

WEBBER WENTZEL
BOWENS
10 FRICKER ROAD
ILLOVO BOULEVARD
JOHANNESBURG 2196



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MANUAL

IN ACCORDANCE WITH

THE PROMOTION OF ACCESS TO INFORMATION ACT (NO. 2 OF 2000)



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**LUKHANJI MUNICIPALITY
ACCESS TO INFORMATION MANUAL**

1. INTRODUCTION

This manual has been compiled in terms of the Provision of the Promotion of Access to Information Act, 2000, Act 2, 2000. The Promotion of Access to Information Act, was enacted on 3 February 2002 to give effect to section 32 of the constitution, that is giving effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights. Where a request is made in terms of this Act, the private or public body to whom the request is made is obliged to release the information, except where the Act expressly provides that the information must not be released. The Act sets out the requisite procedural issues attached to such request. The act came into effect on 9 March 2001 with the exception of sections 10, 14, 16 and 51 which sections were brought into operation on 15 February 2002.

Lukhanji Municipality has compiled this manual to:

- Foster a culture of transparency and accountability giving effect to every person's right of access to information.
- Actively promote a society in which the people of Lukhanji have effective access to information to enable them to fully exercise and protect all of their rights.

2. LUKHANJI MUNICIPALITY: DESCRIPTION OF ITS STRUCTURE AND FUNCTIONS

2.1 STRUCTURE

The Lukhanji Municipality was established on 5 December 2000 vide a section 12 Notice No. 105 dated 2 December 2000 and comprises the former Transitional Local Councils of Queenstown, Whittlesea and parts of the Transitional Representative Councils of Hewu and Queenstown.

2.2. FUNCTIONS

The Municipality at present fulfils the following functions:

TECHNICAL SERVICES

Electricity	Storm water Management
Street lighting	Building Control Services
Road Maintenance	Plans and Signage control
Waste Water and sewerage disposal	Town Planning Services

COMMUNITY SERVICES

Municipal Health Services	Libraries
Environmental and Conservation	Swimming pools
Refuse removal	Street Trading
Town Cleaning	Law Enforcement
Cemeteries and Crematoria	Fire Services / Rescue Services
Parks and Gardens	Disaster Management

FINANCIAL SERVICES

Revenue Generation	Assets
Expenditure	Keeping of Financial records
Budgeting	Property Rating and taxation
Accounting	Insurance
Information Technology	Banking and Investments
Loans	

ESTATES, LAND DEVELOPMENT AND PLANNING SERVICES

Housing development	Land reform
Housing Administration	Acquisition of land
Rural land matters	

ADMINISTRATION AND HUMAN RESOURCES

All legislative and Administrative functions pertaining to staff	Implementation of Employment Equity Act
Staff Training	Councillor Training
Implementation of Skills Act	Local Labour Forum

PLANNING AND ECONOMIC DEVELOPMENT

Integrated Development Plan formulation
Strategic Planning
Local Tourism

Economic Development
Industrial Development

INTERNAL AUDIT

Internal Auditing of entire Municipality

3. WHO MAY REQUEST INFORMATION IN TERMS OF THE ACT

Any person who requires information for the exercise or protection of any rights, may request information from a public body. Section 11 of the Act states that;

- (1) A requester must be given access to a record of a public body if-
 - (a) that requester complies with all the procedural requirements in this Act relating to a request for access to that record; and
 - (b) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.
- (2) A request contemplated in subsection (1) includes a request for access to a record containing personal information about the requester.
- (3) A requester's right of access contemplated in subsection (1) is, subject to this Act, not affected by-
 - (a) any reasons the requester gives for requesting access; or
 - (b) the Information Officer's belief as to what the requester's reasons are for requesting access.

4. REQUEST FOR ACCESS TO A RECORD OF THE LUKHANJI COUNCIL (SECTION 14(1)(D) OF ACT 2 OF 2002)

The Lukhanji Municipality keeps a record of all correspondence, Agenda, Resolutions, building plans, town planning maps and other additional information relating to all services listed above, under part 3. Records are kept under the following categories:

<p>1. LEGISLATION</p> <p>Policy, Rulings, Instructions & Circulars Routine Enquiries Drafting and Amendment Acts of Parliament and Regulations Provincial Acts and Regulations Council Regulations and Bylaws</p>	<p>2. OFFICE ORGANISATION AND CONTROL</p> <p>Policy Routine Enquiries Local Government Circulars Delegation of Authority Record Control Filing System</p>
<p>3. COUNCIL AND COUNCIL MATTERS</p> <p>Emblems of the Council Policy, Rulings, Instructions and Circulars Declaration of gifts & pecuniary interests General and By-Elections (Independent Electoral Comm. Elections)</p> <p><u>Council and Committee Meetings</u></p> <p>Main files Council Meetings Main Committee Meetings Agendas and Minutes</p> <p><u>Matters Concerning Councillors</u></p> <p>Trade with Councillors Matters Concerning Mayor and Speaker Mayor's Correspondence Civic Functions Regalia Heraldry Municipal Coat of Arms Municipal Flag Complaints</p>	<p>4. STAFF AND COUNCILLORS</p> <ul style="list-style-type: none"> • Main files • Enquiries and furnishing of Information • Sections • Conditions of Service • Temporary Staff • Councillors • Payment of Allowances • Deductions • Loans • Pension Fund • Insurances • Medical Fund • Retirement & Resignations • Staff Control • Clothing • Staff Evaluations • Trade Unions and Labour Relations • NOSA • ABET

<p>5. FINANCE</p> <ul style="list-style-type: none"> • Estimates • Valuations • Valuation Appeals Court • Taxes • VAT • Land and Property Rates • Internal Loans • Tariffs • Subsidies received • Borrowing Powers • External Loans • Long Term Loans • Deposits • Investment by the Council • Salaries • Revenue Collection • Insurances • Accounting Responsibility • External Reports • Internal Enquiries • Financial Assistance • Banking Account • Payment of Grants • Audit Reports • Assets • Service Charges • Creditors • Stores • Pre-paid electricity • Financial Statements 	<p>6. DOMESTIC SUPPLIES AND SERVICES</p> <ul style="list-style-type: none"> • Domestic Supplies • Purchasing and Maintenance • Furniture and Equipment • Domestic Services • Transport • Communications • Accommodation and Grounds • Acquisition • Disposal • Maintenance • Losses <p>7. TENDERS AND CONTRACTS</p> <ul style="list-style-type: none"> • Main files • Specific Tenders and Contracts <p>8. REPORTS AND STATISTICS</p> <ul style="list-style-type: none"> • Policy, Rulings, Instructions and Circulars • Reports • Reports of Sections and Directors • Routine Enquiries • Adverts <p>9. PUBLICITY AND INFORMATION</p> <ul style="list-style-type: none"> • Own Publicity and Information • Enquiries • Advertising Media • Contact Information • Marketing of Lukhanji • Tourism
<p>10. FESTIVALS AND SOCIAL MATTERS</p> <ul style="list-style-type: none"> • Main Files • Festivals • Social Matters • Own Receptions and Functions • Other Receptions and Functions • Awards <p>11. COMPOSITION AND MEETINGS OF BODIES AND OTHER GATHERINGS</p> <ul style="list-style-type: none"> • Policy, Rulings, Instructions and Circulars • Routine Enquiries • Arrangements • Agendas, Minutes and Reports • Boards and Councils • Institutes • Societies and Associations • Committees • Other Bodies 	<p>12. LEGAL MATTERS</p> <ul style="list-style-type: none"> • Policy, Rulings, Instructions and Circulars • Claims: <ul style="list-style-type: none"> - By the Council - Against the Council • Prosecutions • Contraventions: Cases <p>13. LICENCES AND PERMITS</p> <ul style="list-style-type: none"> • Policy, Rulings, Instructions and Circulars • Applications and Issues • Vehicle Licences • Drivers' Licences • Learners' Licences <p>14. TOWN PLANNING AND CONTROL</p> <ul style="list-style-type: none"> • Main Files • Municipal Boundaries • Reservation of Sites • Town Planning Schemes • Establishment of Townships • Control of Townships • Integrated Development Plans • Bonds Registration • Control and Construction of Buildings

15. ESSENTIAL SERVICES	16. COMMUNITY SERVICES
<ul style="list-style-type: none"> • Water Supply • Distribution of Water • Electricity • Meters • Distribution of Electricity • Roads and Streets • Planning and Comments • Construction and Maintenance • Surfaces • Stormwater Drainage • Bridges and Subways • Sewerage • Establishment and Maintenance of sewerage Works/Farms • Erection and Maintenance of Sewerage Pumping Stations • Installation and Maintenance of Network • Permits in terms of the Water Act • Removal of Vacuum/Conservancy Tank Contents • Rubbish Removal Service and Sanitation • Refuse Removal Service • Maintenance of Solid Waste Disposal Sites • Sanitation Service • Cemetery and Crematorium • Development and Maintenance of a Facility 	<ul style="list-style-type: none"> • Health • Diseases • Inspections • Education • Consultation in respect of Establishment of Facilities • Traffic Control • Road Worthy • Trade Licences • Applications for Permission • Allocation of Parking Places and Loading Zones • Parking Places • Library Services • Housing • Economic & Sub-Economic Letting/Selling Schemes • Civic Centre, Parks, Gardens and Open Spaces • Sports and Recreation • Sports Complex • Arts Centre • Provision of Additional Facilities • Provision and Maintenance of Fire Brigade Services • Pounds • Street Collections • Religion and Churches • Museums and Memorials • Disaster Management

METHOD TO GAIN ACCESS TO INFORMATION

5.1. Contact Details

In the event of a member of the public requiring information from the Lukhanji Municipality in terms of the provision of the promotion of Access to Information Act, 2000 he/she may contact the Information Officer whose contact details are as follows;

The Information Officer
Private Bag X7111
Queenstown
5320

or

Faxed to
The Information Officer
Fax(045) 838 6925

or by

Electronic mail to
The Information Officer
e-mail: administration@lukhanji.co.za

5.2 Prescribed Access Form

In terms of Section 18, a request for access to a record of Lukhanji Municipality must be made in the prescribed form to the Municipality at the address, fax number or electronic mail address given above.

1. The form requires the requestor to provide sufficient particulars to enable the Information Officer to identify:-

- the record or records requested; and
- the requester;
- which applicable form of access referred to in section 29(2) is required;
- whether the record concerned is preferred in a particular language;
- a postal address or fax number of the requester in the Republic;
- whether information is required in any other manner

2. If the request is made on behalf of a person, satisfactory proof of the capacity in which the requester is making the request should be submitted.

3. An individual who because of illiteracy or a disability is unable to make a request for access to a record may make that request orally. The information officer will reduce that oral request to writing in the prescribed form and provide a copy thereof to the requester.

For a specimen of the request form see **ANNEXURE A** to the manual.

Requestors please **note** that all of the information as listed above should be provided, failing which the process will be delayed while the Municipality requests such additional information. The prescribed time periods will not commence until all pertinent information has been furnished by the requestor.

5.3 Fees payable

The **request fee** is a minimum fee payable for the submission of an application. This amount is currently R35,00 (thirty five rand) per request and is not refundable. Request fees are payable when submitting the request form.

An additional deposit may in certain circumstances be levied, depending on the nature (volume) of the information requested, as well as the format in which it is requested. The deposit shall be set off against the access fee, if payable.

Access fees are payable after a request for access to a record has been processed, excluding a record that contains personal information of the requester, and the record is ready to be made available. Please note that where at all possible, a quotation for the access fees shall first be furnished to the requester.

Access fees shall be determined by a number of variables, e.g. the format in which the record must be made available, the time spent in searching for the record, the voluminous of the request, etc.

Until further notice, the following fees will be used as general guidelines for the calculation of access fees:

Fees for reproduction:

For every photocopy of an A4-size page or part thereof (colour copies will be quoted separately):

R0,60 per black and white copy

For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form (colour copies will be quoted separately):

R0,40 per black and white copy

For a copy in a computer-readable form on -(i) stifty disc and (ii) compact disc:

(i) R5,00 each and (ii) R40,00 each

For a transcription of visual images, for an A4-size page or part thereof:

R22,00

For a copy of visual images:

R60,00

For a transcription of an audio record, for an A4-size page or part thereof:

R12,00

For a copy of an audio record:

R17,00

Access fees payable

(unless exempted under section 22(8) of the Act):

For every photocopy of an A4-size page or part thereof (colour copies will be quoted separately):

R0,60 per black and white copy

For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form (colour copies will be quoted separately):

R0,40 per black and white copy

For a copy in a computer-readable form on -(i) stifty disc and (ii) compact disc:

(i) R5,00 each and (ii) R40,00 each

For a transcription of visual images, for an A4-size page or part thereof:

R22,00

For a copy of visual images:

R60,00

For a transcription of an audio record, for an A4-size page or part thereof:

R12,00

For a copy of an audio record:

R17,00

To search for the record for disclosure, excluding the first hour, reasonably required for such search:

R15,00 per hour or part of an hour

The actual postal fee is payable when a copy of a record must be posted to a requester:

Fees available on request

5.4 Payment of fees

Fees payable must be deposited against the following vote number: 11010/806

The prescribed fees are payable at the cashiers in cash, by cheque at the following address (no credit card payments are possible):

The Directorate of Finance
25 & 27 Owen Street
QUEENSTOWN

Office hours are Mondays to Fridays from 08:45 to 15:30. The cashiers are open during lunch hour.

Payments made by mail can be addressed as follows: (Cheques/bills must be made payable to the "Lukhanji Municipality"):

The Information Officer
Lukhanji Municipality
Private Bag X7111
QUEENSTOWN
5320

(Please Note: No cash must be sent by mail)

5.5. Time Limits for Dealing with Requests

Section 87 provides that in the first twelve months after the Act comes into effect, a public body must grant or refuse a request for access to information within 90 days, and notify the requester accordingly. In the following twelve months, the 90 day period is reduced to 60 days. Thereafter it is reduced further to 30 days.

Should a public body not respond within the prescribed time limits, a requester may deduce that the public body refuses to grant access to the required information, and thereafter, depending on the status of the public body, lodge an appeal.

5.6 Transfer of Requests

If a request for access is made for information which the Lukhanji Municipality is not in possession of, or the information is more closely connected to another public body, the request will be transferred as soon as reasonably possible, but in any event within 14 days after the request is received to the other body / institution / organisation who could provide the information.

5.7 Records that cannot be found or do not exist

If information is no longer available and all reasonable steps have been taken to find a record requested, the Information Officer will, by means of an affidavit of affirmation inform the requester accordingly giving full reasons.

5.8 Deferral of access

Requests may be deferred until information becomes available. The requester will be notified accordingly and requested to make representations written 30 days why the information is required prior to it becoming public.

5.9 Refusal to grant access to information

A public body may legitimately refuse to grant access to a record. The grounds for refusal are set out in sections 33 to 45 of the Act.

5.10. Remedies Available in Respect of an Act or a Failure to Act by the Lukhanji Municipality

5.10.1. A requester may lodge an internal appeal with the Lukhanji Council against the Information Officer if:-

- A request for access is refused;
- The fees charged are unacceptable.
- If the period within which, information has to be disclosed is extended by the Information Officer
- Information is given in another form that has been requested.

5.10.2. A third party may lodge an internal appeal with the Lukhanji Council against a decision by the Information Officer to disclose information.

5.11. MANNER OF AN INTERNAL APPEAL AND APPEAL FEES.

5.11.1 An internal appeal must be lodged on the prescribed form

5.11.2 Within a period of 60 days

5.11.3 If a notice to a third party is required, within 30 days after notice is given to the appellant of the decision to appeal.

5.11.4. Must be posted, faxed or sent by electronic mail to the Information Officer.

5.11.5 Identify the subject matter and state reasons for appeal

5.11.6 State manner in terms of how the reply is required, in addition to a written reply.

5.11.7 Prescribed fee to accompany the appeal form.

5.11.8 Late appeals, upon good cause shown, can be allowed.

5.11.9 The Information Officer must within 10 working days submit the appeal to the Mayoral Committee for consideration

6 HUMAN RIGHTS COMMISSION GUIDELINE

In terms of section 10 of the Act, the Human Rights Commission must compile a guide by 14 August 2003. This guide is intended to assist users in the interpretation of the Act. The guide will contain a description of the objects of the Act, the contact details of the information officers of all the public bodies, particulars of the public bodies, the manner of access to the records of those public bodies and the remedies available in law regarding a breach of any of the provisions of the Act.

The South African Human Rights Commission's contact details are as follows;

Private Bag 2700
Houghton
2041
Tel: 011 484 8300
Fax 011 4841360

7. DESCRIPTION OF SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC FROM THE LUKHANJI MUNICIPALITY AND HOW TO GAIN ACCESS

A comprehensive list depicting Departmental offices, office hours and contact details are listed below.

Contact may be made at any of the above offices but to ensure immediate attention it is recommended that Directors, who have all been appointed Deputy Information Officers be contacted directly.

8. ARRANGEMENTS / PROVISIONS FOR PERSONS TO MAKE REPRESENTATIONS, CONSULT OR OTHERWISE TO PARTICIPATE OR INFLUENCE THE FORMULATION OF POLICY OR THE EXERCISING OF POWERS OR PERFORMANCE OF DUTIES BY THE LUKHANJI MUNICIPALITY.

The participation / involvement of the community in the administration of the Municipality is incorporated, in the main, in the Local Government System Act 2000 (chapter 4) and the Municipal Structure Act 1998 (chapter 3).

Community participation in the affairs of the municipality is a prerequisite for good governance and to facilitate this, the following avenues are made available to the community to participate.

- Ward Committees
- Lukhanji Ward Councillors and PR Councillors
- Recognition of CBO's, which bodies will be incorporated in planning processes such as the IDP etc.
- Budget process designed to encourage community participation.
- Public meeting when required
- Local Newspaper

9. AVAILABILITY OF THIS MANUAL

This manual is available from any of the contact addresses listed below and may be viewed free of charge.

Copies are available from the South African Human Rights Commission:

PAIA Unit
Private Bag 2700
Houghton
2041

Copies are also available from the Government Gazette.

10. GENERAL INFORMATION

The Information Officer or any Deputy Information Officer may be contacted for further information not contained in this manual.

MUNICIPAL MANAGER

Mr P Bacela
TEL: 045 - 807 2746
FAX: 045 - 807 2733
E-MAIL: administration@lukhanji.co.za
70 Cathcart Road
Queenstown
5319

DIRECTOR: ADMINISTRATION

Mr D van Wyk
TEL: 045 - 807 2610
FAX: 045 - 807 2707
E-MAIL: administration@lukhanji.co.za
70 Cathcart Road
Queenstown
5319

DIRECTOR: ESTATES

TEL: 045 - 807 2692
FAX: 045 - 807 2725
estates@lukhanji.co.za
2c Komani Street
Queenstown
5319

DIRECTOR: TECHNICAL SERVICES

Mr P. Bezuidenhout
TEL: 045 - 807 2659
FAX: 045 - 839 7545
E-MAIL: dirtech@awe.co.za
20 Brewery Lane
Queenstown
5319

DIRECTOR: FINANCE

Mr T. De Bruin
TEL: 045 - 807 2616
FAX: 045 - 807 2719
E-MAIL: qtmun@cybertrade.co.za
25-27 Owen Street
Queenstown
5319

DIRECTOR: COMMUNITY SERVICES

Mr G. Judeel
TEL: 045 - 807 2749
FAX: 045 - 807 2606
E-MAIL: communityservices@lukhanji.co.za
8 Owen Street
Queenstown
5319

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Advertensies: Tel: (012) 334-4673, 334-4674, 334-4504
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Kaapstad-tak: Tel: (021) 465-7531