



**MAPUTO CORRIDOR  
LOGISTICS INITIATIVE (MCLI)  
2004/007466/08**

**DRAFT PAIA MANUAL IN TERMS OF SECTION 14  
OF THE PROMOTION OF ACCESS TO  
INFORMATION ACT (PAIA)**

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## 1. **Introduction**

The Promotion of Access to Information Act was promulgated in March 2001. The Act was put in place to actively promote a society in which the people of South Africa have effective access to information, which enables them to more fully exercise and protect their rights.

The Human Rights Commission is responsible for compiling a guide that provides details on how to use the Act. This guide is currently not available from the Human Rights Commission. Please direct any further queries in this regard to:

The South African Human Rights Commission:  
 PAIA Unit  
 The Research and Documentation Department  
 Postal Address: Private Bag 2700  
 Houghton  
 2041  
 Phone: (011) 484 8300  
 Fax: (011) 484 0582  
 e-mail: paia@sahrc.org.za  
 Website: www.sahrc.org.za

In terms of Section 51(1) of the Promotion of Access to Information Act, all heads of private bodies are required to compile a manual that provides information regarding the subjects and categories of records held by such private bodies. This manual is intended to fulfil this requirement.

Accordingly, this manual provides a reference to the records we hold and the process that needs to be adopted to access such records. All requests for access to information should be addressed to the contact person as identified in section 2.2 of this manual, as she is our designated Information Officer.

A copy of the manual will be available for inspection at:

- The registered address of MCLI (refer address below); and
- The South African Human Rights Commission.

### 1.1 **MCLI Overview**

MCLI, the Maputo Corridor Logistics Initiative, is a non-profit organisation consisting of Infrastructure Investors, Service Providers and Stakeholders from Mozambique, South Africa and Swaziland who are focussed on the promotion and further development of the Maputo Development Corridor (MDC) as the region's primary logistics transportation route.

Our incorporation in South Africa as a Section 21 (non-profit) membership organisation (Reg. No. 2004/007466/08) positions us advantageously to facilitate inclusively between all stakeholders, public and private, across national borders, aiming to co-ordinate the views of Service Providers and Users of the Corridor, engaging primarily the governments of SA and Mozambique as well as Swaziland.

### 1.2 **MCLI Organisational Structure**

#### 1.2.1 **Board of Directors**

Our Board of Directors constitute our 12 key funding members and 9 representatives from organised business, drawn from Mozambique, South Africa and Swaziland thus reflecting the tri-national nature of the MDC as well as the spirit in which the Initiative was created of

serving all Corridor stakeholders.

The 12 key funding members act as Executive Directors. To provide cross checks and balances against private commercial interests and in order to fulfil MCLI's mandate to facilitate between the private sector and government in a public-private partnership, representing a membership and stakeholder base as broad and inclusive as possible, 9 representatives from organised business were invited to join the Board in a non-executive capacity, thus ensuring MCLI remains focussed on serving the needs and interests of all members who have a stake in the Corridor.

The Board of Directors also comprises of a representative from both Mozambique and South Africa who sit on our board as chairman for their respective countries.

### **1.2.2 Co-operative Partnerships**

MCLI launched our co-operative partnership agenda to strengthen our business mandate.

Organisations which act as representatives of their members and who thereby have an indirect stake in the development of the Maputo Corridor are invited to apply to join in a co-operative partnership with MCLI for the mutual benefit of our respective members. If accepted by both parties, these partnerships are formalised into an agreement which excludes a trading and liability partnership relationship.

MCLI is founded on the principle of making the Maputo Corridor the first choice for all stakeholders and a co-operative partnership with representative organisations will ensure that overlapping areas of activities may be coordinated without interfering with independence, whilst providing for the optimal utilisation of specialised focus areas, aims and objectives.

### **1.2.3 MCLI Membership**

MCLI Membership is intended for all stakeholders with a direct operating interest in the development of the Maputo Corridor.

Membership is based on a membership fee structure. Participation is open to the widest range of stakeholders, with membership fees based on affordability in terms of the size of organisations.

### **1.2.4 The MCLI Team**

The MCLI team comprises of four members comprising of the Chief Executive Officer, ICT and Administration Manager and two Administrative Assistants.

## **2. Information Required Under Section 51(1) (A) Of The Act**

### **2.1 Contact Details of the MCLI:**

Postal Address:	PO Box 19777, Nelspruit, 1200
Street Address:	Unit 28, Central Park, 12 Suikerriet Street, Nelspruit, 1200
Tel Number:	+27 (0) 13 755 6025
Fax Number:	+27 (0) 13 752 5453
Email Address:	info@mcli.co.za

## **2.2 Information Officer Contact Details:**

Information Officer: Barbara Mommen  
 Designation: Chief Executive Officer  
 Postal Address: PO Box 19777, Nelspruit, 1200  
 Street Address: Unit 28, Central Park, 12 Suikerriet Street, Nelspruit, 1200  
 Tel Number: +27 (0) 13 755 6025  
 Fax Number: +27 (0) 13 752 5453  
 Mobile (RSA): +27 (0) 83 555 6025  
 Mobile (MOZ): +258 (0) 84 397 4180  
 Email Address: barbara.mommen@mcli.co.za

## **3. Description Of Guide Referred To In Section 10: Section 51(1)(B)**

A Guide has been compiled in terms of Section 10 of PAIA by the Human Rights Commission. It contains information required by a person wishing to exercise any right, contemplated by PAIA. It is available in all of the official languages.

The Guide is available for inspection, inter alia, at the office of the offices of the Human Rights Commission at 29 Princess of Wales Terrace, cnr York and St. Andrews Street, Parktown and on its website at [www.sahrc.org.za](http://www.sahrc.org.za).

### **3.1 The Latest Notice In Terms Of Section 52(2) (If Any)**

At this stage no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of PAIA.

## **4. Records Available In Terms Of Other Legislation: Section 51(1)(D)**

Records available in terms of other legislation are as follows:

- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998
- Basic Conditions of Employment Act 75 of 1997
- Compensation for Occupational Injuries and Disease Act 130 of 1993
- Companies Act 61 of 1973
- Unemployment Insurance Act 63 of 2001
- Income Tax Act 58 of 1962

## **5. Subjects And Categories Of Records Held By MCLI: Section 51(1)(E)**

### **5.1 Company Act Records**

- Documents of incorporation
- Memorandum and Articles of Association
- Minutes of Board of Directors meetings
- Records relating to the appointment of directors/ auditor/ secretary/ public officer and other officers
- Share Register and other statutory registers

### **5.2 Financial Records**

- Annual Financial Statements
- Tax Returns
- Accounting Records
- Banking Records:

- Bank Statements
- Paid Cheques
- Electronic banking records
- Asset Register
- Rental Agreements
- Invoices

### **5.3 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
  - Regional Services Levies
  - Skills Development Levies
  - UIF
  - Workmen's Compensation

### **5.4 Personnel Documents & Records**

- Employment contracts
- Employment Equity Plan (if applicable)
- Disciplinary records
- Salary records
- SETA records (if applicable)
- Disciplinary code
- Leave records
- Training records (if applicable)
- Training Manuals (if applicable)

## **6. Detail On How To Make A Request For Access – Section 51(E)**

- The requester must complete Form C and submit this form together with a request fee, to the head of the private body.
- The form must be submitted to the head of the private body at his/ her address, fax number, or electronic mail address
- The form must:
  - provide sufficient particulars to enable the head of the private body to identify the record/s requested and to identify the requester,
  - indicate which form of access is required,
  - specify a postal address or fax number of the requester in the Republic,
  - identify the right that the requester 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,
  - if in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be informed in the other manner,
  - if the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the head of the private body.

## **7. Fees**

There are two basic types of fees applicable in terms of the Promotion of Access to

Information Act – “request” and “access” fees. The non-refundable request fee (currently R 57.00 inclusive of VAT) is payable on submission of the request for access to a record (unless the request is personal in which event there is no applicable fee) and the access fee is payable prior to the actual gaining of access to the records in the required form. The applicable fees are prescribed in terms of Part III of Annexure A as identified in Government Notice Number 187, Regulation 11.

**8. Request for Access to Information about Third Parties**

If you request access to a record that contains information about a third party, we are obliged to attempt to contact this third party to inform them of the request and to give them an opportunity to respond by either consenting to the access or by providing reasons why the access should be denied. In the event that the third party furnishes reasons for the support or denial of access, our designated Information Officer will consider these reasons in determining whether access should be granted. You may appeal against a refusal of access by our Information Officer. Please refer to Part 4 of the Promotion of Access to Information Act for further details on the Appeal Process.