

SECTION 14 MANUAL FOR THE COMMISSION ON GENDER EQUALITY (CGE)

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(Please read the explanatory notes for explanations on * and **)

2. PARTICULARS IN TERMS OF SECTION 14

**A. The functions and the structure of the Commission on Gender Equality
[Section 14(1)(a)]**

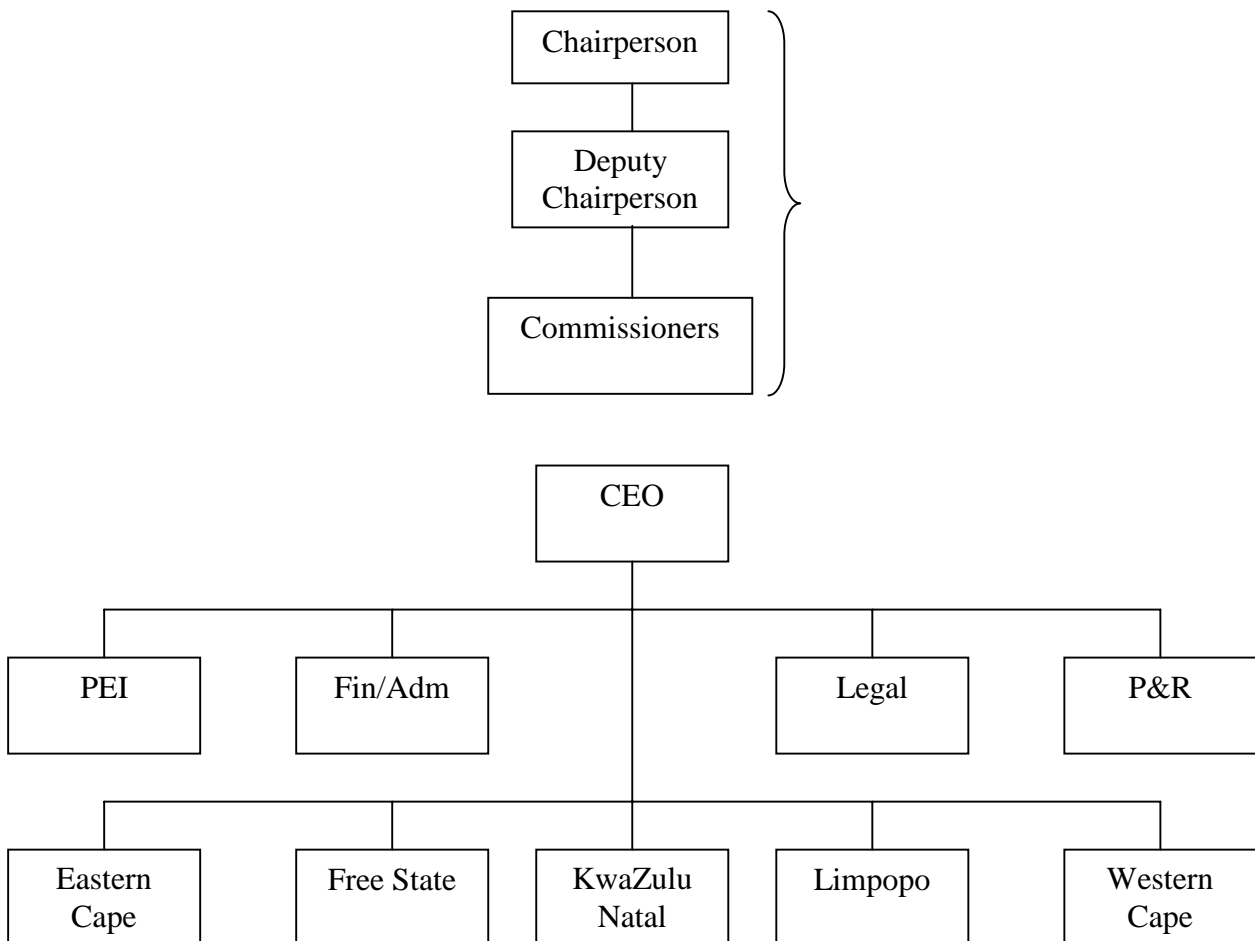
i. The functions of a public body

The functions of the CGE as prescribed by section 187(1) of the Constitution (Act 108 of 1996) are:

The Commission on Gender Equality must -

- (a) promote respect for gender equality and a culture of gender equality;
- (b) advance the protection, development and attainment of gender equality; and
- (c) monitor, evaluate and assess the observance of gender equality in the Republic.

ii. A schematic diagram of the structure of the Commission on Gender Equality



ii. The structure of the CGE

The CGE consists of a national office that is situated in Gauteng and five provincial offices that are situated in the Eastern Cape (East London), Free State (Bloemfontein), Kwa Zulu- Natal (Durban), Limpopo (Polokwane) and in the Western Cape (Cape Town). The other four provinces are serviced from head office except for Mpumalanga that falls under KwaZulu-Natal.

The CGE is made up of twelve Commissioners (including the Chairperson Ms. Joyce Piliso-Seroke. The Secretariat is headed by a Chief Executive Officer and consists of thirty four staff members.

The Full Time Commissioners are Ms. Getrude Fester, Rev. Bafana Khumalo, Dr. Sheila Meintjes, Dr. Nombulelo Siqwana-Ndulo, Ms. Beatrice Ngcobo (Deputy Chairperson) and Ms. Manana Tlake. The part time Commissioners are, Dr. Thabisa Dumisa, Dr Teboho Maitse, Ms. Rashida Manjoo, Ms. Themba Kgasi and Ms Sophia Williams-De Bruyn, .

The Secretariat performs its functions through the various departments and is headed by the Chief Executive Officer, Ms Chana Majake.

B. Contact details [Section 14(1)(b)]

Information officer:

Ms Chana Majake - CEO

requests: chana@cge.org.za

Deputy information officer:

Ms. Mmathari Mashao – HOD: Legal

mmathari@cge.org.za

General information:

Address: 23 Jorissen Street
10th Floor Braamfontein Centre
BRAAMFONTEIN
2001

Postal address: Private Bag 32175
BRAAMFONTEIN
2017

Telephone: +27 11 403 7182
Fax: +27 11 403 7188
Website: www@cge.org.za

D. Access to the records held by the CGE [Section 14(1)(d)]

i. Automatic disclosures [Section 14(1)(e)]

A notice in terms of section 15(2) describes the categories of records of the bodies that are available without a person having to request access in terms of the Act. Information for the CGE notice in terms of section 15(2) is not currently available.

The CGE recommends that even if no notice is available, information about records (such as reports) published by the CGE will be provided.

ii. Records that may be requested [Sections 14(1)(d)]

Description of the subjects and categories of records held by the CGE:

RESEARCH AND DOCUMENTATION PROGRAMME (Subject)

1. MONITORING OF GENDER EQUALITY POLICIES AND RIGHTS OF WOMEN (*Category*)
 - Protocols (*Sub-category*)
 - Annual Report Cards
 - Spatial Development Initiative
 - Local government Workshops and seminars
 - Papers
 - Conference reports
2. LIBRARY SERVICES (*Category*)
 - Books (*Example of a record*)
 - Other gender equality related publications and documents
3. MONITORING OF THE IMPLEMENTATION OF THE GENDER EQUALITY LEGISLATION AND LAWS IMPACTING ON RIGHTS OF WOMEN
 - Research reports
 - Conference reports
 - Gender Equality and Rights of women workshops
 - Records of meetings of the Legal department within the CGE
4. MONITORING OF THE IMPLEMENTATION OF THE PROMOTION OF ACCESS TO INFORMATION ACT
 - Manual of the Gender Equality
 - Section 32 Reports
 - Annual Reports to the Commission on Gender Equality
 - Records of Briefing of Training Sessions
 - Research reports in relation to Gender Equality
5. OTHER RESEARCH PROGRAMMES
 - Annual Record Card

- Maternity Benefits
- Local Government
- Spatial Development Initiative
- Employment Equity at Workplace
- Implementation of Domestic Violence Act
- CGE Evaluation Process
 - Terms of reference
 - Funding proposals
 - Evaluation report

LEGAL SERVICES PROGRAMME

1. COMPLAINTS (Category)
 - Records of finalised complaints investigated on various gender equality violations.
2. SUBPOENA HEARINGS
 - Gender discrimination and abuse of rights of women
 - Gender stereotyping and discrimination in the media and advertising industry
3. INQUIRIES
 - Advertising Standards Authority related to gender discrimination in Advertising Industry
 - Gender equality Violations in private Maintenance System
 - Submissions
4. LITIGATION
 - Court cases
 - Jordan
 - Bannatyne
5. MEDIATION AND CONCILIATION
 - Records of finalised various mediation and conciliation matters
6. RECORDS OF MEETINGS
 - Complaints meetings

ADVOCACY PROGRAMME

1. COMMUNICATIONS
 - Gender Matters Newsletter
 - Annual Report of the CGE
 - Press releases

2. OTHER CAMPAIGNS

INFORMATION AND EDUCATION PROGRAMME

1. Conferences
 - Workshops and seminars
 - Training
 - Funding proposals
 - Any other training and advocacy activities

FINANCE AND ADMINISTRATION

1. HUMAN RESOURCES
 - Policies on staff recruitment and other staff related policies
 - Employment records and other related policies
2. PROCUREMENT
 - Asset register
 - Procurement policies
3. FINANCIAL MANAGEMENT
 - Budgets
 - Strategic plans
 - MTEF submissions

COMMISSIONERS

1. Minutes of meetings of Commissioners and senior management
2. Plenary Reports
3. Records of workshops and conferences attended
4. Papers presented

iii. The request procedures

A requester must be given access to a record of a public body if the requester complies with the following:

- The requester complies with all the procedural requirements in the Act relating to the request for access to that record; and
- Access to that record is not refused on any ground of refusal mentioned in the Act.

Nature of the request:

- A requester must use the form that has been printed in the Government Gazette [Govt. Notice R187- 15 February 2002] (Form A).
- The requester must also indicate if the requester is for a copy of the record or if the requester wants to come in and look at the record at the offices of the public body. Alternatively if the record is not a document it can then be viewed in the requested form, where possible [s 29(2)].
- 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)].
- 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, e.g. telephone, 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 [s 18(3)].

There are two types of fees required to be paid in terms of the Act, being the request fee and the access 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 information officer 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.
- The request fee payable to public bodies is R35. The requester may lodge an internal appeal, where appropriate, or an application to the court against the tender or payment of the request fee.
- After the information officer has made a decision on the request the requester must be notified of such a decision in the way in which the requester wanted to be notified in.

- 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.

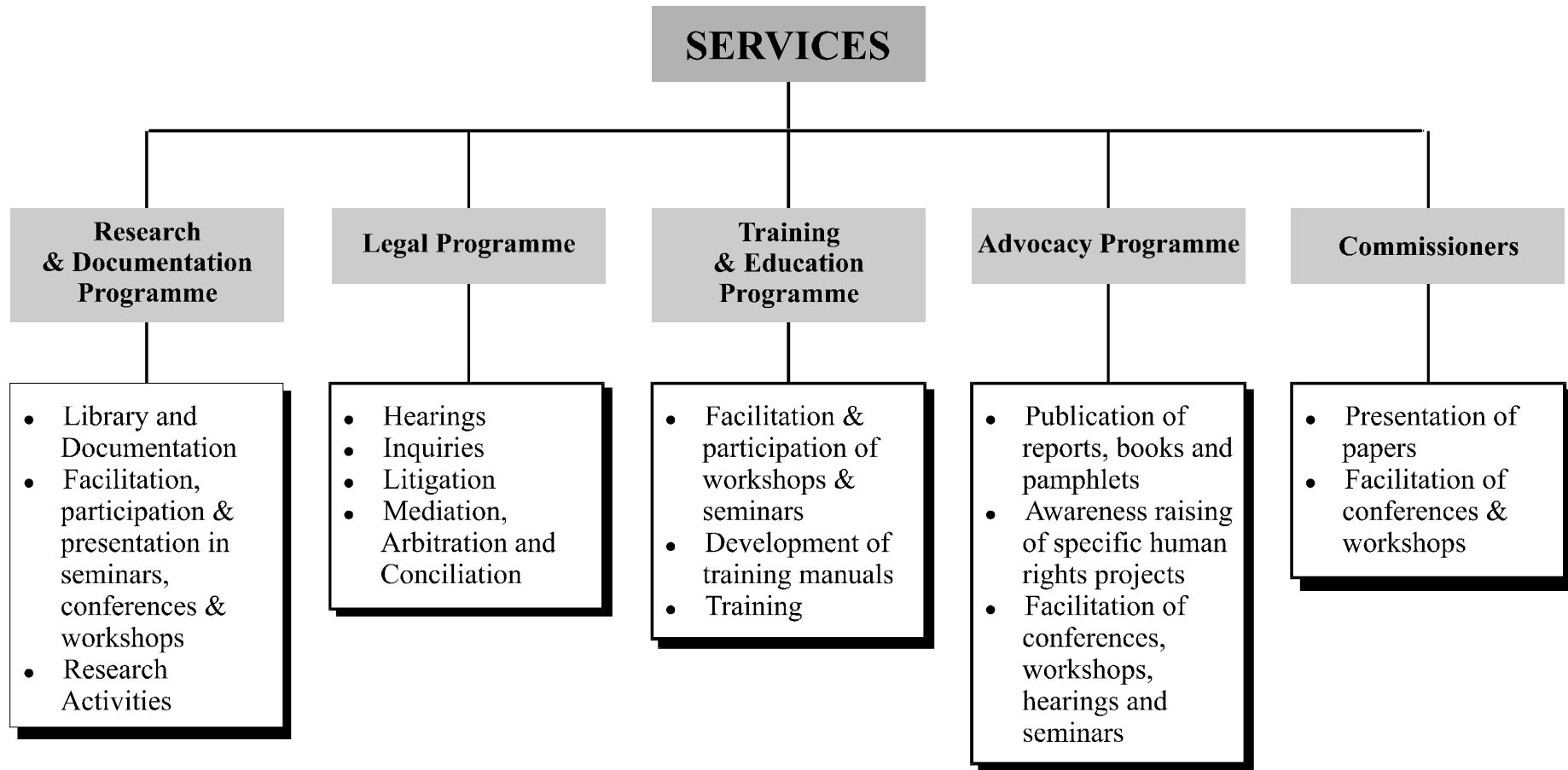
E. Services available [Section 14(1)(f)]

i. Nature of services

The services of a public body are activities within programmes or departments where relevant, which are employed or undertaken to fulfil the functions of that body. There may also be various sub-programmes under each programme.

In the case of the CGE these will include programmes according to which the services of the CGE are defined: for example Legal Department, Research, Monitoring and Evaluation, Public Education and Information. Sub-category under the Research, Monitoring and Evaluation would be the Resource centre.

SERVICES



ii. **How to gain access to these services**

To gain access to the services at CGE, requests must be made to the CEO of the CGE.

**The Chief Executive Officer of the Commission on Gender Equality:
Ms C Majake**

Address: 10th Floor Braamfontein Centre
23 Jorissen Street
BRAAMFONTEIN
Johannesburg

Postal address: P. O. Box 32175
BRAAMFONTEIN
2017

Telephone: +27 11 403 7182
Fax: +27 11 403 7188
Website: www.cg.org.za
E-mail: chana@cge.org.za

F. **Arrangement allowing for public involvement in the formulation of policy and the exercise of power [Section 14(1)(g)]**

At the CGE, such arrangements for public involvement would include:

Section 5 Committees - in terms of the Gender equality Commission Act according to which persons to serve on such committees are appointed.

Hearings and workshops - the public may attend and make representations at these hearings and workshops.

Volunteers and Internship programmes - there is a recruitment policy in place for the recruitment of the public for such posts.

Consultants and contract researchers – Consultants’ policy (if any) pertaining to recruitment.

G. **The remedies available if the provisions of this Act are not complied with [Section 14(1)(h)]**

The Commission on Gender Equality and other Chapter Nine Institutions (in terms of the Constitution of South Africa, Act 108 1996) do not have internal appeal procedures like most other public bodies, the courts will have to be approached in such instances where there is no compliance with the provisions of the Act by these

bodies. This would apply to any situation in which the requester wishes to appeal a decision made by the information officer. Although mention is made of internal appeal procedures, this is subject to such a mechanism actually being in place within a public body to facilitate such an internal appeal.

H. Other information as prescribed in terms of the Act [Section 14(1)(i)]

There is currently no information available from the Minister of Justice and Constitutional Development in terms of section 92 to be placed here.

I. Updating of the manual [Section 14(2)]

The CGE will update this manual in terms of subsection (1) of section 14, at intervals of not more than a year.

J. Availability of the manual [Section 14(3)]

Regulation No. R. 187 of 15 February 2002 prescribes in section 4(1) that the manual of a public body must be made available in the following manner:

A copy in each of the three official languages must be made available to every place of legal deposit as defined in section 6 of the Legal Deposits Act 1997; all the offices of Commission on Gender Equality and at the Human Rights Commission.

The manual is to be published in three of the official languages in the *Gazette*.

The manual is to be made available on the website of the CGE.

L. Exemption by the Minister of Justice and Constitutional Development from any provision of this section for a determined period [Section 14(5)]

For security, administrative or financial reasons, the Minister may, on request or of his or her own accord by notice in the *Gazette*, exempt any public body or category of public bodies from any provision of this section for such period as the Minister thinks fit.

3. Prescribed fees for public bodies

**PART II OF NOTICE 187 IN THE GOVERNMENT GAZETTE ON THE 15 FEBRUARY 2002
FEES IN RESPECT OF PUBLIC BODIES**

1. The fee for a copy of the manual as contemplated in regulation 5(c) is R0,60 for every photocopy of an A4-size page or part thereof.

2. The fees for reproduction referred to in regulation 7(1) are as follows:
- | | R |
|--|-------|
| (a) For every photocopy of an A4-size page or part thereof | 0,60 |
| (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form | 0,40 |
| (c) For a copy in a computer-readable form on - | |
| (i) stiffy disc | 5,00 |
| (ii) compact disc | 40,00 |
| (d) (i) For a transcription of visual images, for an A4-size page or part thereof | 22,00 |
| (ii) For a copy of visual images | 60,00 |
| (e) (i) For a transcription of an audio record, for an A4-size page or part thereof | 12,00 |
| (ii) For a copy of an audio record | 17,00 |
3. The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) is R35,00.
4. The access fees payable by a requester referred to in regulation 7(3) are as follows:
- | | R |
|--|-------|
| (1)(a) For every photocopy of an A4-size page or part thereof | 0,60 |
| (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form | 0,40 |
| (c) For a copy in a computer-readable form on - | |
| (i) stiffy disc | 5,00 |
| (ii) compact disc | 40,00 |
| (d) (i) For a transcription of visual images, for an A4-size page or part thereof | 22,00 |
| (ii) For a copy of visual images | 60,00 |
| (e) (i) For a transcription of an audio record, for an A4-size page or part thereof | 12,00 |
| (ii) For a copy of an audio record | 17,00 |

- (f) To search for and prepare the record for disclosure, R15,00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.
- (2) For purposes of section 22(2) of the Act, the following applies:
 - (a) Six hours as the hours to be exceeded before a deposit is payable; and
 - (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.

4. Prescribed forms for access to a record of a public body.

**ANNEXURE B OF NOTICE 187 IN THE GOVERNMENT GAZETTE ON THE
15 FEBRUARY 2002**

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 2]

<p>FOR DEPARTMENTAL USE</p> <p style="text-align: right;">Reference number:</p> <p>Request received by (state rank, name and surname of information officer/deputy information officer) on (date) at (place).</p> <p>Request fee (if any): R</p> <p>Deposit (if any): R</p> <p>Access fee: R</p> <p>SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER</p>
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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 recorded below.

(b) Furnish an address and/or fax number in the Republic to which information must be sent.

(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 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 therefore.

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:		
<p>Mark the appropriate box with an "X".</p> <p>NOTES:</p> <p>(a) Your indication as to the required form of access depends on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</p>			
<p>1. If the record is in written or printed form -</p>			
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record

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*
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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)
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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)
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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?

YES	NO
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A postal fee is payable.

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 thereof 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 of :

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE