

**MANUAL OF
COMAIR LIMITED ("Comair")
IN TERMS OF THE
PROMOTION OF ACCESS
TO INFORMATION ACT,
2000 ("the Act")**

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Introduction to Comair

Comair is a public company listed on the JSE Securities Exchange, South Africa, operating scheduled and non-scheduled air services within South Africa and to various other regional destinations. Comair employs approximately 1130 employees.

Mr Sean Miller has been duly appointed by the head of Comair, to act as the person to whom requests for access to information must be made in terms of the Act.

1. Contact details of head

Mr Sean Miller
Internal auditor of Comair

Postal address : Comair Ltd
P O Box 7015
Bonaero Park
1622
South Africa

Physical address : 1 Marignane Drive
Cnr Atlas Road
Bonaero Park
1619
South Africa

Telephone : +27 11 921 0274
Facsimile : +27 11 395 2546
e-mail : millersp@comair.co.za

2. The Guide

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

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

Postal address : Private Bag 2700
Houghton
2041

Telephone : +27 11 484 8300

Facsimile : +27 11 484 0582

Website : www.sahrc.org.za

E-mail : PAIA@sahrc.org.za

3. Records available in terms of other legislation

3.1 Companies Act 61 of 1973

- 3.1.1 All documents of incorporation of Comair are lodged at the offices of the Registrar of Companies, and may be inspected there. These documents include the memorandum and articles of association of Comair, as well as the relevant company forms.
- 3.1.2 The register of members of Comair is open for inspection by any person at the registered office of Comair's transfer secretaries, currently Compushare. Records kept in regard to a register of transfers (of members), pledges and bonds are available for inspection at the registered office of Comair.
- 3.1.3 Special resolutions are lodged with the Registrar of Companies, and are therefore available for inspection there.
- 3.1.4 A register of the directors' and officials' interests in contracts entered into by Comair is kept at the registered office of Comair, and is available for inspection.

3.1.5 Copies of the annual financial statements of Comair are available for inspection at the offices of the Registrar of Companies.

3.2 **Pension Funds Act 24 of 1956** – The rules of the fund utilised by Comair, as well as the last revenue account and balance sheet of the fund, are available for inspection at the offices of the Registrar of Pension Funds.

3.3 **Employment Equity Act 55 of 1998** – As a designated employer, Comair is required to publish a summary of its employment equity report, in Comair's annual financial report. A copy of the employment equity report has been lodged at the Department of Labour.

4. Access to records held by Comair

(i) Subjects and categories of records held by Comair

Note: This section of the Manual sets out the subject and categories of records held by Comair. The inclusion of any subject or category of records should not be taken as an indication that records falling within those subjects and/or categories will be made available under the Act. In particular, certain grounds of refusal as set out in the Act may be applicable to a request for such records.

4.1 Incorporation documents

4.1.1 The memorandum and articles of association of Comair.

4.1.2 The incorporation forms of Comair.

4.2 Constitution of Comair

4.2.1 The share register of Comair.

4.2.2 Shareholders' agreements of Comair.

4.2.3 Minutes of general meetings of the shareholders of Comair.

4.2.4 Register or list of directors of Comair.

4.2.5 Minute books and internal resolutions of Comair.

4.2.6 Power of attorney agreements, and a list of persons authorised to bind Comair.

4.2.7 Statutory registers of Comair, including a register of bonds and pledges, and a register of directors' interests in contracts.

4.3 **Financial records of Comair**

4.3.1 Accounting records, books and documents of Comair.

4.3.2 Interim and annual financial reports of Comair.

4.3.3 Details of auditors of Comair, namely Fisher Hoffman PKF.

4.3.4 External auditors' reports in respect of audits conducted on Comair.

4.3.5 Details of actuaries of the pension scheme utilised by Comair.

4.3.6 Tax returns of Comair.

4.3.7 Other documents and agreements relating to taxation.

4.3.8 Other financial records of Comair.

4.4 **Banking details of Comair**

4.4.1 Indebtedness to bankers.

4.4.2 Bank facilities and accounts details.

4.4.3 Bank statements.

4.4.4 Debt securities issued by Comair.

4.4.5 Guarantees given by, or in respect of, Comair.

4.4.6 Agreements with various credit card companies.

4.4.7 Other financial commitments of Comair.

4.4.8 Other banking records of Comair.

4.5 **Human resources / employment records**

4.5.1 List of employees.

- 4.5.2 Contracts of employment with directors, officers and employees of Comair.
- 4.5.3 Expenditure or reimbursement agreements with directors of Comair.
- 4.5.4 Documents relating to employee benefits.
- 4.5.5 Compensation or redundancy payments.
- 4.5.6 Documents and information in respect of the Comair share incentive trust.
- 4.5.7 Personnel files.
- 4.5.8 Collective agreements with trade unions.
- 4.5.9 Recognition agreements with trade unions.
- 4.5.10 Employment equity plan of Comair.
- 4.5.11 Procedural agreements and policies of Comair.
- 4.5.12 Disciplinary records and documentation pertaining to disciplinary proceedings.
- 4.5.13 Training manuals.
- 4.5.14 Other information relating to employees of Comair.
- 4.6 **Aviation agreements**
 - 4.6.1 Licence agreements.
 - 4.6.2 Aircraft purchase agreements.
 - 4.6.3 Aircraft finance agreements.
 - 4.6.4 Aircraft lease agreements.
 - 4.6.5 Aircraft maintenance agreements.
 - 4.6.6 Code share agreements.

- 4.6.7 Wet lease agreements.
- 4.6.8 Agreements with travel agents.
- 4.6.9 Agreements with corporate clients.
- 4.6.10 General sales agency agreements.
- 4.6.11 Interlining agreements.
- 4.6.12 Standard ground handling agreements.
- 4.6.13 General conditions of carriage for passengers and baggage.
- 4.6.14 Fuel supply agreements.
- 4.7 **Intellectual Property**
 - 4.7.1 Trade-marks, patents, copyrights, designs held by Comair.
 - 4.7.2 Licences relating to intellectual property rights.
 - 4.7.3 Other agreements relating to intellectual property rights.
- 4.8 **Permits**
 - 4.8.1 Licences, material permits, consents, approvals, authorisations and certificates.
 - 4.8.2 Applications for permits, licences etc.
 - 4.8.3 Registrations and declarations of permits.
- 4.9 **Insurance records**
 - 4.9.1 Aviation insurance summaries.
 - 4.9.2 Other insurance policies taken out for the benefit of Comair and its employees.
- 4.10 **Immovable and movable property**
 - 4.10.1 Title deeds of land owned by Comair.

- 4.10.2 Agreements for the lease or sale of land and/or other immovable property by Comair.
- 4.10.3 Agreements for the lease or sale of movable property by Comair.
- 4.10.4 Mortgage bonds, liens, notarial bonds or security interests on property.
- 4.10.5 Other agreements for the purchase, ordinary sale, conditional sale, or hire of assets.

4.11 **Information technology**

- 4.11.1 Licence and distribution agreement in respect of computer reservation systems.
- 4.11.2 Computer software support and maintenance agreements.
- 4.11.3 Web site development, support and maintenance agreements.
- 4.11.4 Computer software licence agreements.
- 4.11.5 Agreements in respect of computer hardware used by Comair.
- 4.11.6 Agreements with Internet Service Providers, and other telecommunications entities.
- 4.11.7 Leased line agreements.
- 4.11.8 Other documentation pertaining to computer systems and computer programs held by Comair.
- 4.11.9 Individual contracts in respect of usage of cellular telephones.
- 4.11.10 SITA agreements.

4.12 **Miscellaneous agreements of Comair**

- 4.12.1 Structured finance agreements.
- 4.12.2 Loans from third parties (including banks).
- 4.12.3 Suretyship agreements.

- 4.12.4 Security agreements, guarantees and indemnities, including notarial bond agreements.
- 4.12.5 Agreements restricting the trading activities of Comair.
- 4.12.6 Agency, management and distribution agreements.
- 4.12.7 Marketing agreements.
- 4.12.8 Agreements in terms of which Comair is a member of a joint venture, consortium, partnership, incorporated or unincorporated association, and shareholders' agreements of another entity which Comair is a party to.
- 4.12.9 Agreements with suppliers of Comair.
- 4.12.10 Agreements with customers of Comair.
- 4.12.11 Confidentiality and/or non-disclosure agreements.
- 4.12.12 Any other agreements.
- 4.13 **Correspondence**
Correspondence of Comair, including internal and external memoranda.
- 4.14 **Information relating to legal proceedings**
Records relating to legal proceedings involving Comair.
- 4.15 **Environmental records**
 - 4.15.1 Environmental impact assessments and documents pertaining to studies conducted in this regard.
 - 4.15.2 Agreements pertaining to environmental issues.
 - 4.15.3 Policy of Comair regarding environmental issues.
- 4.16 **Research and scientific or technical information of Comair**
 - 4.16.1 Documentation pertaining to research conducted by Comair.
 - 4.16.2 Scientific and/or technical information in the possession of Comair.

4.17 Other information

Customer database in respect of passengers of Comair.

(ii) The request procedures

Form of request:

- The requester must use the prescribed form to make the request for access to a record. This must be made to the head of Comair. This request must be made to the address, fax number or electronic mail address of the head of Comair.
- The requester must provide sufficient detail on the request form to enable the head of Comair to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.
- The requester must identify the right that he or she is seeking to exercise or protect and provide an explanation as to why the requested record is required for the exercise or protection of that right.
- If a request is made on behalf of a person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the head of Comair.

Fees:

- The head of Comair must notify the requester (other than a personal requester) by notice, requiring the requester to pay the fee of R50 before further processing the request. A personal requester does not pay such fee.
- The requester may lodge an internal appeal or an application to the court against the tender or payment of the request fee.
- The head of Comair will then make a decision on the request and notify the requester in the required form.

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

5. Availability of the manual

The manual is available for inspection at the offices of Comair free of charge. Copies are also available with the SAHRC and in the Government Gazette.

6. Prescribed fees and forms in respect of private bodies

The prescribed forms and fees for requests to private bodies, are available on the website of the Department of Justice and Constitutional Development:

www.doj.gov.za

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