

SECTION 51 MANUAL FOR ENVIRONMENTAL MONITORING GROUP TRUST

Introduction to Environmental Monitoring Group Trust

The Environmental Monitoring Group was established in Cape Town in 1991 as an independent environmental non-governmental agency.

Our mission is "...to empower people to take charge of their own environment..." and in this regard we aim to strengthen the participation of civil society organizations and community groups in decision-making processes that affect them – and so encourage the development of environmental policies and practices that address environmental injustice and promote sustainable development.

Within three main programme areas our role covers **information** (providing good quality research, info and analysis into the public domain), **facilitation** (bringing interest groups together to share and strategise; or to meet decision-makers) and **demonstration** (providing practical examples of alternative ways of doing things). As an independent NGO, we are able to retain credibility with both decision-makers and civil society organisations. In these interventions, we try to develop capacity with both civil society groups and complementary agents in government/business, so that a continuing dynamic can be sustained without our long-term involvement.

EMG's work is currently limited to the following programme areas...

- Trade and Environmental Governance
- Rural Resource Management
- Water Justice
- Local Issues - Local Action

PARTICULARS IN TERMS OF THE SECTION 51 MANUAL

1. Contact details [Section 51(1)(a)]

Postal Address: PO Box 13378, Mowbray, 7705, South Africa

Physical Address: 10 Nuttal Rd, Observatory, Cape Town

Tel: 021 448 2881

Fax: 021 448 2922

Email: info@emg.org.za

Web: www.emg.org.za

2. The section 10 Guide on how to use the Act [Section 51(1)(b)]

The Guide will be available from the South African Human Rights Commission by not later than August 2003. Please direct any queries to:

The South African Human Rights Commission
PAIA Unit, Research and Documentation Department
Private Bag 2700
Houghton
2041
Tel: +27 11 484-8300
Fax: +27 11 484-0582
Website: www.sahrc.org.za
E-mail: PAIA@sahrc.org.za

3. Records available in terms of any other legislation [Section 51(1)(d)]

- Basic Conditions of Employment No. 75 of 1997
- Legal Deposit of Publications Act of 1982
- Income Tax Act No. 95 of 1967
- Labour Relations Act No. 66 of 1995
- Skills Development Levies Act No. 9 of 1999
- Skills Development Act No. 97 of 1998
- Unemployment Contributions Act No. 4 of 2002
- Unemployment Insurance Act No. 63 of 2001
- Non-Profit Organisation Act, 1997
- Trust Property Control Act No. 57 of 1988

4. Access to the records held by the private body in question [Sections 51(1)(c) and 51(1)(e)]

4.1. The latest notice regarding the categories of records of the body, which are available without a person having to request access in terms of this Act in terms of section 52(2) [Section 51(1)(c)]

- Annual Reports (provided they are still in print – Electronic copies may also be available on the EMG website)
- Audited Annual Financial Statement
- 1-page brochure

- General publications (provided they are still in print – Electronic copies may also be available on the EMG website. A full list of publications is posted on the website.)

4.2. Records that may be requested. A description of the subjects of the records held by the body and the categories in which these subjects are classed [Section 51(1)(e)]

Administration

- Deed of Trust
- Financial procedures policy

Human Resources:

- Staff recruitment policies
- Employment policies and Conditions of employment
- Medical aid and pension policies
- Remuneration policies

Finances:

- Annual audited financial statements

4.3. 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 [s 53(1)].
- The requester must provide sufficient detail on the request form to enable the head of the 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 [s 53(2)(a) and (b) and (c)].
- 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 [s 53(2)(d)].
- If a request is made on behalf of a 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 [s 53(2)(f)].

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 [s 54(1)].

- The fee that the requester must pay to a private body is R100-00. The requester may lodge an application to the court against the tender or payment of the request fee [s 54(3)(b)].
- 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 [s 54(6)].

5. Other information as may be prescribed [Section 51(1)(f)]

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

6. Availability of the manual [Section 51(3)]

The manual is available for inspection at the offices of the Environmental Monitoring Group Trust free of charge. Copies are available with the SA Human Rights Commission, the Government Gazette and on the Environmental Monitoring Group's website.