or electronic mail address of the body concerned.
- The requester must provide sufficient detail on the request form to enable the head of private body to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed.
- 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.
- If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body.

### Fees:

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 head of the private body 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 fee that the requester must pay to a private body is R50. The requester may lodge an application to the court against the tender or payment of the request fee.
- After the head of the private body has made a decision on the request, the requester must be notified in the required form.

- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

**5. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION: SECTION 51(1)(b)**

5.1 Records available for inspection in terms of the Companies Act No. 61 of 1973:

- 5.1.1 Share Register
- 5.1.2 Registers of:
  - Allotments
  - Directors and officers
  - Interests of directors and officers in contracts
  - Pledges, cessions and bonds

5.2 Records available in terms of other legislations:

- 5.2.1 Basic Conditions of Employment Act No. 75 of 1997
- 5.2.2 Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
- 5.2.3 Employment Equity Act No. 55 of 1998
- 5.2.4 Income Tax Act No. 95 of 1967
- 5.2.5 Labour Relations Act No. 66 of 1995
- 5.2.6 Regional Services Councils Act No. 109 of 1985
- 5.2.7 Skills Development Levies Act No. 9 of 1999
- 5.2.8 Skills Development Act No. 97 of 1998
- 5.2.9 Unemployment contributions Act No. 4 of 2002
- 5.2.10 Unemployment Insurance Act No. 63 of 2001
- 5.2.11 Value added Tax Act No. 89 of 1991

**6. LATEST NOTICE IN TERMS OF SECTION 52(2) (IF ANY):**

At this stage no notice(s) has/have been published.

**7. AVAILABILITY OF MANUAL**

The manual will be available for inspection free of charge at the offices of the company's auditors, Nexia Levitt Kirson, 215 North Ridge Road, Durban, 4001. Tel: 031 209 2345 Fax: 031 209 2369