

MOGALAKWENA LOCAL MUNICIPALITY

PROMOTION OF ACCESS TO INFORMATION MANUAL

**PREPARED IN ACCORDANCE WITH SECTION
51 OF THE PROMOTION OF ACCESS TO
INFORMATION ACT NO. 2 OF 2000**

SECTION 14 MANUAL FOR MOGALAKWENA LOCAL MUNICIPALITY

1. PREAMBLE

The MOGALAKWENA Local Municipality was established by way of a Section 12 notice in accordance with Local Government Municipal Structures Act, 1998 (Act 117 of 1998) as a Plenary Council with ward committees.

The Promotion of Access to information Act gives effect to Section 32 of the Constitution, which provides that everyone has the right to access any information held by the State or any information that is held by another person, where such information is required for the exercise or protection of any rights. The MOGALAKWENA Local Municipality has to publish such Section 14 Manual to give effects to the constitutional right of any person or entity that would like to request access to information held by the Municipality, subject to the provisions of the Promotion of Access to Information Act.

It behooves the Municipality to provide access to the requested records and refusal to provide such access shall be qualified by reasons furnished in this manual. Refusal thereto shall be for purposes of protecting other fundamental rights and certain aspects of public interest.

2. PARTICULARS OF THE MOGALAKWENA LOCAL MUNICIPALITY

Name of body: MOGALAKWENA Local Municipality

The Honourable Mayor: M.B MMOLA

Speaker: N L KGOBE

Exco Members:

CLLR J.F BARNARD
CLLR A CACHALIA
CLLR R.L KGANYAGO
CLLR T.S KGOSANA
CLLR M T MATLWA
CLLR M.R LEBELO
CLLR M.B MMOLA
CLLR N.M MOTABO
CLLR M.E SHIKA
CLLR N.R THEMA

Acting Municipal Manager L.J SEBOLA

Managers

M.H THOBEJANE (CORPORATE SUPPORT SERVICES)
D.E MAILULA (DEVELOPMENTAL SERVICES)
W JOUBERT (ACTING CHIEF FINANCIAL OFFICER)
L.J SEBOLA (COMMUNITY SERVICES)
T.S MOGASHOA (TECHNICAL SERVICES)
J.N FOURIE (ELECTRICAL SERVICES)

Address: G HUDSON (TRAFFIC & EMERGENCY SERVICES)
 54 Retief Street
 MOKOPANE
 0600
 LIMPOPO PROVINCE

Postal: P.O Box 34
 MOKOPANE
 0600

Tele number: (015) 491 9600
 Fax number: (015) 491 9755
 E-mail Address: thobejanem@mogalakwena.gov.za

3. STRUCTURE AND FUNCTIONS

The Municipality has sixty- two Councilors. Thirty- one of these are elected and thirty- one others are appointed proportionally. There are four Traditional Leaders' representatives.

In terms of Chapter 7 of the Constitution of the Republic of South Africa, 1996, the Municipality has executive, legislative and administrative authority and is empowered to administer the following functions:

4. Part B of Schedule 4 of the Constitution:

- a) Air Pollution
- b) Building regulations
- c) Electricity and gas reticulation
- d) Child care facilities
- e) Fire fighting services
- f) Local tourism
- g) Municipal planning
- h) Municipal health services
- i) Municipal public transport
- j) Municipal Public works only in respect of the needs of municipalities in the discharge of their responsibilities to administer functions specifically assigned to them under this constitution or any other law
- k) Pontoons, ferries jitters, piers and harbours, excluding the regulation of international and national shipping matters related thereto
- l) Storm Water Management Systems in build up arrears
- m) Trading regulations
- n) Water and Sanitation Services limited to potable water supply systems and domestic waste-water and sewage disposal system.

5. Schedule 5 Part B of the Constitution

1. Billboards and the display of Advertisements in Public Places
2. Cemeteries, Funeral Parlors and Crematoria
3. Cleansing
4. Control of public nuisances
5. Control of undertakings that sell liquor to the Public
6. Facilities for accommodation, care and burial of animals
7. Fencing and fences
8. Licensing of dogs
9. Licensing and control of undertakings that sell food to the Public
10. Local Amenities
11. Markets
12. Municipal abattoirs
13. Municipal parks and recreation
14. Municipal roads
15. Noise pollution
16. Rounds
17. Public places
18. Refuse removal refuse dumps and solid waste disposal
19. Street trading and Parking
20. Traffic and Parking

In accordance with the Authorisation in terms of Section 18 of the Local Government Municipal Structures Act (Act 117 of 1998), the Municipality is further empowered to exercise the following functions with specific reference to the Demarcated areas of MOGALAKWENA:

- I. Building Regulations
- II. Liquor Control
- III. Licensing etc. for selling of food to the Public

The Municipality is empowered to perform the following functions within the MOGALAKWENA Municipal area to the extend that the function were performed by the former transitional Local Council of POTGIETERSRUS.

1. Solid waste disposal sites in so far as it relates to:
 - (a) The determination of a waste disposal strategy
 - (b) The regulation of waste disposal
 - (c) The establishment, operation and control of waste disposal, sites, bulk waste transfer facilities and waste disposal facilities for more than one local Municipality in the district (if required).
 - (d) The establishment conducts and control of cemeteries and crematoria serving the area or major proportion of Municipalities in the district (if required).
 - (e) Promotion of local tourism for the area

- (f) Municipal Public works relating to any of the above functions or any other functions assigned to the District Municipality relating to the above functions.

6. Contact Details

CHIEF INFORMATION OFFICER

MR L.J SEBOLA
Acting Municipal Manager
MOGALAKWENA Local Municipality

DEPUTY INFORMATION OFFICER

MR MH THOBEJANE
Manager: Corporate Support Services

MOGALAKWENA MUNICIPALITY
P.O. Box 34
MOKOPANE
0600

Civic Centre Retief Street

Tel: (015) 491 9600
Fax: (015) 491 9755

7. SECTION 10 GUIDE ON HOW TO USE THE ACT [SECTION 14 (1), (C)].

The Section 10 guide referred to in the Act, shall be made available for perusal at the Municipalities office of Corporate Support Services Manager, as soon as it is published by the South African Human Rights Commission in accordance with the Act. Kindly note that this Section 10 guide has, to date, not yet been finalized by the South African Human Rights Commission.

8. PROCEDURE TO REQUEST ACCESS TO A RECORD OF THE MUNICIPALITY AND DESCRIPTION OF, SUBJECTS ON WHICH RECORDS ARE HELD.

- 8.1 A request for access to the records of the Municipality must be submitted to the Office of the Manager Corporate Services with proof of payment of the prescribed tariff on form "A" which is available at the Manager Corporate Support Services office.
- 8.2 A schedule of the prescribed tariffs is attainable and included in the schedule of tariffs applicable to the Annual Budget of the Municipality.

9. ACCESS TO THE RECORDS HELD BY THE MOGALAKWENA LOCAL MUNICIPALITY [SECTION 14 (1), (D)].

9.1 Records are kept in accordance with legislation, of which the following are the important, but not inclusive, list of laws:

- a) Constitution of the Republic of South Africa, 1996
- b) Electoral Commission Act, 51 of 1996
- c) Electoral Act, 73 of 1998
- d) Local Government: Municipal Electoral Act, 27 of 2000
- e) Local Government: Municipal Structure Act, 117 of 1998
- f) Local Government: Municipal Demarcation Act, 27 of 1998
- g) Local Government: Municipal System Act, 32 of 2000
- h) Income Tax Act 58 of 1962 [section 75 (1)].
- l) Unemployed Insurance Act, 30 of 1996 (section 32 and 33)
- j) Value-Added Tax Act, 89 of 1991 (section 55)
- k) Compensation for Occupational Injuries and Diseases Act, 130 of 1993 (section 81).
- l) Labour Relations Act 66 of 1995 (section 98, 99 and 205).
- m) Basic Conditions of Employment Act, 75 of 1997 [sections 29 (4) and 31].
- n) Employment Equity Act, 55 of 1998 (section 26).
- o) Skills Development Levies Act 9 of 1999 (section 13).
- p) Public Finance Management Act 1 of 1999.

8.2 Notice regarding the categories of records of the Municipality, which are available without a person having to request access in terms of the Act.

The following information is automatically available without a person having to request access in terms of the Act:

- a) Information contained in this manual
 - Information contained in the guide issued by the Human Rights Commission
 - Records containing personal information about the requester including information contained in the consumer accounts
 - Any other information held on record by the Municipality which must be available for inspection in terms of any other legislation
 - Any information on record which has to be made available for purchase or copying by the Municipality in terms of a council resolution or legislation

10. THE FOLLOWING INFORMATION WILL BE MADE AVAILABLE FREE OF CHARGE:

- 1. Certified extract from minutes of Council meetings
- 2. Extracts from By-laws
- 3. Extracts from Budget
- 4. Township Planning information, except maps
- 5. Verbal information from Valuation Roll.
- 6. Information contained in this Manual

7. Information contained in the guide issued by the Human Rights Commission

11. THE FOLLOWING INFORMATION WILL BE MADE AVAILABLE FOR PURCHASE OR COPYING FROM THE MUNICIPALITY AT THE RATES OUT LINED IN THE TARIFF SCHEDULE:

- a) Full set of a By-law
- b) Complete budget Document
- c) Town map or section of town planning maps
- d) Complete Integrated Development Plan or extracts, as required
- e) Valuation Roll, extracts or valuation certificates as required

This Notice with subsequent amendments, if any, will be published annually in the Government Gazette by the Minister in accordance with Section 15 (2) of the Promotion of Access to Information Act.

12. DESCRIPTION OF THE SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC FROM THE MUNICIPALITY AND HOW TO GAIN ACCESS TO THOSE SERVICES.

13.1 The following basic services are available to members of the public upon the completion of the prescribed application form and payment of any prescribed fees, and or levies and subject to payment of the monetary consumer tariff:

- a) Provision of water for domestic, business or industrial
- b) Provision of electricity for domestic, business or industrial
- c) Provision of sewerage removal service
- d) Provision of refuse removal

13. THE MUNICIPALITY RENDERS THE FOLLOWING ADDITIONAL SERVICES SUBJECT TO PAYMENT OF THE RELEVANT TARIFFS AND PRESCRIBED FEES, AND COMPLETION AND SUBMITTING OF PRESCRIBED APPLICATION FORMS AND OR OTHER DOCUMENTS:

- a) Traffic and licensing services.
- b) Approval of advertising signs and boarding
- c) Township development approval and approval of building plans. Health inspections
- d) Booking of Municipal venues and sport stadiums by members of the public, as and when required.

The Municipality renders a community health service (Primary health care).

The Municipality reserves the right to discontinue any service when the consumer falls into arrears, or meters are tempered with or for any other reason beyond the control of the Council and in terms of any applicable By-laws relevant to that service.

14. DESCRIPTION OF THE ARRANGEMENT OR PROVISION FOR A PERSON EITHER BY WAY OF CONSULTATION, OR BY MAKING REPRESENTATIONS OR TO PARTICIPATE IN OR INFLUENCE

- Formulation of policy
 - The exercise of power or performance of duties by the Municipality:
1. In accordance with the Local Government Municipal Structures Act No 117 of 1998, ward committees are established for participation of members of a particular ward in any matter which affects their ward;
 2. Council meetings are held and members of the public are welcome to attend the meetings and observe
 3. Members of the public are invited to comment on draft By-laws before such By-laws are adopted by Council and published in the provincial gazettes in accordance with the Local Government Municipal System Act, No 32 of 2000;
 4. Provision is made in the rules of probity of MOGALAKWENA Municipality, Promulgated under notice number for new motions, deputations and petitions to be submitted to the Municipal Manager for consideration by Council

15. A DESCRIPTION OF ALL REMEDIES AVAILABLE IN RESPECT OF AN ACT OR A FAILURE TO ACT BY THE MUNICIPALITY

- (a) The right to internal appeal against a decision by the Information Officer to the Municipality by the requester or a third party:
 - a. To be lodged in the prescribed form (form B) within 60 days or
 - b. Within 30 days if notice to a third party is required by section 49 (1) (b) after notice is given to the appellant of the decision appealed against.
 - c. Delivered or sent to the information officer of the Municipality at his / her address, fax number or electronic mail address.
 - d. Identify the subject of the internal appeal and state the reasons for the appeal including any other relevant information.
 - e. Stating if in addition to the written reply the appellant wishes to be informed of the decision on the internal appeal in any other manner, what that matter is and provide the necessary particulars to enable the Municipality to inform his / her accordingly
 - f. Must be accompanied by the prescribed appeal fee, as included in the tariff of fees.
 - g. Must specify a postal address or fax number.

16. EXTERNAL APPEAL

Extended periods for dealing with requests for the first two years from the date that part 2 of the Promotion of Access to Information Act, No 2 of 2000 takes effect shall be 90 days for the first year and 60 days for the second year.

- (b) The right to lodge an application with a relevant court against the decision of the Information Officer on the internal appeal.
- Within 30 days after notice is given according to the procedure to be stated in the notice of the decision in respect of the internal appeal
 - A requester or third party may only apply to a court for appropriate relief after that person has exhausted the internal appeal procedure in accordance with the rules of procedure made by the rules Board for Courts of Law, established by Section 2 of the rules for Courts of Law Act 1985 (Act No 107 of 1985) or if such procedure has not been made an application may be lodged with the high court or another court of similar status.

17. UPDATING OF THE MANUAL [SECTION 14 (2)]

The Municipality must if necessary, update and publish its manual referred to in subsection 1 of section 14 at intervals of not more than a year.

MOGALAKWENA LOCAL MUNICIPALITY**PRESCRIBED FORM (FORM A) FOR ACCESS TO INFORMATION****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 MUNICIPAL USE ONLY**

Reference number: _____

Request received by: Rank (Information Officer/Deputy Information Officer)
Name and Surname _____

Date _____

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**

MOGALAKWENA Local Municipality	
Name of Public Body	MOGALAKWENA Local Municipality
Designated Information Officer	L.J. SEBOLA
Designated Deputy Information Officer	M.H. THOBEJANE
Email address of Deputy Information Officer	thobejanem@mogalakwena.gov.za
Postal address	P.O.BOX 34 MOKOPANE 0600
Street address	54 RETIEF STREET MOKOPANE 0600

Phone number	(015) 491 9602
Fax number	(015) 491 9755 OR 086 555 8080
Website	www.mogalakwena.gov.za

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 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>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>	

Mark the appropriate box with an "X".

1. If the record is in written or printed form -			
<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.)			
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*
<input type="checkbox"/>		<input type="checkbox"/>	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* (magnetic or optical disc)
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? A postal fee is payable.					YES NO
<i>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.</i>					
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 _____ 20__

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE