



# environment & tourism

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Department:  
Environmental Affairs and Tourism  
**REPUBLIC OF SOUTH AFRICA**

**Physical Address (Head Office, Pretoria)**

Fedsure Forum Building (North Tower)

315 Pretorius Street

Cnr Pretorius & Van Der Walt Streets

2nd Floor (Departmental Reception)

1st Floor (Departmental Information Centre)

**DEAT Call Centre number**  
086 111 2468

**DEAT Call Centre Email**  
[callcentre@deat.gov.za](mailto:callcentre@deat.gov.za)

**Switch Board Number**  
(012) 310 - 3911

## **MANUAL IN TERMS OF SECTION 14 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (ACT No. 2 OF 2000)**

**Postal Address**  
Director-General  
Department of Environmental  
Affairs and Tourism  
Private Bag X447  
PRETORIA  
0001

## CONTENTS

	Page
1. Definitions	2
2. Introduction	4
3. Particulars in terms of section 14 of the PAIA	4
3.1 Functions and structure of the Department [Section 14(1)(a)]	4
3.2 Contact details 14(1)(b)]	9
3.3 Section 10 Guide on how to use the PAIA [Section 14(1)(c)]	12
3.4 Requests for access to information [Section 14(1)(d)]	13
3.5 Subjects and categories of records held by the DEAT [Section 14(1)(d)]	16
3.6 Records automatically available [Section 14(1)(e)]	17
3.7 Services available to the public and how to gain access to them [Section 14(1)(f)]	18
3.8 Arrangements allowing for public involvement in formulation of policy, exercise of powers or performance of duties [Section 14(1)(g)]	19
3.9 Remedies available in the event of non-compliance with the PAIA [Section 14(1)(h)]	19
3.10 Availability of the manual [Section 14(3)]	21
4. Public Institution Reporting To DEAT	21
<b>List of Annexures:</b>	
Annexure A: Form A: Request for access to record of public body	18
Annexure B: Form B: Notice of internal appeal	26
Annexure C: Schedule of prescribed fees	37

## 1. DEFINITIONS

In this guide unless the context requires otherwise –

**“access fee”** means a fee prescribed for the purposes of reproduction and for search and preparation, and for time reasonably required in excess of the hours prescribed to search for and to prepare the record for disclosure;

**“court”** means –

- (a) the Constitutional Court acting in terms of section 167 (6) (a) of the Constitution of the Republic of South Africa, 1996; or
- (b)
  - (i) a High Court or another court of similar status; or
  - (ii) a Magistrate’s Court, either generally or in respect of a specified class of decisions in terms of PAIA, designated by the Minister; by notice in the Gazette and presided over by a magistrate or an additional magistrate designated in terms of section 91A, within whose area of jurisdiction –
    - (aa) the decision of the information officer or relevant authority of a public body or the head of a private body has been taken;
    - (bb) the public body or private body concerned has its principal place of administration or business; or
    - (cc) the requester or third party concerned is domiciled or ordinarily resident;

**“DEAT”** means the Department of Environmental Affairs and Tourism;

**“Guide”** means the book produced by the Human Rights Commission in terms of s10 of the Promotion of Access to Information Act, No. 2 of 2000, for the purposes of reasonably assisting a person who wishes to exercise any right in terms of the Act;

**“Human Rights Commission”** means the South African Human Rights Commission;

**“information officer”**, in relation to the Department, means the Director-General;

**“official”** in relation to a public body or private body means –

- (a) any person in the employ (permanently or temporary and full time or part-time) of the public or private body, as the case may be, including the head of the body, in his or her capacity as such; or
- (b) a member of the public or private body, in his or her capacity as such;

**“PAIA”** means the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)

**“person”** means a natural or a juristic person;

**“personal requester”** means a requester seeking access to a record containing personal information about the requester;

**“private body”** means –

- (a) a natural person who carries or has carried on any trade, business or profession, but only in such capacity;
- (b) a partnership which carries or has carried on any trade, business or profession; or
- (c) any former or existing juristic person; but excludes a public body;

**“public body”** means –

- (a) any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere; or
- (b) any other functionary or institution when –
  - (i) exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or
  - (ii) exercising a public power or performing a public function in terms of any other legislation;

**“record”** means any recorded information –

- (a) regardless of the form or medium;
- (b) in the possession or under the control of that public or private body respectively; and
- (c) whether or not it was created by that public or private body, respectively;

**“Regulations in terms of the promotion of access to information”** means regulations regarding the promotion of access to information published in Government Notice no. R. 187 of 15 February 2002 (Government Gazette No. 23119), amended by Government Notice No. R. 1244 of 22 September 2003 (Government Gazette No.25411)

**“relevant authority”** in relation to records requested from the Department, the Minister;

**“request for access”** means a request for access to a record in terms of section 11 of PAIA;

**“requester”** means –

- (i) any person (other than a public body contemplated in paragraph (a) or (b) (i) of the definition of “public body”, or an official thereof) making a request for access to a record of that public body; or
- (ii) a person acting on behalf of the person referred to in subparagraph (i);

**“third party”** means any person (including, but not limited, to the government of a foreign state, an international organisation or an organ of that government or organisation) other than –

- (i) the requester concerned; and
- (ii) a public body.

**“working days”** means any days other than Saturdays, Sundays or public holidays, as defined in section 1 of the Public Holidays Act, 1994 (Act, No. 36 of 1994).

In this Guide, words importing any one gender shall include the other two genders, and the singular shall include the plural, unless the context indicates otherwise.

## 2. INTRODUCTION

Section 32(1)(a) of the Constitution of the Republic of South Africa, 1996 determines that everyone has a right of access to any information held by the State. Section 32(2) of the Constitution provides for the enactment of national legislation to give effect to this fundamental right. The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (PAIA) is the national legislation contemplated in section 32(2) of the Constitution.

Section 9 of PAIA recognizes that the right of access to information is subject to certain justifiable limitations aimed at, amongst others:

- (a) the reasonable protection to privacy;
- (b) commercial confidentiality;
- (c) effective, efficient and good governance.

Section 14(1) of PAIA stipulates that the Information Officer of the Public body must compile a manual in at least three official languages containing information on the Public Body for public consumption. DEAT is a public body in terms of PAIA.

The purpose of this manual therefore is to inform the public about the records held by DEAT and how to obtain access to them.

## 3. PARTICULARS IN TERMS OF SECTION 14 OF PAIA

### 3.1 Functions and structure of the DEAT [Section 14(1)(a)]

#### The Mandate

The mandate and core business of the Department of Environmental Affairs and Tourism is underpinned by the Constitution and all other relevant legislation and policies applicable to the government, including the Batho Pele White Paper and so forth. Our specific mandate is derived from, inter alia, the following:

- The Constitution of the Republic of South Africa, 1996
- Cabinet and ministerial directives and policy decisions.
- White Paper on Tourism Development and Promotion, 1996.
- Tourism in GEAR.
- Second Tourism Amendment Act, 2000.
- White Paper on Environmental Management, 1998.
- National Environmental Management Act and Amendments, 1998, 2003.
- Environment Conservation Act and Amendments, 1989, 2003.
- White Paper on Conservation and Sustainable Use of Biological Diversity.
- National Environmental Management: Biodiversity Act, 2004.
- National Environmental Management: Protected Areas Act, 2004.
- World Heritage Conservation Act, 1999.
- White Paper on Integrated Pollution and Waste Management, 2000.
- Marine Fisheries White Paper, 1997.
- Marine Living Resources Act and Amendment, 1998 and 2000.
- White Paper on Sustainable Coastal Development, 2000.
- Air Pollution Prevention Act, 1965.

- Sea-shore Act,1935.
- Sea Birds and Seals Protection Act,1973.
- Dumping at Sea Control Act,1980.
- Marine Pollution Act,1981.
- Antarctica Treaties Act,1996.
- Various legislation governing public institutions that report in to the Department
- Various regulations in terms of some of the above legislation, that is, Environmental Impact Assessment (EIA) regulations, Regulations on the use of 4x4 vehicles, Regulations on the use of plastic bags, and so forth.
- Approximately 25 international conventions

## Vision

A prosperous and equitable society living in harmony with our natural resources.

## Mission

The overall mission of DEAT is to lead sustainable development of our environment and tourism for a better life for all by:

- Creating conditions for sustainable tourism growth and development;
- Promoting the sustainable development and conservation of our natural resources;
- Protecting and improving the quality and safety of the environment;
- Promoting a global sustainable development agenda;
- Transformation of the department, statutory bodies and economic sector for which we are responsible.

## Departmental Values

We are guided by the following values (PIPS):

- To become a truly **People-centered** organisation that responds to the needs of all South Africans.
- To achieve the highest levels of **Integrity** premised on professionalism, quality, service excellence, honesty, transparency, trust.
- To enhance organizational **Performance** through productivity, efficiency, effectiveness, innovation and continuous improvements.
- To ensure the **Sustainability** of the organisation and its sectors through amongst others, maximised impact, return on investment, continuity and knowledge management.

## KEY FOCUS AREAS AND STRATEGIC OBJECTIVES

KEY FOCUS AREA / GOAL	STRATEGIC OBJECTIVES
Create conditions for sustainable tourism growth and development	Ensure effective and efficient international and domestic tourism marketing Develop a competitive and transformed tourism product and services platform Address gaps in the tourism logistics value chain Strengthen cooperative governance in the tourism sector Building a tourism nation

KEY FOCUS AREA / GOAL	STRATEGIC OBJECTIVES
Promote the conservation and sustainable development of our natural resources	Establish a national system of managing Biodiversity and Conservation Ensure that conservation and fishing industry contribute towards the cost of managing natural resources Develop and maintain a natural resource information system for effective monitoring, reporting and dissemination of information Increase participation of marginalized and local people and groups in co-operative management, equitable use and benefit-sharing of natural resources. Reduce the illegal trade in and unsustainable use of natural resources
Protect and improve the quality and safety of the environment	The potential negative environmental impacts of all significant new developments are mitigated, managed and/or controlled. Increased compliance with environmental quality and protection legislation and authorizations Reduced releases of prioritized pollutants and waste streams into the environment and /or landfills
Promote a global sustainable development agenda	Lead South Africans in a coherent & effective engagement in international agreements and events in tourism, environment and sustainable development Promote regional and continental tourism growth Lead South Africa's engagement in environment and tourism agreements and processes in the region and sub-region South Africa's international influence in respect of EQ&P related MEA's is reinforced and maintained Lead South Africa in the promotion of a national sustainable development agenda Promote NEPAD programmes
Transformation	Improve service delivery and enhance participation by South Africans in environment, fishing and tourism Develop and retain a representative and performing team Promote economic empowerment, job creation & poverty eradication Ensure the practice of good governance within the department & public entities Promote transformation in the fishing industry, tourism and conservation sectors

## Organisational structure of DEAT

DEAT's structure consists of five core branches, two transversal support service branches, and the Offices of the Chief Financial Officer. The core branches, with their respective responsibilities, are:

### **BIODIVERSITY AND CONSERVATION**

Biodiversity and Heritage  
Transfrontier Conservation Areas and Protected Areas

### **ENVIRONMENTAL QUALITY AND PROTECTION**

Pollution & Waste Management  
Regulatory Services  
Environment Impact Management  
Air Quality Management & Climate Change

### **MARINE AND COASTAL MANAGEMENT**

Research, Antarctica and Islands  
Monitoring, Control and Surveillance  
Marine Coastal Resource Management  
Integrated Coastal Management  
Chief Financial Officer (MCM)

### **TOURISM**

Tourism Development  
Tourism Support

### **INTERNATIONAL COOPERATION AND RESOURCES**

Environmental & Sustainable Development Cooperation  
International Marine and Biodiversity Cooperation

The transversal components provide strategic and management support to the core branches and coordinate cross-cutting projects to maximize the synergy potential in DEAT. These are:

### **CHIEF OPERATING OFFICER**

Strategic Business Performance Measurement  
Planning and Coordination  
Social Responsibility, Policy And Projects

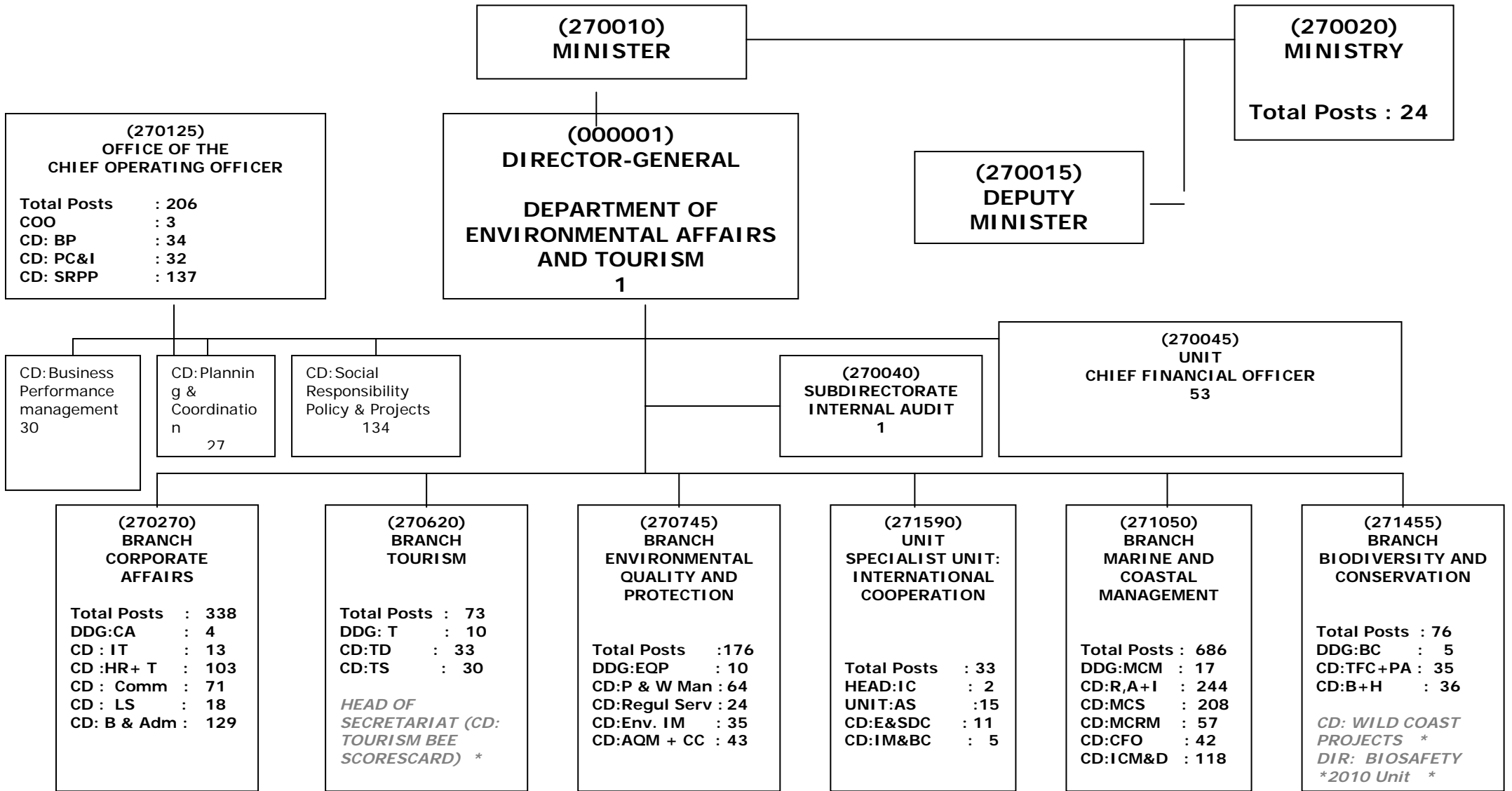
### **CORPORATE AFFAIRS**

Information Communication Technology and Administration  
Human Resources and Transformation  
Legal Services Management  
Communication

### **UNIT: OFFICE OF THE CFO's**

Sub-directorate: Internal Audit

# DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM



\* ADDITIONAL TO ESTABLISHMENT

**TOTAL APPROVED POSTS: 1667**

3.2 Contact details [Section 14(1)(b)]

DEAT Call Center number 086 111 2468

DEAT Call Center Email [callcentre@deat.gov.za](mailto:callcentre@deat.gov.za)

Switch Board Number (012) 310 - 3911

Websites: <http://www.deat.gov.za>; <http://www.mcm-deat.gov.za>

**MINISTRY - CAPE TOWN**

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ROOM 328  
120 PLEIN STREET  
CAPE TOWN  
8001

PRIVATE BAG X9154  
CAPE TOWN  
8000

TEL: +27 (21) 465-7240/1  
FAX: +27 (21) 465-3216

**MINISTRY - PRETORIA**

=====

10th Floor, North Tower  
Fedsure Forum Building  
315 Pretorius Street  
PRETORIA  
0002

Private Bag X447  
PRETORIA  
0001

TEL: +27 (12) 310-3611  
FAX: +27 (12) 322-0082

**DEPUTY MINISTRY - CAPE TOWN**

=====

Room 385  
120 Plein Street  
CAPE TOWN  
8001

Private Bag X9170  
CAPE TOWN  
8000

TEL: +27 (21) 462-1777/8  
FAX: +27 (21) 465-2664

**DEPUTY MINISTRY - PRETORIA**

=====

10th Floor, North Tower  
Fedsure Forum Building  
315 Pretorius Street  
PRETORIA  
0002

Private Bag X447  
PRETORIA  
0001

TEL: +27 (12) 310-3898  
FAX: +27 (12) 320-1849

**PARLIAMENTARY OFFICE - CAPE TOWN**

=====

Room 377  
120 Plein Street  
CAPE TOWN  
8001

Private Bag X9039  
CAPE TOWN  
8000

TEL: +27 (21) 465-7394/5/7  
FAX: +27 (21) 465-7287

**Branch: MARINE & COASTAL MANAGEMENT**

Foretrust Building  
Martin Hammerschlag Way  
Foreshore  
CAPE TOWN  
8001

Private Bag X2  
ROGGE BAY  
8012

In terms of PAIA, the Head of the Department (Director-General) is the Chief Information Officer for the Department. She has duly authorised the persons listed below as Deputy Information Officers to ensure that the requirements of PAIA are administered in a fair, objective and unbiased manner:

1. Deputy Director-General: Corporate Affairs  
Ms Hamida Fakira  
Pretoria  
Tel: (012) 3103779  
Fax: 0123224567  
E-mail: HFakira@deat.gov.za
2. Deputy Director-General: Tourism  
Dr Patrick Matlou  
Pretoria  
Tel: (012) 310 3600  
Fax: (012) 322 7496  
E-mail: pmatlou@deat.gov.za
3. Deputy Director-General: Environmental Quality and Protection  
Ms Joanne Yawitch  
Pretoria  
Tel: (012) 310 3898  
Fax: (012) 320 1849  
E-mail: jyawitch@deat.gov.za
4. Deputy Director-General: Marine and Coastal Management  
Dr Monde Mayekiso  
Cape Town

Tel: (021) 402 3018  
Fax: (021) 425 7324  
E-mail: [mmayekiso@deat.gov.za](mailto:mmayekiso@deat.gov.za)

5. Deputy Director General: Biodiversity and Conservation  
Mr Fundisile Mketeni  
Tel: (021) 310 3898  
Fax (021) 320 1849  
E-mail: [fmketeni@deat.gov.za](mailto:fmketeni@deat.gov.za)
6. Deputy Director-General: Specialist International Cooperation and Resources  
Mr Alf Wills  
Pretoria  
Tel: (012) 310 3352  
Fax: (012) 320 5216  
Email: [awills@deat.gov.za](mailto:awills@deat.gov.za)

### 3.3 Section 10 guide on how to use PAIA [Section 14(1)(c)]

The South African Human Rights Commission (SHRC) has in terms of section 10 of the PAIA, compiled a guide on the use of the PAIA. This guide is available in each official language at the following venues.

- Government Communications and Information Services(GCIS).
- All places of legal deposit (that is, state libraries).
- Every tertiary institution (Universities and Universities of technology).

The guide is also available on the website of the SHRC at <http://www.sahrc.org.za>

It is also available for public inspection during office hours at the offices of the SHRC at the following address:

The South African Human Rights Commission  
PAIA Unit  
The Research and Documentation Department

Physical address: 29 Princess of Wales Terrace  
Parktown  
JOHANNESBURG

Postal address: Private Bag X2700  
HOUGHTON  
2041

Telephone number: +27 11 484 8300  
Fax number: +27 11 484 1360

Website: <http://www.sahrc.org.za>

Electronic mail: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

### 3.5 Requests for access to information [Section 14(1)(d)]

Everyone has the right to request access to recorded information held by DEAT, subject thereto that the request is made on the prescribed form and the prescribed fees are paid, and also subject to the grounds of exclusion found in Chapter 4 of PAIA. The request may be made by anyone who act in their own interests or act on behalf of someone who cannot themselves do so.

#### Procedure for requesting records

##### Form

A requester must complete the prescribed form which-

- (a) can be found in the Regulations to PAIA;
- (b) is also on the website of the SAHR at [www.sahrc.org.za](http://www.sahrc.org.za)
- (c) is attached to this document as an Annexure A.
- (d) is also obtainable from the Department's information centre on the first floor.

##### Process

- (a) The request for information must be submitted to:

Director-General  
Private Bag X 447  
PRETORIA  
0001

Attention: Ms Betta Coetzee  
Tel. (012) 310 3550  
Fax (012) 322 4832  
[bcoetzee@deat.gov.za](mailto:bcoetzee@deat.gov.za)

- (b) The requester must also indicate if he or she would like to copy the record or would like to inspect the record at the offices of the public body. Alternatively, if the record is not a paper copy document, it can then be viewed in the requested form, where possible [s 29(2)].
- (c) If a person asks for access in a particular form, then the requester should get access in the manner that has been asked for. This is unless doing so would interfere unreasonably with the running of the public body concerned, or damage the record, or infringe a copyright not owned by the state. If for practical reasons, access cannot be given in the required form, but in an alternate manner, then the fee must be calculated according to the way that the requester first asked for it [s 29(3) and (4)].

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- (d) If, in addition to a written reply to their request for the record, the requester wants to be told about the decision in any other way, for example, telephonically, this must be indicated [s 18(2)(e)].

If a requester is asking for the information on behalf of somebody else, the capacity in which the request is being made should be indicated [s 18(2)(f)].

If a requester is unable to read or write, or has a disability, then they can make the request for the record orally. The information officer must then fill in the form on behalf of such a requester and give them a copy thereof [s 18(3)].

### **Request on behalf of another person**

If the request is made on behalf of another person, a requester must submit proof of the capacity in which he / she is making the request, to the reasonable satisfaction of the Deputy Information Officer.

### **Request by people with disabilities**

- (a) If a requester is unable to read or write, or if he / she has a disability that prevents him / her from completing the prescribed form, then he / she can make the request orally. The Deputy Information Officer (or his / her delegate) will then complete the form on behalf of the requester and give a copy of the completed form to the requester.
- (b) The Deputy Information Officer (or his delegate) will assist a requester to comply with the abovementioned requirements to request access to information, including referring a requester, if it is apparent that the request for information should have been made to another public body, to such other body.

### **Transfer of requests**

- (a) Requests for records may be transferred to another public body in the following circumstances:
- (i) When the record is in the possession of another public body;
  - (ii) The subject matter of the record is more closely associated with the functions of another public body;
  - (iii) The record was created for another public body, or was received first by another public body; or
  - (iv) The record contains commercial information relating to economic interests and the financial welfare of the Republic, and commercial activities of public bodies.
- (b) In such instances the Deputy Information Officer (or his / her delegate) would have to transfer the request to the other public body/s as soon as is reasonably
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possible, but no later than 14 days within receipt of the request. If the public body or the information officer to whom the request is made is in possession of the record and considers it helpful to do so to enable the information officer of the other public body to deal with the request, the record or a copy of the record will be sent to that information officer.

- (c) If a request for access to a record has been transferred, it has to be computed from the date it was received first. All the relevant time periods that apply to a request for information have to be adhered to.

#### **Notification of transfer**

- (a) When a request for access has been transferred, the Deputy Information Officer making the transfer will immediately notify the requester of:

- (i) the transfer;
- (ii) the reasons for the transfer; and
- (iii) the period within which the request must be dealt with.

- (b) The Deputy Information Officer will reasonably ensure that the record/s are preserved until a decision is taken about access to the information. Time frames for an appeal will be included.

#### **Payment of Fees**

- (a) There are two types of fees required to be paid in terms of PAIA, being the request fee and the access fee (s22). A requester who seeks access to a record containing personal information about him or her is not required to pay the request fee. Any other requester, who is not a personal requester, must pay the required request fee.

- (b) The requester may lodge an internal appeal, where appropriate, or an application to the court against the tender or payment of the request fee.

- i) After the information officer has made a decision on the request, the requester must be notified of such a decision in the manner in which the requester wanted to be notified.
- ii) If the request is granted, then a further access fee must be paid for the search, preparation, reproduction and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

- (c) The fees that have been prescribed are contained in the Regulations promulgated in terms of the PAIA and must be paid by a requester before DEAT can make any records requested available to the requester. A copy of the schedule of prescribed fees is attached to this document as Annexure C

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- (d) Fees are payable at the Department's finance directorate, 9<sup>th</sup> floor, Fedsure Forum Building North Tower, Corner Van Der Walt and Pretorius Streets, Pretoria during office hours.

### 3.6 Records and categories of records held by DEAT [Section 14(1)(d)]

DEAT categorises the records and information (relevant to the functions and services of DEAT) into the following broad categories.

- Policies, strategies, delegations, government notices and legislation
- Press statements and speeches
- Departmental personnel records
- Departmental financial records
- Agendas and minutes of departmental meetings
- General administration information
- Departmental reports
- Internal circulars, internal memoranda, letters, cabinet memoranda
- Contracts, international agreements
- Branch specific information as described in paragraph 2.1.2 including:
  - Business plans
  - Strategy documents
  - Programme specific information
  - Permits and authorisations
  - Research documents



### 3.7 Automatically available records [Section 14(1)(e)]

Although DEAT to date has not published a list of automatically available information, it makes a wide variety of information available through its website. Typical information that can be expected to be found on the website are:

- The DEAT Calendar of Events
- Maps and Graphics
- GIS Data sets
- Environmental Potential Atlas Series
- Enviro-Info 2001
- Vacancies
- Tenders
- Projects and programmes
- News Releases
- Policy and legislation
- Tourism Information
- Rights allocation process
- Commercial fishing
- New fisheries
- Catch Information
- Subsistence fishing
- Recreational fishing
- Marine Protected Areas
- Mariculture
- Coastal management
- International obligations and agreements
- Information relating to the following statutory bodies:
  - South African Tourism
  - South African National Parks
  - South African Weather Services
  - South African National Biodiversity Institute.

Most of the information is provided free of charge. The conditions for the use of the information can be found on the websites.

### 3.8 Services available to the public and how to gain access to them [Section 14(f)]

The following services are delivered by the Department:

- Implementation of the Tourism Growth Strategy (Both International and Domestic).
- Preparation for hosting of 2010 Soccer World Cup.
- The transformation of the tourism industry and the promotion of learnerships in the tourism sector.
- The transformation and stabilisation of the fishing industry, with specific focus on the protection of our natural resources and cracking down on illegal activities.
- Developing new commercial fisheries
- New long term fishing allocations
- The publishing and implementation of legislation in the areas of Biodiversity, Protected Areas, Air Quality Management, and Coastal Management.
- Further expansion of our Parks system.
- The drafting of a National Biodiversity Strategy and Action Plan.
- Expanding our regional cooperation in tourism and environmental management, through the establishment of Transfrontier Conservation Areas
- Assisting provincial and local government to clean up our towns, cities and rural areas through proper waste management systems
- Addressing the air pollution problems in South Africa through a new Air Quality Act, regulations and standards
- The development of a National Sustainable Development Strategy as part of the Medium Term Strategic Framework (MTEF).
- Implementation of the environment and culture component of the Expanded Public Works Programme
- Enforcement of legislation

The public can gain access to our services via our outreach programmes. Information on our outreach programmes can be obtained-

- on the DEAT website [www.deat.gov.za](http://www.deat.gov.za);
- on the MCM website: [www.mcm-deat.gov.za](http://www.mcm-deat.gov.za)
- or by contacting our DEAT Call Centre number 086 111 2468 or DEAT Call Center Email [callcentre@deat.gov.za](mailto:callcentre@deat.gov.za)

### 3.9 Arrangements allowing for public involvement in formulation of policy, exercise of powers or performance of duties [Section 14(1)(g)]

DEAT has the following arrangements and / or provides the following processes for consultation, making representations or otherwise participating or influencing the formulation of policy or the exercise of the mandate of the department:

- Public workshops;
- Publication of draft policy and legislation for public comments in the Government Gazette and on the DEAT website;
- Stakeholder Forum workshops;
- Discussions / workshops with government departments;
- Oversight of public participation and other process during completion of EIA's prepared by developers and submitted to the department;
- Administrative Appeal Process in terms of relevant legislation, for example, the National Environmental Management Act, 1998

### 3.10 Remedies available in the event of non-compliance with the PAIA [Section 14(1)(h)]

#### *Internal appeal*

A requester may lodge an internal appeal against a decision of the Deputy Information Officer to refuse a request, or against the request and access fees, or an extended period to deal with the request.

#### *Form*

- (a) The appeal must be lodged on the prescribed form that has been printed in the Regulations issued in terms of the PAIA, or a form that substantially corresponds with this form. A copy of this form is attached to this document as Annexure B (page 23). Copies of this form are also available from DEAT's office, or the Deputy Information Officer referred to in this document). The form will also be available on DEAT's website.
  - (b) The appeal must be lodged within **60** days or if notice to a third party is required by s49(1)(b) within **30 days** after notice has been given to the appellant of the decision appealed against or, if notice to the appellant is not required, after the decision was taken. The appeal must be made to the address, fax number or electronic mail address of the Deputy Information Officer.
  - (c) An appellant must provide sufficient details on the appeal form in terms of the reasons for the internal appeal, how he / she wishes to be informed of the decision about the appeal, and pay the prescribed appeal fee (if any).
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- (d) The relevant authority will allow late lodging of an appeal only if the appellant's motivation is credible. An appellant will be informed if his / her late appeal was disallowed

### *Appeal fee*

- (a) An appellant has to pay the prescribed appeal fee (if any). A decision on the internal appeal may be deferred until the appeal fee is paid.
- (b) After receiving an appeal, the Deputy Information Officer must within **10 working days** submit to the Chief Information Officer the internal appeal, his reasons for his decision, and details of a third party involved, if any.

### *Third party*

- (a) If DEAT is considering an internal appeal against refusal of a request for access to a record of a third party that relates to his / her privacy; commercial interests and other confidential information; and records of SARS, DEAT must inform the third party about the appeal within **30 days** after receipt of the appeal, and by the fastest means reasonably possible. DEAT will furnish the third party with a description of the contents of the appeal, details of the appellant, and state whether DEAT is of the opinion that the information should be revealed in public interest. The third party then has **21 days** to make a written representation why the request for information should not be granted, or give written consent for the disclosure of the record to the requester.
- (b) DEAT may also consider lodging an internal appeal against granting access to information. DEAT will then have to notify the requester of such an appeal within **30 days** after receipt of the internal appeal. The third party has **21 days** to make a written representation why the access to the record should be granted.

### *Notice of decision*

DEAT may confirm the original decision, or make another decision. This will be done within **30 days** after receipt of the internal appeal, or within **5 working days** after receiving written representation regarding the appeal. Notice will be given to the appellant, every third party involved and the requester, stating the reason/s for the decision.

### *Application to court*

- (a) The appellant, third party or requester will also be informed that he / she may lodge an application to court against the decision on an internal appeal within **60 days** or **30 days** (if notice has to be given to a third party). Prescribed time frames will apply if DEAT decides to grant access to a record where a third party still has the right to make a representation against this decision before access will be given to the record.
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- (b) If DEAT fails to comply with the above procedures and time frames on an internal appeal, DEAT will be regarded as having dismissed the internal appeal.
  - (c) A requester or third party may ONLY apply to a High Court (or court of similar status) for appropriate relief after the requester or third party has exhausted the internal appeal procedure, within **30 days** after a decision on an internal appeal. No record may be withheld from the court. The court proceedings are civil, and the court may confirm, amend or set aside the decision on internal appeal, or grant an interdict.

### 3.11 Availability of the manual [Section 14(3)]

This manual will be made available to the Human Rights Commission in accordance with paragraph 4(1) of the Regulations promulgated in terms of the PAIA, and will be published on DEAT's website (<http://www.deat.gov.za>). Copies of the manual will also be available at DEAT's offices for perusal. The prescribed fees apply when copies have to be made for requesters.

## 4 PUBLIC INSTITUTIONS REPORTING TO DEAT

The Department has the following public entities reporting to it.

Greater St Lucia Wetlands Park  
Chairperson  
Mr Mavuso Msimang  
Tel: 012 482 3322  
Fax: 012 482 2276  
Email: [mavuso.msimang@sita.co.za](mailto:mavuso.msimang@sita.co.za)  
Chief Executive Officer  
Mr Andrew Zaloumis  
Tel: 035 590 1528  
Fax: 035 590 1602  
Email: [apz@worldonline.co.za](mailto:apz@worldonline.co.za)

The South African National Parks (SANParks)  
Chairperson  
Ms Cheryl Carolus  
Tel: (012) 426 5006  
Fax: (012) 343 9959  
[Cheryl@sanparks.org](mailto:Cheryl@sanparks.org)  
Chief Executive Officer  
Dr David Mabunda

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Tel: (012) 426 5002  
Fax: (012) 343 9959  
Email: david@sanparks.org

The South African Weather Services  
E-mail: sizeka@mweb.co.za  
Chair Person  
Ms Sizeka Rensburg  
Tel: 012 367 6138  
Fax: 012 367 6503  
Chief Executive Officer (Acting)  
Mr Bruce Tashe  
Tel: 012 367 6000  
Fax: 012 367 6113  
Email: bruce@weathersa.co.za

South African National Biodiversity Institute  
Chairperson  
Ms Bongiwe Njobe  
Tel: 011 881 8503  
Fax: 011881 8090  
Email: [bongiwe.njobe@za.sabmiller.com](mailto:bongiwe.njobe@za.sabmiller.com)  
Chief Executive Officer  
Prof. Brian Huntley  
Tel: 021 799 8800  
Fax: 021 761 4687

Email: laidler@nbi.ac.za

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ANNEXURE A

FORM A

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

(Section 18(1) of the Promotion of Access to Information Act, 2000

(Act No. 2 of 2000))

[Regulation 6]

FOR DEPARTMENTAL USE

Reference number: \_\_\_\_\_

Request received by \_\_\_\_\_ (state rank, name and surname of information officer/deputy information officer) on \_\_\_\_\_ (date) at \_\_\_\_\_ (place).

Request fee (if any): R.....

Deposit (if any): R.....

Access fee: R.....

\_\_\_\_\_  
SIGNATURE OF INFORMATION  
OFFICER/DEPUTY INFORMATION  
OFFICER

A. Particulars of public body

The Information Officer/Deputy Information Officer:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**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.*

12

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.

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

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13

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 required 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 for exemption.

Reason for exemption from payment of fees

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F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability: _____ _____	Form in which record is required: _____ _____
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Mark the appropriate box with an X.

NOTES:

(a) Compliance with your request for access in the specified form may depend on the

14

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.

1. If the record is in written or printed form:

copy of record\*

inspection of record

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2. 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*

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*  (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?  Postage is payable.	YES	NO
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Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.
In which language would you prefer the record? _____

--

G. Notice of decision regarding request for access

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

15

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 REQUESTER / PERSON ON  
WHOSE BEHALF REQUEST IS MADE



**ANNEXURE B**

**FORM B**

**NOTICE OF INTERNAL APPEAL**

(Section 75 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

[Regulation 8]

**STATE YOUR REFERENCE  
NUMBER: \_\_\_\_\_**

**A. Particulars of public body**

The Information Officer/Deputy Information Officer:

\_\_\_\_\_  
\_\_\_\_\_

**B. Particulars of requester/third party who lodges the internal appeal**

*(a) The particulars of the person who lodge the internal appeal must be given below.  
(b) Proof of the capacity in which appeal is lodged, if applicable, must be attached.  
(c) If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be given at C below.*

16

Full names and surname: Identity number: Postal address: Fax number: Telephone number: E-mail address: Capacity in which an internal appeal on behalf of another person is lodged: C. Particulars of requester

This section must be completed ONLY if a third party (other than the requester) lodges the internal appeal.

Full names and surname: \_\_\_\_\_

Identity number: \_\_\_\_\_

Postal address: \_\_\_\_\_

Fax number: \_\_\_\_\_

Telephone number: \_\_\_\_\_ E-mail address: \_\_\_\_\_



Capacity in which an internal appeal on behalf of another person is lodged:

\_\_\_\_\_

17

C. Particulars of requester

This section must be completed ONLY if a third party (other than the requester) lodges the internal appeal.

Full names and surname: \_\_\_\_\_

Identity number: \_\_\_\_\_

D. The decision against which the internal appeal is lodged

Mark the decision against which the internal appeal is lodged with an X in the appropriate box:
Refusal of request for access
Decision regarding fees prescribed in terms of section 22 of the Act
Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act
Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester
Decision to grant request for access

E. Grounds for appeal

If the provided space is inadequate, please continue on a separate folio and attach it to this form. You must sign all the additional folios.

State the grounds on which the internal appeal is based: \_\_\_\_\_

State any other information that may be relevant in considering the appeal:

\_\_\_\_\_

18

F. Notice of decision on appeal

\_\_\_\_\_

You will be notified in writing of the decision on your internal appeal. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

State the manner: \_\_\_\_\_

Particulars of manner: \_\_\_\_\_

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF APPELLANT

FOR DEPARTMENTAL USE:

OFFICIAL RECORD OF INTERNAL APPEAL:

Appeal received on \_\_\_\_\_(date) by \_\_\_\_\_(state rank, name and surname of information officer/deputy information officer).

Appeal accompanied by the reasons for the information officer's/deputy information officer's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the information officer/deputy information officer on \_\_\_\_\_(date) to the relevant authority.

OUTCOME OF APPEAL:

DECISION OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER  
CONFIRMED/NEW DECISION SUBSTITUTED

NEW DECISION: \_\_\_\_\_

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DATE RELEVANT AUTHORITY

RECEIVED BY THE INFORMATION OFFICER/DEPUTY INFORMATION OFFICER FROM THE  
RELEVANT AUTHORITY ON (date):

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## ANNEXURE C

### SCHEDULE OF PRESCRIBED FEES

Fee for a copy of the manual as contemplated in Regulation 5(c) for every photocopy of an A4-size page or part thereof	R0-60
Fees for reproduction referred to in Regulation 7(1) are as follows:	
(a) For every photocopy of an A4-size page or part thereof	R0-60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0-40
(c) For copy in a computer-readable on	
1. stiffy disk	R5-00
2. compact disk	R40-00
(d) For a transcription of visual images	
(i) For an A4-size page or part thereof	R22-00
(ii) For a copy of visual images	R60-00
(e) For a transcription of an audio record	
(i) For an A4-size page or part thereof	R12-00
(ii) For a copy of an audio record	R17-00
Request fee payable by a requester, other than a personal requester, referred to in Regulation 7(2)	R35-00
The access fees payable by a requester referred to in regulation 7(3) are as follows	



1	(a) For every photocopy of an A4-size page or part thereof	R0-60
	(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	R0-40
	(c) For copy in a computer-readable on	
	(i) stiffy disk	R5-00
	(ii) compact disk	R40-00
	(d) For a transcription of visual images	
	(i) for an A4-size page or part thereof	R22-00
	(ii) for a copy of visual images	R60-00
	(e) For a transcription of an audio record	
	(i) for an A4-size page or part thereof	R12-00
	(ii) for a copy of an audio record	R17-00
	(f) To search for and prepare the record for disclosure, for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation	R15-00 for each hour
2.	For purposes of Section 22(2) of the PAIA, the following applies:  a. Six hours as the hours to be exceeded before a deposit is payable  b. One third of the access fee is payable as a deposit by the requester	
3.	The actual postage is payable when a copy of a record must be posted to a requester	

