

AMM Holdings (Proprietary) Limited Manual

Registration Number 1999/028626/07

INCLUDING ITS SUBSIDIARIES, ASSOCIATE COMPANIES AND OTHER ENTITIES

Act 2 of 2000,

The Promotion of Access to Information

(the "ACT")

Prepared in accordance with Section 51 of the Promotion of Access to Information
Act No. 2 of 2000

Effective Date: 20 December 2011

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Part 1 : Particulars of the Private Body

(Information required under section 51(1) (a) of the Act):

Introduction

AMM Holdings (Pty) Limited conducts business as a clothing manufacturer through various divisions, subsidiaries, associate companies and other entities.

1.1. Name of the Body

AMM Holdings (Pty) Limited- Registration Number 1999/028626/07

Incorporating its subsidiaries, associate companies and other entities:

Subsidiaries

Kingsgate Clothing (Pty) Limited	1998/021893/07
Ethekwini Clothing Manufacturers (Pty) Limited	2000/020251/07
Wynns Manufacturing (Pty) Limited	2004/025124/07
Sterling Clothing (Pty) Limited	1987/004657/07
Paul Vivaldi Clothing (Pty) Limited	1990/005069/07

Associate Companies

Lordship Trading Enterprises (Pty) Limited	1960/004470/07
Bendour Trade Finance (Pty) Limited	1983/004509/07
AMM Clothing (Pty) Limited	1996/007921/07
Salt of the Earth Creations (Pty) Limited	1971/012063/07
Desvic Property (Pty) Limited	1997/011505/07
AMM Props (Pty) Limited	1987/006383/07
AMM Group (Pty) Limited	1994/008600/06

Other Entities

AMM Trading (Partnership)

- 1.2 Office Manager: Moonim Osman
- 1.3 Postal Address: P.O. Box 872, Durban, 4000
- 1.4 Street Address: 27 David Webster Street, Durban, 4001
- 1.5 Telephone Number: (031) 300-8911
- 1.6 Telefax Number: (031) 300-8821
- 1.7 Web Address: www.kingsgate.co.za
- 1.8 Contact Details of Information Officer: e-mail: moonim@kingsgate.co.za
Phone: (031) 300-8115
Fax: (031) 300-8821

Part 2 – Description and Access to the Guide –

(Information required under section 51(1)(b) of the Act):

In terms of section 10 of the Act, the South African Human Rights Commission (SAHRC) compiled a guide containing information to assist a person wishing to exercise or protect any right in terms of this Act. To obtain this guide the following contact details will be of assistance:

Physical Address: The South African Human Rights Commission
PAIA Unit
29 Princess of Wales Terrace
Cnr York & Andrew Streets
Parktown

Website: www.sahrc.org.za

Enquiries should be directed to:

Postal Address: Private Bag 2700, Houghton, 2041

Telephone Number: +27 (11) 484 8300

Fax Number: +27 (11) 484 0582

E-mail address: PAIA@sahrc.org.za

Government Notice No. R187 of 15th February 2002 sets forth how the Human Rights Commission should make the guide available.

Part 3 – Voluntary Disclosure and Automatic Availability of Certain Records:-

(Copy of notice, if any, required under section 51(1)(c) of the Act):

A section 52(2) notice regarding categories of records, which are available without the person having to request access in terms of the Act, has to date been not been published.

Part 4 – Records available in accordance with any other legislation

➤ Adult Basic Education & Training Act No. 52 of 2000
➤ Basic Conditions of Employment Act No. 75 of 1997
➤ Broad Based Black Economic Empowerment Act No. 53 of 2003
➤ Companies Act No. 61 of 1973
➤ Companies Act No. 71 of 2008
➤ Compensation for Occupational Injuries and Diseases Act 130 of 1993
➤ Consumer Protection Act No. 68 of 2008
➤ Custom Excise Act No. 91 of 1964
➤ Employment Equity Act No. 55 of 1998
➤ Exchange Control Act No. 14 of 1998
➤ Financial Intelligence Centre Act No. 38 of 2001
➤ Income Tax Act No. 95 of 1967
➤ Insolvency Act No. 24 of 1936
➤ Labour Relations Act No. 66 of 1995
➤ National Credit Act No. 34 of 2005
➤ Occupational Health and Safety Act No. 85 of 1993
➤ Pension Funds Act No. 24 of 1956
➤ Promotion of Access of Information Act No. 2 of 2000
➤ Skills Development Levies Act No. 9 of 1999
➤ Skills Development Act No. 77 of 1998
➤ Trade Marks Act No. 194 of 1993
➤ Trust Property Control Act No. 57 of 1988
➤ Unemployment Insurance Act No. 63 of 2001
➤ Usury Act No. 73 of 1968
➤ Value Added Tax Act No. 89 of 1991

Part 5 – Access to Information

(Information required under section 51(1)(e) of the Act):

5.1 Methods of Access to Manual

- a. Contact Nominated Person: Moonim Osman
- b. Human Rights Commission – a copy will be made available to the Commission
- c. The website www.kingsgate.co.za is accessible to anyone who has access to the Internet

5.2 Description of Records

The KCG Web Page (www.kingsgate.co.za) consists of the following categories:

- Home Page
- Profiles
- Directorate
- Labour Compliance
- Milestones
- Values
- Social Responsibility
- Administration
- Brand Names
- BBBEE Status of Enterprise

5.3 Other Record Categories –

5.3.1 STATUTORY COMPANY INFORMATION:

- Certificate of Incorporation;
- Certificate of Change of Name (if any);
- Memorandum and Articles of Association;
- Certificate to Commence Business;
- Minute Book, CM25 and CM26, as well as Resolutions passed at general / class meetings;
- Register of Members;
- Index of Members;
- Register of Mortgages and Debentures and Fixed Assets;
- Register of Directors' shareholdings;
- Register of Directors and Certain Officers;
- Directors' Attendance Register;
- Annual Financial Statements including:
 - i. Annual accounts;

- ii. Directors' reports;
- iii. Auditor's report;
- Books of Account regarding information required by the Companies Act, 1973;
- Supporting schedules to books of account and ancillary books of account.

5.3.2 ACCOUNTING RECORDS

- Books of Account including journals and ledgers;
- Delivery notes, orders, invoices, statements, receipts, vouchers and bills of exchange.

5.3.3 STATUTORY EMPLOYEE RECORDS

- Employee's names and occupations;
- Time worked by each employee;
- Remuneration paid to each employee;
- Date of birth of each employee;
- Wages register;
- Attendance register;
- Employment equity plan;
- Salary and wages register;
- Records of foreign employees;
- Collective agreements;
- Arbitration awards;
- Determinations made in terms of the Wage Act;
- Records of strikes, lockouts or protest action;
- Industrial training records;
- Staff records (after date of employment ceases);
- Expense accounts.

5.3.4 OTHER EMPLOYEE RECORDS

- Employee contracts;
- Maternity leave policy;
- Group personal accident;
- Group life;
- Code of conduct.

5.3.5 PENSION AND RETIREMENT FUNDING RECORDS

- Pension Fund Rules;

- Pension Fund account records;
- Minutes of Meetings of trustees and members;
- Actuarial Valuation Reports;
- Contribution Reports;
- Annual accounts.

5.3.6 ENVIRONMENTAL HEALTH AND SAFETY

- Safety management systems, data and audits
- Industrial hygiene programs, data and audits;
- Employee public health emergency action plans;
- Permits, licenses, approvals and registrations for operations of sites and business;
- Emergency response plans;
- Environmental impact assessments;
- Environmental management programs and systems.

5.3.7 FIXED PROPERTY

- Title Deeds;
- Leases;
- Building plans;
- Mortgage Bonds or other encumbrances to fixed property.

5.3.8 MOVABLE PROPERTY

- Asset register
- Finance and Lease Agreements;
- Notarial Bonds.

5.3.9 INTELLECTUAL PROPERTY

- Trademarks, trade names and protected names;
- Agreements relating to intellectual property such as license agreements, secrecy agreements, research and development agreements, consulting agreements, use agreements, joint venture agreements and joint development agreements;
- Litigation and other disputes involving intellectual property, but excluding any settlement agreements which is subject to confidentiality.

5.3.10 AGREEMENTS AND CONTRACTS

- Material agreements concerning provision of services or materials;

- Joint venture agreements, partnership agreements, participation, franchise, co-marketing, co-promotion or other alliance agreements;
- Agreements with shareholders, officers or directors;
- Acquisition or disposal documentation;
- Agreements with contractors and suppliers;
- Agreements with customers;
- Warranty agreements;
- Sale Agreements;
- Distributor, dealer or agency agreements;
- Agreements with governmental agencies'
- Purchase or lease agreements.

5.3.11 TAXATION

- Copies of all Income Tax Returns and other tax returns and documents.

5.3.12 LEGAL

- Complaints, pleadings, briefs and other documents pertaining to any actual, pending or threatened litigation, arbitration or investigation, but excludingall privileged communication or settlement agreements which are subject to confidentiality;
- Settlement agreements;
- Material licenses, permits and authorizations.

5.3.13 INSURANCE

- Insurance policies;
- Claim records;
- Details of insurance coverages, limit and insurers.

5.3.14 TRANSPORTATION

- Permits;
- Transportation System Delivery Plan;
- Transportation, Warehouse and Storage Contracts.

5.3.15 INFORMATION TECHNOLOGY

- Hardware;
- Operating Systems;
- Telephone Exchange Equipment;
- Telephone Lines, Leased Lines and Data Lines;

- LAN Installations;
- Software Packages;
- Disaster Recovery;
- Agreements;
- Licenses.

5.3.16 SALES AND MARKETING

- Products;
- Markets;
- Customers;
- Brochures, Newsletters and Advertising Materials;
- Sales;
- Domestic and Export orders.

AUTOMATICALLY AVAILABLE RECORDS

The following categories of records are automatically available for inspection, purchase or photocopying. In other words you do not need to request this information in terms of the Promotion of Access to Information Act.

Request forms for these categories of information are also available from our information officer whose contact details appear in Section 1 of this manual.

Brochures

Part 6 - Request In terms of the Act

(Information required under section 51(1)(e) of the Act):

It is important to note that the successful completion and submission of an access request form does not automatically allow the requester access to the requested record. An application for access to a record is subject to certain limitations if the requested record falls within a certain category as specified within Part 3 Chapter 4 of the Act.

If it is reasonably suspected that the requester has obtained access to records through the submission of materially false or misleading information, legal proceedings may be instituted against requester.

KCG shall not be liable for any loss suffered by any party arising from the use of any information that may be available pursuant to a request for information or in the event of the request being denied for reasons detailed below.

To facilitate the processing of your request, kindly:

- 6.1 Use the prescribed form, (Form C), as attached. The Form C is also available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za, or the website of THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (under regulations) at www.doj.gov.za
- 6.2 The completed Access Request Form together with a copy of identity document must be submitted either via conventional mail, email or fax and must be addressed to the Company Information Manager as indicated above.
- 6.3 Provide sufficient details to enable the COMPANY to identify:
 - (a) The record(s) requested;
 - (b) The requester – copy of Identity Document (and if an agent is lodging the request, proof of capacity);
 - (c) The form of access required;
 - (d)
 - (i) The postal address or fax number of the requester in the Republic;
 - (ii) If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
 - (e) The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

PRESCRIBED FEES

The following applies to requests (other than personal requests):

- 6.4 A requestor is required to pay the prescribed fees of R57.00 (including Vat) on submission before a request will be processed. Payment details can be obtained from the office manager as indicated above and can be made via a direct deposit, by bank guaranteed cheque or by postal order (no credit card payments). Proof of payment must be supplied;
- 6.5 If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
- 6.6 A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;

6.7 Records may be withheld until the fees have been paid.

6.8 The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za, or the website of THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (under regulations) at <http://www.doj.gov.za/>

It is important to note that access is not automatic – you must identify the right you are seeking to exercise or protect and explain why the record you request is required for the exercise or protection of that right. You will be notified in the manner indicated by you on the request form whether your request has been approved.

- Within a period of 30 days of the request the Information Officer will decide whether to grant or decline the request.
- This period may be extended once for a further 30 days if:
 - The request is for a large or voluminous number of records.
 - The request requires a search for records which the various private bodies have, but which are situated at premises elsewhere and cannot reasonably be obtained within the initial 30 day period.

Part 7 - Grounds for Refusal

- The grounds for which any request may be refused are:
 - Mandatory protection of confidential information of third parties in terms of any agreement entered into;
 - Mandatory protection of commercial information of third parties example trade secrets; financial, commercial or technical information that may harm the commercial or financial interests of various private bodies;
 - If such refusal would result in the breach of a duty of confidence owed to a third party.
 - Mandatory protection of records that are privileged in legal proceedings.

Where a request has been refused, the party who has been refused will have the right to appeal to the High Court of South Africa against this decision.

Prescribed Form C

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 Head: Kingsgate Clothing Group
 Contact Person: Moonim Osman
 Postal address: P.O. Box 872, Durban, 4000
 Fax number: (031) 300-8821
 Telephone number: (031) 300-8115
 E-mail address: moonim@kingsgate.co.za

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.

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:

2 Reference number, if available:

3 Any further particulars of record:

E. Fees

- | | |
|-----|--|
| (a) | A request for access to a record, other <i>than</i> a record containing personal information about yourself, will be processed only after a request fee has been paid. |
| (b) | You will be <i>notified</i> of the amount required to be paid as the request fee. |
| (c) | The fee payable for access to a record depends <i>on</i> the form <i>in which</i> access is required and the reasonable time <i>required</i> to search for and prepare a record. |
| (d) | If you qualify for exemption <i>of</i> the payment <i>of</i> any fee, please state the reason for exemption. |

Reason for exemption from payment of fees:

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 hereunder, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required
Mark the appropriate box with an X.	
NOTES:	
(a) Compliance with your request in the specified form may depend 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 for 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:

<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	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)

<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images"	<input type="checkbox"/>	transcription of the images*
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3. If record consists of recorded words or information which can be reproduced in sound:

<input type="checkbox"/>	listen to the soundtrack audio cassette	<input type="checkbox"/>	transcription of soundtrack* written or printed document
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4. If record is held on computer or in an electronic or machine-readable form:

<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record"	<input type="checkbox"/>	copy in computer readable form* (stiffy or compact disc)
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'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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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 requester must sign all the additional folios.

1. Indicate which right is to be exercised or protected:
2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

H. 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 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 of20

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE

Date: