

## **SUGAR INDUSTRY APPEALS TRIBUNAL**

### **MANUAL IN TERMS OF SECTIONS 14 (1) AND 51 (1) OF THE PROMOTION OF ACCESS TO INFORMATION ACT NO. 2 OF 2000**

#### **1. STRUCTURE AND FUNCTIONS (Section 14(1)(a))**

##### **1.1 The Structure of the Sugar Industry Appeals Tribunal**

1.1.1 The Sugar Industry Appeals Tribunal ("the Appeals Tribunal") is established in terms of the Sugar Industry Agreement, 2000 and consists of:-

- (i) Three persons appointed by the South African Sugar Association ("SASA");
- (ii) One person appointed by the South African Sugar Millers Association ("the Millers Association");
- (iii) One person appointed by the South African Cane Growers Association ("the Growers Association").

1.1.2 The Millers Association and the Growers Association, respectively, may appoint one or more alternate members to act in the place of their respective appointed members in the absence or inability of the appointees to act.

1.1.3 The members of the Appeals Tribunal appointed by SASA shall be persons having no direct material interests in the Sugar Industry and shall not be a member of the Sugar Industry Administration Board. On 31 July of each year, the SASA appointed member who has been longest in office shall retire and be replaced by a new appointee. Each member appointed by the Millers Association and the Growers Association, respectively, shall retire from office on 31 July in each year and be replaced by a new appointee.

1.1.4 One of the SASA appointed members is designated by SASA to be the chairperson of the Appeals Tribunal and one of the other such members as the vice chairperson.

## 1.2 **The Functions of the Sugar Industry Appeals Tribunal**

1.2.1 Any person having a direct interest in a decision, order, ruling or determination of the Sugar Industry Administration Board (“the Administration Board”) shall have the right to appeal to the Appeals Tribunal against the decision, order, ruling or determination. Unless otherwise stipulated by the Sugar Industry Agreement, 2000, such person shall, within twenty one (21) days of the date on which the decision, order, ruling or determination of the Administration Board is notified to him or her, lodge with the Administration Board a written notice of appeal, failing which the right to appeal shall lapse and the decision, order, ruling, or determination of the Administration Board shall be final and binding. The Administration Board shall, upon receipt of a notice of appeal, send copies of the notice of appeal to each other party directly affected by the decision, order, ruling or determination against which the appeal has been lodged and to the Appeals Tribunal.

1.2.2 The Appeals Tribunal performs the following functions:

- (i) hear and decide any appeal where a right of appeal to the Appeals Tribunal is provided for in the Sugar Industry Agreement, 2000;
- (ii) hear and decide any issue or issue any directive in regard to any matter referred to it for a decision or directive by the Administration Board or SASA;
- (iii) hear and decide any dispute which may arise between a sugar mill and a sugar cane grower arising from a cane supply agreement or any agreement between those parties relating to the supply or delivery of cane;
- (iv) undertake and resolve any matter which, in terms of the Sugar Industry Agreement, 2000, falls to be undertaken by the Administration Board if the Administration Board is unable to or fails to duly resolve the matter owing to a deadlock or for any other reason;
- (v) hear and decide any matter which, in terms of the Sugar Industry Agreement, 2000, is to be determined by the Appeals Tribunal.

## 2. CONTACT DETAILS (Sections 14(1)(b) and 51(1)(a))

Head of Body:

Adv O A Moosa SC  
Chairperson  
Sugar Industry Appeals Tribunal

Email address: [oamoosa@law.co.za](mailto:oamoosa@law.co.za)

Physical address: Kwa-Shukela  
170 Flanders Drive  
Mount Edgecombe

Postal address: P O Box 700  
Mount Edgecombe  
KwaZulu-Natal  
4300

Telephone: 031 508 7103

Telefax: 031 508 7192

Information Officer:

Jennashree Govender  
Legal and Compliance Officer  
South African Sugar Association

Email address: [Jennashree.Govender@sasa.org.za](mailto:Jennashree.Govender@sasa.org.za)

Physical address: Kwa-Shukela  
170 Flanders Drive  
Mount Edgecombe

Postal address: P O Box 700  
Mount Edgecombe  
KwaZulu-Natal  
4300

Telephone: 031 508 7103

Telefax: 031 508 7192

### **3. HUMAN RIGHTS COMMISSION GUIDE (Sections 14(1)(c) and 51(1)(b))**

In terms of section 10 of the Promotion of Access to Information Act ("the Act"), the Human Rights Commission is required to compile a guide to assist persons who wish to exercise any rights under the Act. This guide is available from the Human Rights Commission which may be contacted at:

Address: Forum 3, Braampark Office Park  
33 Hoofd Street  
Braamfontein

Telephone: 011 877 3600

Telefax: 011 403 0668

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

Email: [info@sahrc.org.za](mailto:info@sahrc.org.za)

#### **4. CATEGORIES OF RECORDS AND REQUEST PROCEDURE (Sections 14(1)(d) and 51(1)(e))**

##### **4.1 Categories of Records of the Sugar Industry Appeals Tribunal**

4.1.1 Minutes of Meetings of the Appeals Tribunal;

4.1.2 Copies of Rulings, Awards and Judgments of the Appeals Tribunal;

4.1.3 Recordings and/or transcripts of hearings before the Appeals Tribunal;

4.1.4 Correspondence with the Appeals Tribunal;

4.1.5 Letters of appointment of members of the Appeals Tribunal;

4.1.6 Rules for hearings before the Appeals Tribunal;

4.1.7 Opinions from professional advisors.

##### **4.2 Request Procedure (Sections 18 and 53)**

4.2.1 The request for information must be made:

- (i) to the Information Officer (where the request is made in terms of section 18) or to the Head of the Body (where the request is made in terms of section 53) using the aforementioned contact details;
- (ii) completed on the prescribed form in terms of the Act and the Regulations thereto;
- (iii) provide sufficient detail on the request form to enable the Information Officer or the Head of the Body (as the case may be) to identify the record and the requester;
- (iv) identify the form of access required;

- (v) where a request is made on behalf of a third party, the requester must provide proof of authority to represent such third party to the satisfaction of the Information Officer or the Head of the Body (as the case may be);
- (vi) if the request is made in terms of section 53, the requester must identify the right that he or she 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.

4.2.2 The Information Officer or the Head of the Body, as the case may be, shall notify the requester to pay the prescribed fee (if any) before further processing the request.

4.2.3 The Information Officer or the Head of the Body, as the case may be, will then make a decision whether to grant the request or not and shall notify the requester in the required form.

4.2.4 If the request is granted, then a further access fee must be paid for the search, reproduction and preparation, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

**NB : Please note the following:**

4.2.5 In terms of the Sugar Industry Agreement, 2000, hearings of the Appeals Tribunal shall not be open to any party not directly affected by the matter before it; provided that the chairperson, or in his or her absence, the vice-chairperson may permit anyone having a sufficient interest in the matter but not directly affected thereby to be present.

4.2.6 This Manual is prepared both in terms of section 14 of the Act and in terms of section 51 of the Act, as the Appeals Tribunal may in one instance be a public body and in another instance be a private body, depending on whether the record in question relates to the exercise of a power or performance of a function as a public body or as a private body. Where it is a public body, the request for access to a record held by the Appeals Tribunal must be made in terms of and in compliance with section 11 of the Act. However, where the request for access to a record is in circumstances where

the Appeals Tribunal is a private body, such request must be made in terms of and in compliance with the requirements of section 50 of the Act.

- 4.2.7 Any request for access to a record of the Appeals Tribunal may be refused in terms of any ground for refusal contemplated in chapter 4 of the Act.

## **5. SERVICES AVAILABLE (Section 14(1)(f))**

The services available to members of the public from the Appeals Tribunal are set out in paragraph 1.2 of this Manual.

## **6. REMEDIES AVAILABLE IN RESPECT OF AN ACT OR FAILURE TO ACT BY THE APPEALS TRIBUNAL (Section 14 (1)(h))**

- 6.1 In terms of the Sugar Industry Agreement, 2000, a party to a dispute decided by the Appeals Tribunal may within twenty one (21) days of the date of the Appeals Tribunal's decision appeal to any provincial or local division of the High Court of South Africa having jurisdiction over the Appeals Tribunal's finding by lodging with the Registrar of the Court concerned a notice of appeal setting out in full the grounds of appeal and delivering to the secretary of the Appeals Tribunal, on the same day or before notice of appeal is so lodged, a copy of the notice of appeal. Such appeal may thereafter be prosecuted inter alia in terms of the further provisions of the Sugar Industry Agreement, 2000.
- 6.2 The Appeals Tribunal does not have internal appeal procedures in respect of any alleged failure on the part of the Appeals Tribunal, its Information Officer or the Head of the Tribunal, as the case may be, to comply with the provisions of the Promotion of Access to Information Act. In such circumstances the requester shall be required to have recourse to any court of competent jurisdiction. This would apply to any situation in which the requester wishes to appeal or review a decision made by the Information Officer or the Head of the Tribunal, as the case may be.

**7. AVAILABILITY OF ACCESS TO INFORMATION MANUAL (Sections 14(3) and 51(3))**

7.1 This Manual shall be available for inspection free of charge at the address of the Appeals Tribunal (see 2 above).

7.2 A copy of the Manual is also available from the Human Rights Commission (see contact details in 3 above).

7.3 The Manual will be published in the Government Gazette and on the Appeals Tribunal website at [www.sugartribunal.org.za](http://www.sugartribunal.org.za)

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