

**AFRICAN MARITIME SHIP AGENCY
(PROPRIETARY) LIMITED**

**Manual Compiled in terms of Section 51 of the
Promotion of Access to Information Act,
2 of 2000**



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Preamble

In terms of the provisions of section 51 of the Promotion of Access to Information Act No. 2 of 2000 (“the Act”), we are required to compile and publish a manual describing the categories on which we hold records and the subjects of records held on each category, as well as sufficient information to facilitate a request for access to our records.

This manual has been compiled to comply with the statutory requirements of the Act, but also in recognition of the spirit and objective of the Act, which aims to foster a culture of transparency and accountability and to promote a society in which our people have effective access to information to enable them to more fully exercise and protect their rights.

Introduction

African Maritime Ship Agency (Proprietary) Limited (“AMSA”) provides a ships agency service to reefer carriers, bulk carriers, tankers, research vessels, passenger ships and fishing vessels. This manual contains our corporate details, the categories of information held by AMSA, the categories of information which is freely available, and details of the procedure to be followed for a formal request for access to any information in the possession of AMSA.

A copy of this manual is also available on the website of AMSA at www.am-sa.co.za. In addition, the manual is available for public inspection (such inspection being free of charge) at the registered offices of AMSA during office hours and upon request. A copy of the manual can also be obtained from the South African Human Rights Commission.

1 **Section 1 – Corporate Details**

1.1	Full Name	:	African Maritime Ship Agency (Proprietary) Limited
1.2	Registration Number	:	2014/201642/07
1.3	Registered Address	:	19 Bermuda Street Paarden Eiland, Cape Town
1.4	Postal Address	:	P O Box 199 Paarden Eiland, Cape Town 7420
1.5	Telephone Number	:	+27 21 514 4500
1.6	Directors of AMSA	:	Renato Gonsalves (Managing) Nazeem Carr (Operations)
1.7	Email Address of AMSA	:	renato@am-sa.co.za
1.8	Designated Information Officer	:	renato@am-sa.co.za
1.9	Website	:	www.am-sa.co.za

2 **Section 2 - South African Human Rights Commission Guide**

2.1 A guide on how to use the Act (“the Guide”) will be available from the South African Human Rights Commission. The Guide includes, inter alia, a description of:

- 2.1.1 the objects of the Act;
- 2.1.2 the postal and physical address of the information officer of every public body;
- 2.1.3 such particulars of every private body as are practicable;
- 2.1.4 the manner and form of a request for access to records held by public and private bodies;
- 2.1.5 the assistance available from the information officer of a public body and from the Human Rights Commission in terms of this Act;
- 2.1.6 all remedies available in law regarding an act or failure to act in respect of a right or duty conferred or imposed by the Act, including the manner of lodging internal appeals and court applications;
- 2.1.7 the provisions of the Act requiring public and private bodies to compile manuals in terms of the Act and how to obtain access to such manuals;
- 2.1.8 the provisions of the Act providing for voluntary disclosure of categories of records by public and private bodies;
- 2.1.9 the details of fees to be paid in relation to requests for access to information; and
- 2.1.10 the regulations made in terms of the Act.

2.2 Enquiries regarding the Guide may be addressed to the South African Human Rights Commission at:

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

Telephone Number	:	+2711 484-8300
Fax Number	:	+2711 484-0582
Website	:	www.sahrc.org.za
E-mail	:	PAIA@sahrc.org.za

3 **Section 3 – Information Available in terms of the Act**

3.1 **Categories of Information**

AMSA, if and to the extent applicable to the operation of AMSA, holds the following categories of information:

3.1.1 General Information

- 3.1.1.1 Memorandum and articles of association;
- 3.1.1.2 Minute book, as well as resolutions passed at general meetings;
- 3.1.1.3 Register of constituent members;
- 3.1.1.4 Index of constituent members;
- 3.1.1.5 Register of mortgages and debentures and fixed assets;
- 3.1.1.6 Annual financial statements including:
 - (a) annual accounts;
 - (b) auditor's report;
- 3.1.1.7 Books of account;
- 3.1.1.8 Supporting schedules to books of account and ancillary books of account.

3.1.2 Accounting Records

- 3.1.2.1 Books of account including journals and ledgers;
- 3.1.2.2 Delivery notes, orders, invoices, statements, receipts, vouchers and bills of exchange.

3.1.3 Statutory Employee Records

- 3.1.3.1 Employees' names and occupations;
- 3.1.3.2 Time worked by each employee;
- 3.1.3.3 Remuneration paid to each employee;

- 3.1.3.4 Date of birth of each employee;
- 3.1.3.5 Wages register;
- 3.1.3.6 Attendance register;
- 3.1.3.7 Employment equity plan;
- 3.1.3.8 Salary and wages register;
- 3.1.3.9 Records of foreign employees;
- 3.1.3.10 Collective agreements;
- 3.1.3.11 Arbitration awards;
- 3.1.3.12 Records of strikes, lockouts or protest action;
- 3.1.3.13 Industrial training records;
- 3.1.3.14 Staff records (after date of employment ceases);
- 3.1.3.15 Expense accounts;
- 3.1.3.16 Tax certificates of employees.

3.1.4 Other Employee Records

- 3.1.4.1 Employee contracts;
- 3.1.4.2 Incentive schemes;
- 3.1.4.3 Staff loan schemes;
- 3.1.4.4 Study assistance schemes;
- 3.1.4.5 Maternity leave policy;
- 3.1.4.6 Relocation policy;
- 3.1.4.7 Disability scheme;
- 3.1.4.8 Funeral insurance scheme;
- 3.1.4.9 Group personal accident;
- 3.1.4.10 Group life;

- 3.1.4.11 Employee stock purchase plan;
 - 3.1.4.12 Code of conduct.
- 3.1.5 Pension and Retirement Funding Records
 - 3.1.5.1 Pension fund rules;
 - 3.1.5.2 Pension fund account records;
 - 3.1.5.3 Actuarial valuation reports;
 - 3.1.5.4 Contribution reports;
 - 3.1.5.5 Annual accounts.
- 3.1.6 Environmental, Health and Safety
 - 3.1.6.1 Permits, licences, approvals and registrations for operations of sites and business.
- 3.1.7 Fixed Property
 - 3.1.7.1 Leases;
 - 3.1.7.2 Building plans.
- 3.1.8 Movable Property
 - 3.1.8.1 Asset register;
 - 3.1.8.2 Finance and lease agreements;
 - 3.1.8.3 Notarial bonds;
 - 3.1.8.4 Deeds of pledge.
- 3.1.9 Intellectual Property
 - 3.1.9.1 Patents, patent applications and inventions;
 - 3.1.9.2 Trademarks, trade names and protected names;
 - 3.1.9.3 Copyrights;

3.1.9.4 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;

3.1.9.5 Litigation and other disputes involving intellectual property.

3.1.10 Agreements and Contracts

3.1.10.1 Material agreements concerning provision of services or materials;

3.1.10.2 Joint venture agreements, partnership agreements, participation, franchise, co-marketing, co-promotion or other alliance agreements;

3.1.10.3 Agreements with shareholders, officers or directors;

3.1.10.4 Acquisition or disposal documentation;

3.1.10.5 Agreements with contractors and suppliers;

3.1.10.6 Agreements with customers;

3.1.10.7 Warranty agreements;

3.1.10.8 Sale agreements;

3.1.10.9 Distributor, dealer or agency agreements;

3.1.10.10 Restraint agreements;

3.1.10.11 Agreements with governmental agencies;

3.1.10.12 Purchase or lease agreements.

3.1.11 Taxation

3.1.11.1 Copies of all income tax returns and other tax returns and documents.

3.1.12 Legal

3.1.12.1 Complaints, pleadings, briefs and other documents pertaining to any actual, pending or threatened litigation, arbitration or investigation;

3.1.12.2 Settlement agreements;

3.1.12.3 Material licences, permits and authorisations.

3.1.13 Insurance

3.1.13.1 Insurance policies;

3.1.13.2 Claim records;

3.1.13.3 Details of insurance coverages, limits and insurers.

3.1.14 Transportation

3.1.14.1 Transportation rights;

3.1.14.2 Permits;

3.1.14.3 Transportation system delivery plan;

3.1.14.4 Transportation, warehouse and storage contracts.

3.1.15 Information Technology

3.1.15.1 Hardware;

3.1.15.2 Operating systems;

3.1.15.3 Telephone exchange equipment;

3.1.15.4 Telephone lines, leased lines and data lines;

3.1.15.5 LAN installations;

3.1.15.6 Software packages;

3.1.15.7 Disaster recovery;

3.1.15.8 Internal systems support and programming / development;

3.1.15.9 Capacity and utilization of current systems;

3.1.15.10 Development or investment plans;

3.1.15.11 Agreements;

3.1.15.12 Licenses;

3.1.15.13 Audits.

3.1.16 Sales and Marketing

3.1.16.1 Products;

3.1.16.2 Markets;

3.1.16.3 Customers;

3.1.16.4 Brochures, newsletters and advertising materials;

3.1.16.5 Sales;

3.1.16.6 Domestic and export orders.

3.2 Request Forms and Fee Structure for Requests for Access to Information

3.2.1 Any request for access to information held by AMSA must be lodged in accordance with the prescribed request form and applicable request fee structure determined by the Act. Request forms (in the form set out in Annexure A to this manual) are available from:

3.2.1.1 our designated information officer (whose contact details are set out in section 1 of this manual);

3.2.1.2 the South African Human Rights Commission website (whose website address is set out in section 2 of this manual); or

3.2.1.3 the Department of Justice and Constitutional Development, whose website address is www.doj.gov.za.

3.2.2 There is a prescribed fee (payable in advance) for requesting and accessing information held by AMSA in terms of the Act. Details of the fees are contained in the request form.

- 3.2.3 You may also be called upon to pay the additional fees prescribed by the Act for searching for and compiling and preparing the information which you have requested, including copying charges.
- 3.2.4 Please note that access to the record or information which you have requested is not automatic. You must identify the right you are seeking to exercise or protect and explain why the record or information you request is required for the exercise or protection of that right. In addition, you must indicate the form of access required by yourself and you must submit satisfactory proof of capacity in which you are making the request, if you are requesting such access on behalf of another person. You will be notified in the manner indicated by you on the request form whether your request has been approved.

4 **Section 4 – Information Available in Terms of Other Legislation**

4.1 If and to the extent applicable to the operations of AMSA, information is also available in terms of certain provisions of the following statutes:

- 4.1.1 Banks Act No. 94 of 1990;
- 4.1.2 Basic Conditions of Employment Act No. 75 of 1997;
- 4.1.3 Companies Act No. 61 of 1973;
- 4.1.4 Compensation for Occupational Injuries and Diseases Act No. 130 of 1993;
- 4.1.5 Competition Act No. 89 of 1998;
- 4.1.6 Credit Agreements Act No. 75 of 1980;
- 4.1.7 Custody and Administration of Securities Act No. 85 of 1992;
- 4.1.8 Debt Collectors Act No. 114 of 1998;
- 4.1.9 Employment Equity Act No. 55 of 1998;
- 4.1.10 Financial Intelligence Centre Act No. 38 of 2001;
- 4.1.11 Income Tax Act No. 58 of 1962;
- 4.1.12 Labour Relations Act No. 66 of 1995;
- 4.1.13 Occupational Health and Safety Act No. 85 of 1993;
- 4.1.14 Public Finance Management Act No. 1 of 1999;
- 4.1.15 Unemployment Insurance Act No. 63 of 2001.

4.2 If and to the extent applicable to the operations of AMSA, AMSA also retains records and documents in terms of certain of the provisions of the following statutes:

- 4.2.1 Basic Conditions of Employment Act No. 75 of 1997;
- 4.2.2 Compensation for Occupational Injuries and Diseases Act No. 130 of 1993;
- 4.2.3 Customs and Excise Act No. 91 of 1964;

- 4.2.4 Employment Equity Act No. 55 of 1998;
- 4.2.5 Income Tax Act No. 58 of 1962;
- 4.2.6 Insolvency Act No. 24 of 1936;
- 4.2.7 Labour Relations Act No. 66 of 1995;
- 4.2.8 Liquor Act No. 27 of 1989;
- 4.2.9 Machinery and Occupational Safety Act No. 6 of 1983;
- 4.2.10 Occupational Health and Safety Act No. 85 of 1993;
- 4.2.11 Stamp Duties Act No. 77 of 1968;
- 4.2.12 Transfer Duty Act No. 40 of 1949;
- 4.2.13 Value-added Tax Act No. 89 of 1991.

5 **Section 5 – Information automatically available**

5.1 If and to the extent held by AMSA, the following categories of records or information will automatically be available for inspection, purchase and/or photocopying from AMSA without having to lodge a request in terms of the Act:

5.1.1 promotional material, pamphlets, brochures;

5.1.2 other literature intended for public viewing by AMSA.

5.2 Please contact the information officer for instructions on how to obtain any of the categories of records or information listed in this section 5 of the manual.

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))

[Regulation 10]

A. Particulars of private body

The Head:

.....

.....

.....

B. Particulars of person requesting access to the record*(a) The particulars of the person who requests access to the record must be given below.**(b) The address and/or fax number in the Republic to which the information is to be sent must be given.**(c) Proof of the capacity in which the request is made, if applicable, must be attached.*

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*This section must be completed ONLY if a request for information is made on behalf of another person.*

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.*

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 document)		
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*
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?				YES
Postage is payable.				NO
G. Particulars of right to be exercised or protected				
<i>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.</i>				
1. Indicate which right 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				
<i>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.</i>				
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				

**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, 2 OF 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 to this explanatory note 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 R1,10 is chargeable for every photocopy of an A4 page or part thereof.

2 Reproduction fees¹

Reproduction fees apply to obtaining copies or transcriptions 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

4.1 A request fee³ of R50,00 is payable by a requester who is seeking access to a record containing information which is not personal to the requester.

4.2 A search fee⁴ may be charged at a rate of R30,00 per hour or part thereof for searching and preparing the record for disclosure provided such time was reasonably required for that purpose.

4.3 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

¹ Section 52(3) and Regulation 1(1).

² Section 54(7) and Regulation 11(3).

³ Section 54(1) and Regulation 11(2).

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

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 payable.⁵

- 4.4 If a copy of a record is posted to a requester, the requester is obliged to pay the actual postage payable.

⁵ Section 54(2).

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:
 - 2.1 For every photocopy of an A4-size page or part thereof R1,10
 - 2.2 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
 - 2.3 For a copy in a computer-readable form on:
 - 2.3.1 USB..... R70,00
 - 2.4 For a transcription of visual images, for an A4-size page or part thereof R40,00
 - 2.5 For a copy of visual images R60,00
 - 2.6 For a transcription of an audio record, for an A4-size page or part thereof R20,00
 - 2.7 For a copy of an audio record R30,00
- 3 The request fee payable by a requester, 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:
 - 4.1 (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) USB..... 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
- 4.2 For purposes of section 54 (2) of the Act, the following applies:
 - 4.2.1 six hours as the hours to be exceeded before a deposit is payable; and
 - 4.2.2 one third of the access fee is payable as a deposit by the requester.
- 4.3 The actual postage is payable when a copy of a record must be posted to a requester.