

MANUAL IN TERMS OF SECTION 52 OF THE PROMOTION OF ACCESS
TO INFORMATION ACT, NO 2 OF 2000, AS AMENDED



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1 INTRODUCTION

- 1.1 The 1996 South African Constitution entrenches a right of access to information.
- 1.2 The Promotion of Access to Information Act, 2 of 2000 ("the Act") , which came into effect on 9 March 2001, seeks to advance the values of transparency and accountability in South Africa and provides the mechanism for applicants to exercise their constitutional right of access to information.
- 1.3 The Act establishes a statutory right of access to information to any record held by the State or a private body if:
- 1.3.1 That record is required for the exercise or protection of any of his or her legal rights;
- 1.3.2 The applicant complies with all the procedural requirements;
- 1.3.3 Access is not refused in terms of any ground referred to in the Act.
- 1.4 Applicants who experience difficulty using this manual should contact the AVI Company Secretary, whose details are set out in 3.4 below.
- 1.5 The following words will bear the following meanings in this manual:-
- 1.5.1 "Act" the Promotion of Access to Information Act, No 2 of 2000, as amended, and all regulations published pursuant thereto;
- 1.5.2 "AVI" AVI Limited, registration number 1944/017201/06, and its subsidiary companies set out in clause 7.3 hereof;
- 1.5.3 "manual" this manual together with all annexures hereto as amended and made available from time to time;
- 1.5.4 "SAHRC" the South African Human Rights Commission.

2 SCOPE AND OBJECTIVE OF MANUAL

- 2.1 This manual has been prepared by AVI, and applies to all subsidiaries of AVI.
- 2.2 This manual is published in accordance with the requirements of section 51 of the Act to facilitate access to records held by AVI in terms of the Act.
- 2.3 Specifically the manual provides information on:-
- 2.2.1 The contact details of the Company Secretary, who will deal with requests.
- 2.2.2 The structure and functions of AVI.
- 2.2.3 Records and information that are available without formal request.
- 2.2.4 Records that are available in terms of any other legislation.

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2.2.5 Records and information that should be formally requested in terms of the Act.

2.2.6 The procedure that needs to be followed to obtain access to records.

3 AVAILABILITY OF THE MANUAL

3.1 This manual is available in both printed and Portable Document Format (PDF) versions.

3.2 A printed version of the manual is available against payment of the prescribed fees as set out in 13 below.

3.3 The Chief Executive Officer of AVI has delegated his powers in terms of the Act to the Company Secretary, who will handle all requests in terms of the Act on his behalf.

3.4 All requests in terms of the Act must be addressed to:-

The Company Secretary

Physical Address: 2 Harries Road, Illovo, Johannesburg, 2196

Postal Address: P.O Box 1897, Saxonwold, 2132

Tel: (011) 502 1300

Fax: (011) 502 1301

E-mail: info@avi.co.za

For attention: The Company Secretary

4 CONFIDENTIALITY

4.1 AVI protects the confidentiality of information provided to it by third parties, subject to AVI's obligations to disclose information in terms of any applicable law or a Court order requiring disclosure of such information.

5 CATEGORIES OF APPLICANTS

5.1 An applicant may only request information in terms of the Act if the information is required for the protection of a right and as such only requests for access where the applicant furnishes sufficient particulars as to the right sought to be protected will be considered.

5.2 An applicant can request access to information in different capacities, namely:-

5.2.1 A person who requests information about him / herself.

5.2.2 A person requesting information on behalf of someone else.

5.2.3 A public body, requesting information in the public interest.

5.3 The category of applicant will determine the fees payable in terms of 13 below.

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6 **GUIDE IN TERMS OF SECTION 10 OF THE ACT**

- 6.1 A Guide on how to access and benefit from the Act has been compiled by the SAHRC in terms of Section 10 of the Act.
- 6.2 Any queries can be directed to the Human Rights Commission at 29 Princess of Wales Terrace, cnr. York and St. Andrews Street, Parktown; or P O Box 2700, Houghton, 2014; telephone 011 484 8300; fax 011 484 0582; e-mail paia@sarhc.org.za; and on its website at www.sahrc.org.za.

7 **ORGANISATIONAL STRUCTURE**

- 7.1 The AVI Group of Companies is a South African based group focusing on the non-durable branded consumer goods industry. Its key competencies are the marketing, processing, manufacturing and distribution of food, cosmetics, shoes and clothing. It is listed on the JSE Securities Exchange South Africa in the Non-Cyclical Consumer Goods sector and Food Producers and Processors sub-sector.

7.2 **Company facts**

- | | | |
|--------|------------------------------------|--|
| 7.2.1 | Exchanges: | JSE |
| 7.2.2 | Code: | AVI |
| 7.2.3 | Sector: | Non-Cyclical Consumer Goods |
| 7.2.4 | Sub-sector: | Food Producers and Processors |
| 7.2.5 | Nature of business: | Branded Consumer Goods |
| 7.2.6 | Listed shares in issue at 30 June: | Ordinary 5 cents shares |
| 7.2.7 | Employees at 30 December 2007: | Local – 8, 023
International – 1, 826 |
| 7.2.8 | Telephone number: | +27 (0)11 502 1300 |
| 7.2.9 | Telefax number: | +27 (0)11 502 1301 |
| 7.2.10 | E-mail address: | Info@avi.co.za |
| 7.2.11 | Website: | www.avi.co.za |
| 7.2.12 | Postal address: | P O Box 1897, Saxonwold, 2132 |
| 7.2.13 | Physical address: | 2 Harries Road, Illovo, Sandton, Johannesburg |

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7.3 Subsidiaries of AVI

Name	% Ownership	Registration Number
National Brands Limited	100%	1948/029389/06
Irvin & Johnson Holding Company (Pty) Ltd	75%	2004/013127/07
Denny Mushrooms (Pty) Ltd	100%	1998/003042/07
Dining-In (Pty) Ltd	100%	1997/009888/07
The Real Juice Co Holdings (Pty) Ltd	75%	2001/001413/07
Indigo Cosmetics (Pty) Ltd	100%	2003/009934/07
A&D Spitz (Pty) Ltd	100%	1999/025520/07
Hampton Sportswear (Pty) Ltd	100%	2006/016483/07
Nina Roche Shoe Collection (Pty) Ltd	100%	2003/004369/07

8 CORPORATE GOVERNANCE

- 8.1 AVI is committed to the principles of fairness, accountability, responsibility and transparency in its dealings with all stakeholders.
- 8.2 AVI complies with the Code of Corporate Practices and Conduct laid out in King II. Compliance is monitored by the AVI Audit Committee on an on-going basis.
- 8.3 AVI also complies with the additional requirements for corporate governance set out in the JSE Securities Exchange South Africa Listings Requirements.

9 RECORDS AND INFORMATION THAT ARE AVAILABLE WITHOUT HAVING TO REQUEST ACCESS IN TERMS OF THE ACT

- 9.1 AVI routinely makes information available to the public on its functions and activities. This information will continue to be available without having to make a formal request in terms of the Act.
- 9.2 General and specific information that may be of interest to investors, applicants for employment, etc is available on AVI's website at www.avi.co.za.

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10 **RECORDS THAT MAY BE REQUESTED IN TERMS OF THE ACT**

10.1 **Companies Act Records**

10.1.1 Incorporation documents.

10.1.2 Memorandum and Articles of Association.

10.1.3 Minutes of Board of Directors meetings.

10.1.4 Records relating to the appointment of directors/auditor/secretary/public officer and other officers.

10.1.5 Share register and other statutory registers.

10.2 **Financial Records**

10.2.1 Annual Financial Statements.

10.2.2 Tax Returns.

10.2.3 Accounting Records.

10.2.4 Banking records/bank statements/paid cheques/ electronic banking records.

10.2.5 Asset register.

10.2.6 Rental agreements.

10.2.7 Invoices.

10.3 **Income Tax Records**

10.2.1 PAYE records.

10.2.2 Documents issued to employees for income tax purposes.

10.2.3 Records of payments made to SARS on behalf of employees.

10.2.4 Statutory records in respect of:-

10.2.4.1 VAT.

10.2.4.2 Regional Services Levies.

10.2.4.3 Skills Development Levies.

10.2.4.4 UIF.

10.2.4.5 Workmen's Compensation.

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10.3 **Personnel Documents and Records**

10.3.1 Employment contracts.

10.3.2 Employment Equity Plan.

10.3.3 Medical aid records.

10.3.4 Pension fund records.

10.3.5 Disciplinary records.

10.3.6 Salary records.

10.3.7 SETA records.

10.3.8 Disciplinary codes.

10.3.9 Leave records.

10.3.10 Training records.

10.3.11 Training manuals.

11 **RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION**

11.1 This list, although detailed, may not be exhaustive. It will be periodically updated.

11.1.1 Administration of Estates Act, 66 of 1965.

11.1.2 Arbitration Act, 42 of 1965.

11.1.3 Basic Conditions of Employment Act, 75 of 1997.

11.1.4 Companies Act, 61 of 1973.

11.1.5 Compensation for Occupational Injuries and Diseases, Act 130 of 1993.

11.1.6 Copyright Act, 98 of 1978.

11.1.7 Consumer Affairs (Unfair Consumer Practices) Act, 71 of 1988.

11.1.8 Criminal Procedures Act, 51 of 1977.

11.1.9 Currency and Exchanges Act, 9 of 1933.

11.1.10 Debt Collectors Act, 114 of 1998.

11.1.11 Electronic Communications and Transactions Act, 25 of 2002.

11.1.12 Employment Equity Act, 55 of 1998.

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- 11.1.13 Firearms Control Act, 60 of 2000.
- 11.1.14 Income Tax Act, 58 of 1962.
- 11.1.15 Insider Trading Act, 135 of 1998.
- 11.1.16 Insolvency Act, 24 of 1936.
- 11.1.17 Intellectual Property Laws Amendment Act, 38 of 1997.
- 11.1.18 Interception and Monitoring Prohibition Act, 127 of 1992.
- 11.1.19 Labour Relations Act, 66 of 1995.
- 11.1.20 Magistrates Court Act, 32 of 1944.
- 11.1.21 Medical Schemes Act, 131 of 1998.
- 11.1.22 Occupational Health and Safety Act, 85 of 1993.
- 11.1.23 Pension Funds Act, 24 of 1956.
- 11.1.24 Prevention of Organised Crime Act, 121 of 1998.
- 11.1.25 S A Reserve Bank Act, 90 of 1989.
- 11.1.26 Skills Development Act, 97 of 1998.
- 11.1.27 Skills Development Levies Act, 9 of 1999.
- 11.1.28 Supreme Court Act, 59 of 1959.
- 11.1.29 Trade Marks Act, 194 of 1993.
- 11.1.30 Unemployment Insurance Act, 63 of 2001.
- 11.1.31 Value Added Tax Act, 89 of 1991.

12 PROCEDURE

- 12.1 In order to facilitate access to a record, applicants need to complete the prescribed access form attached as Annexure "A". The form must be completed in full. Failure to do so will result in the process being delayed until such additional information is provided.
- 12.2 Proof of identity is required to authenticate the request and the applicant. Therefore in addition to the access form, applicants are required to supply a certified copy of the applicant's identification document or any other means of identification acceptable to the Company Secretary.
- 12.3 If the applicant is acting as an agent on behalf of a third party, the applicant must provide proof of the identity of the person on whose behalf the request is made, the authority or mandate given to

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the applicant by such person and proof of the identity of the applicant. The Company Secretary will not process any such request until he/she is satisfied that these requirements have been met.

13 PRESCRIBED FEES IN TERMS OF THE REGULATIONS REGARDING THE PROMOTION OF ACCESS TO INFORMATION

13.1 Please take note that a request will not be considered until the prescribed fees have been paid as set out below. Value-Added Tax will be added to all prescribed fees.

13.2 Personal applicants seeking access to their personal information are not required to pay a request fee.

13.3 Once the Company Secretary has made a decision regarding the request, the applicant will be notified and advised of the reproduction, access and search fees payable.

13.4 The fee for a copy of this manual is R1.10 for every photocopy of an A4 page or part thereof, or every printed A4 page or part thereof.

13.5 The request fee payable by applicants other than personal applicants is R50.00.

13.6 The reproduction fees payable are as follows:

13.1.6	Every photocopy of an A4 page or part thereof	R 1.10
13.1.7	Every printed page of an A4 page or part thereof held on a computer or in electronic or machine-readable form	R 0.75
13.1.8	For a copy in a computer readable form: Diskette Compact Disc	R 7.50 R70.00
13.1.9	A transcription of visual images, for an A4 page or part thereof	R40.00
13.1.10	Copy of visual images	R60.00
13.1.11	A transcription of an audio record, for an A4 page or part thereof	R20.00
13.1.12	Copy of an audio record	R30.00

13.2 The access fees payable are as follows:

13.2.1	Every photocopy of an A4 page or part thereof	R 1.10
13.2.2	Every printed page of an A4 page or part thereof held on a computer or in electronic or machine-readable form	R 0.75
13.2.3	For a copy in a computer readable form:	

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	Diskette	R 7.50
	Compact Disc	R70.00
13.2.4	A transcription of visual images, for an A4 page or part thereof	R40.00
13.2.5	Copy of visual images	R60.00
13.2.6	A transcription of an audio record, for an A4 page or part thereof	R20.00
13.2.7	Copy of an audio record	R30.00

13.3 To search and prepare the record for disclosure, R30, 00 for each hour or part of an hour reasonably required for such search and preparation.

13.4 If, in the opinion of the Company Secretary, the search and preparation of the record will require more than six (6) hours, the applicant will be required to pay a deposit one one-third of the access fee.

13.5 Where a copy of the record needs to be posted the actual postal fee is payable.

14 **GRANTING OR REFUSAL OF REQUESTS**

14.1 All requests that meet the requirements as set out in this manual will be processed by the Company Secretary within the time limits set out in the Act.

14.2 In terms of the Act requests may be refused on the following grounds:-

14.2.1 Mandatory protection of privacy of a third party who is a natural person;

14.2.2 Mandatory protection of commercial information of a third party;

14.2.3 Mandatory protection of certain confidential information of a third party;

14.2.4 Mandatory protection of records privileged from production in legal proceedings;

14.2.5 Commercial information of the private body; and

14.2.6 Mandatory protection of research information of a third party and of the private body.

14.3 Applicants will be informed within thirty (30) calendar days of the decision. In terms of the Act this period may be extended for a further thirty (30) calendar days should more time be required to search for and prepare the record. In this event applicants will be notified accordingly.

15 **APPEAL**

15.1 There is no right of appeal against a decision of the Company Secretary and the only recourse available to an applicant or third party who is aggrieved by a decision of the Company Secretary is by way of application to a court for appropriate relief in terms of Section 78 of the Act.

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16 **USEFUL WEBSITES**

The Human Rights Commission <http://www.sahrc.org.za/paia.htm>

Department of Justice and Constitutional
Development www.doj.gov.za

Government Communication and Information
System www.gcis.gov.za

AVI website www.avi.co.za

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Annexure A
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 Company Secretary, AVI Limited
P O Box 1897, Saxonwold, 2132; or
Fax: 011 502 1301

B. PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD

<p>a) <i>The particulars of the person who requests access to the record must be recorded below.</i></p> <p>b) <i>Furnish an address and/or fax number in South Africa to which information must be sent.</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 and on behalf of another person:

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C. PARTICULARS OF PERSON ON WHOSE BEHALF REQUEST IS MADE IF NOT THE APPLICANT

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 page and attach it to this form. **The applicant must sign all the additional pages.***

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

2. Reference number, if available: _____

3. Any further particulars of record: _____

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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 requested 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 for and prepare a record.
- d) If you qualify for exemption of the payment of any fee, please state the reason therefore.

Reason for exemption from payment of fees: _____

F. FORM OF ACCESS TO RECORD

If you are prevented by a disability from reading, viewing or listening 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 :	
--------------	--	------------------------------------	--

- Notes :
- a) Your indication as to the required form of access indicated above or below depends on 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.

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If the record is in written or printed form -			
	Copy of record*		Inspection of record
If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.) -			
	View the images	Copy of the images*	Transcription of the images*
If record consists of recorded works or information which can be reproduced in sound			
	Listen to the soundtrack (audio cassette)		Transcription of soundtrack* (written or printed document)
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 requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? If so, a postal fee will be payable			Yes No

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 applicant must sign all the additional folios.*

1. Indicate which right is to be exercised or protected :

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

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H. NOTICE OF DECISION REGARDING REQUEST FOR ACCESS

You will be notified in writing whether your request has been approved or denied. If you wish to be informed thereof 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 APPLICANT /
PERSON ON WHOSE BEHALF REQUEST IS MADE