



THEEWATERSKLOOF MUNICIPALITY

MANUAL

In terms of Section 14 of the Promotion of Access to Information Act, Act 2 of 2000 [“The Act”]

Prepared by : Marelize Faul

CONTENTS

- A. Access to Information
- B. Chapter 1 - Functions and Structure of Theewaterskloof Municipality
[Section 14(1)(a)]
- C. Chapter 2 - Contact Particulars of Information Officers
[Section 14(1)(b)]
- D. Chapter 3 - Section 10 - Guidelines on application of the Act
[Section 14(1)(c)]
- E. Chapter 4 - Access to Records:
 - 4.1 Information that must be requested formally
[Section 14(1)(d)]
 - 4.2 Request procedures
[Section 14(1)(f)]
 - 4.3 Appeal against refusal of access to information
[Section 14(1)(h)]
- F. Chapter 5 - Notices published in terms of Section 15(2)
[Section 14(1)(e)]
- G. Chapter 6 - Description of any arrangement or provision for a person to participate or exert influence by means of consultation, the addressing of representations or otherwise
[Section 14(1)(g)]
- H. Chapter 7 - Any other information as prescribed by Regulations
[Section 14(1)(i)]
- I. Chapter 8 - Updating and Availability of Manual
[Section 14(2) en (3)]
- J. Annexures - Schedule 1: Prescribed fees
Schedule 2: Prescribed forms for access to records

ACCESS TO INFORMATION

This manual has been compiled in accordance with the Promotion of Access to Information Act (Act 2 of 2000).

The manual has been compiled with a view to :

- Establish a culture of transparency and accountability and to be able to afford every person the right of access to information;
- Actively promote a community where people residing in the Theewaterskloof Municipal Area can have access to information that will enable them to effectively promote and protect all their rights.

CHAPTER 1

SECTION 14(1)(a) - FUNCTIONS AND STRUCTURE OF THEEWATERSKLOOF MUNICIPALITY

The Theewaterskloof Municipality was instituted on 22 September 2000 in accordance with a Section 12 Notice – Provincial Notice No. PN 480/2000 dated 22 September 2000.

1. FUNCTIONS

1.1 The Town Management model was implemented during July 2007 and the functions are managed by a Corporate Office and Town Offices.

1.2 The functions that fall under the Corporate Office are the following:

1.2.1 Office of the Municipal Manager

- § Internal Auditing
- § Communication

1.2.2 Directorate Corporate Services

- § Administration
- § Councillor Support
- § Records Management
- § Secretarial Services
- § Legal Services
- § Human Resources Management
- § Information Technology

1.2.3 Directorate Financial Services

- § Financial Management and Control including the Budget Office
- § Income
- § Debt Collection
- § Expenditure
- § Supply Chain Management
- § Asset Management
- § Risk Management
- § Valuations

1.2.4 Directorate Technical Services

- § Electrical Services
- § Disaster Management
- § Fleet Management
- § Project Management in respect of (a) water services [reservoirs, boreholes, networks, purification works]; (b) sewer networks and purification works; (c) refuse removal and garbage dump sites and (d) streets and storm water [maintenance, upgrading and resealing].
- § Municipal Environmental Health Services

1.2.5 Directorate Development Services

- § Traffic Services and law enforcement
- § Housing
- § Integrated Development Plan
- § Local Economic Development
- § Tourism
- § Town Planning
- § Building Control
- § Spatial Planning and Development
- § Property Management
- § Sport and Recreation
- § Libraries

1.3 The following functions fall under the Directorate Operations - Town Offices:

- § Administration with regard to the specific town
- § Hall Hire [where applicable]
- § Library Services
- § Streets and Storm Water
- § Leiwater [where applicable]
- § Sewer networks and purification works
- § Water networks and purification works
- § Cemeteries
- § Public Open Spaces, Parks and Gardens
- § Refuse removal and Dump Sites / Transfer Station
- § Ward Committees

2. **STRUCTURE**

- 2.1 The Theewaterskloof Council consists of twenty five Councillors from which the Speaker and the Executive Mayor and his Committee respectively, are elected. The Executive Mayor and his Committee consist of the Executive Mayor, Deputy Mayor and four additional Councillors.
- 2.3 The Management Team of Theewaterskloof Municipality at present consists of the Municipal Manager and the Directors of the Directorates Corporate Services, Financial Services, Technical Services, Operations and Development Services. They are assisted by Deputy Directors, Managers and Heads in the various Directorates.
- 2.4 There are at present altogether 609 employees in Theewaterskloof Municipality. Caledon functions as the Head Office of Theewaterskloof Municipality.

CHAPTER 2

SECTION 14(1)(b) – CONTACT PARTICULARS OF THE INFORMATION OFFICERS

1. Information Officer

Mr H S D Wallace - Municipal Manager

2. Deputy Information Officer

Ms M Faul – Manager: Corporate Services

3. Street address

6 Plein Street
CALEDON
7230

4. Postal address

P.O. Box 24
CALEDON
7230

5. Telephone number

028-2143300

6. Fax number

028-2141289

7. E-mail address

twkmun@twk.org.za

8. Website address

www.twk.org.za

CHAPTER 3

SECTION 14(1)(C) - SECTION 10 GUIDELINES ON APPLICATION OF THE ACT

This guide will be obtainable from the South African Human Rights Commission.

Any enquiries in this regard should be directed to :

The Department of Research and Documentation
South African Human Rights Commission
PAIA Unit
Private Bag x 2700
HOUGHTON
2041

Tel No : 011-4848300

Fax No : 011-4841360

Website : www.sahrc.org.za

E-mail : paia@sahrc.org.za

CHAPTER 4

ACCESS TO RECORDS

4.1 Section 14(1)(d) – Information that must be requested formally:

4.1.1 Theewaterskloof Municipality keeps certain information in respect of the following subjects that must be requested formally in terms of the conditions of clause 4.2 below:

4.1.1.1 Legislation

- § National acts applicable to local government.
- § Provincial acts applicable to local government.
- § Municipal ordinances / bylaws
- § Regulations, notices and proclamations applicable to local government and the Municipality.

4.1.1.2 Organisation and Control

- § Delegation of Powers
- § Records Management – Filing System

4.1.1.3 Political System

- § Agendas en Minutes of all meetings of political structures
- § Rules of Procedure governing meetings
- § Information regarding all Councillors
- § List of Councillors representing the Council on external organisations
- § Information regarding the Junior Town Council
- § Information regarding the Ward Committee System

4.1.1.4 Human Resource Management

- § Personnel Structure
- § Recruitment and Appointment of personnel
- § Job Descriptions and Job Evaluations
- § Conditions of Service
- § Training statistics
- § Termination of Service and Disciplinary Action
- § Injury on Duty
- § Members authorised to do private work
- § Union Representatives
- § Rules governing pension/retirement and medical funds.

4.1.1.5 Financial

- \$ Operating Budget
- \$ Capital Budget
- \$ Property Valuations
- \$ Funds : Name, purpose and financial standing
- \$ Investments : Investment amount, institution, terms.
- \$ Insurance Portfolio : Insurer, premium, ensured risks.
- \$ Losses suffered : Details, actions taken to prevent repetition, reports and returns.
- \$ Asset Management : Asset register
- \$ Risk Management : Risk register
- \$ Audit reports [Internal and External]
- \$ Bank accounts : Name of banker, reports and statements
- \$ Collection of monies : Statistics
- \$ Rates, taxes, fees and levies on surcharges
- \$ Equitable share : Details of government allocations

4.1.1.6 Land and Buildings

- \$ Land and Buildings leased for municipal purposes : Description and details
- \$ Land and Buildings purchase for municipal purposes : Description and details
- \$ Land and Buildings sold : Description and details

4.1.1.7 Tenders and Contracts

- \$ Supply Chain Management : Financial information regarding tenders, quotations, contracts.

4.1.1.8 Reports, Returns and Statistics

- \$ Related information and correspondence in respect of the Annual Report
- \$ Related information and correspondence in respect of the Oversight Report
- \$ Reports>Returns to other organs of state
- \$ Internal reports, returns and statistics

4.1.1.9 Publications and Information

- \$ Press and other media releases
- \$ Brochures and newsletters
- \$ Information requested / Complaints logged by the public

4.1.1.10 Legal Matters

- \$ Legal Opinions
- \$ Legal actions instituted by the Municipality
- \$ Legal actions instituted against the Municipality

- 4.1.1.11 Licences and permits
- § Vehicle licences
 - § Drivers licences
 - § Trading licences
 - § Liquor licences
- 4.1.1.12 Integrated Development Plan [IDP]
- § Related information and correspondence in respect of the Integrated Development
 - § Projects identified in IDP
 - § Performance Management System and Service Delivery Budget Implementation Plan [SDBIP]
- 4.1.1.13 Town Planning, Building Control and Advertising
- § Applications, correspondence, notices in respect of rezonings, subdivisions, departures, consent uses in respect of erven or farms
 - § Spatial Development Framework
 - § Structure Plan
 - § Register of land uses
 - § Building plans
 - § Agreements with regard to billboards and signage.
- 4.1.1.14 Essential Services
- 4.1.1.14.1 Water supply:
- § Construction and maintenance of water supply schemes/reservoirs/boreholes /dams/pump stations
 - § Maintenance and operation of networks
 - § Water restrictions
 - § Servitudes
 - § Leiwater
 - § Flood lines
 - § Monitoring services
 - § Statistics, reports and official returns
- 4.1.1.14.2 Electricity supply:
- § Maintenance and upgrading of network, street lights and miniature sub-stations
 - § Statistics, reports and official returns
- 4.1.1.14.3 Roads, Streets and Storm Water:
- § Maintenance and upgrading of roads, streets, sidewalks and storm water drainage.
 - § Closing of roads and streets

- 4.1.1.14.4 Sewer Network:
- \$ Maintenance and upgrading of sewer networks
 - \$ Sewerage enquiries and blockages; connections
 - \$ Statistics, reports and official returns
- 4.1.1.14.5 Cemeteries:
- \$ Maintenance of cemeteries and Wall of Remembrance
 - \$ Applications: Burial site and Exhumations and Re-burials
 - \$ Cemetery Register
- 4.1.1.14.6 Sewage Purification Works:
- \$ Maintenance, upgrading and operation of sewage purification works
 - \$ Permit
 - \$ Monitoring services
 - \$ Statistics, reports and official returns
- 4.1.1.14.7 Refuse Removal, Dump Sites and Transfer Stations:
- \$ Business, household and bulk volume refuse removal
 - \$ Maintenance and operation of dump sites and transfer stations
 - \$ Permit
 - \$ Statistics, reports and official returns
- 4.1.1.14.8 Disaster Management:
- \$ Statistics, reports and official returns in respect of disasters
 - \$ Disaster Management Policy
- 4.1.1.15 Community Services
- 4.1.1.15.1 Environmental Health Services:
- \$ Reports, Official returns and statistics
- 4.1.1.15.2 Traffic Services:
- \$ Maintenance and upgrading of Test Stations and Traffic Offices
 - \$ Consent Applications in respect of processions, rallies, gatherings

§ Applications, erection and maintenance of road signs and markings

§ Reports, official returns and statistics

4.1.1.15.3 Library Services:

§ Maintenance of libraries

§ Books/video tapes/Laser discs

§ Reports, official returns and statistics

4.1.1.15.4 Housing:

§ Housing applications and approvals

§ Housing waiting lists

§ Housing projects

§ Housing contracts

§ Housing : Statistics and Reports

4.1.2 The above information is available in the following format :

4.1.2.1 Municipal legislation, by-laws and policies :

§ All such documentation

4.1.2.2 Delegations :

Delegation to :

§ Political office bearers

§ Councillors

§ Personnel

§ Structures (Executive Committee)

Delegation register

4.1.2.3 Councillors :

Information regarding each and every Councillor :

§ Name, address, telephone numbers

§ Proportional, political party and election details

§ Office in Council e.g. Member of Committees

§ Representation on other bodies

4.1.2.4 Agendas en Minutes :

The agendas en minutes of all meetings held by the Council excluding agendas and minutes that have been marked as confidential.

4.1.2.5 Budget :

All documentation with regard to –

- \$ IDP
- \$ Capital budget
- \$ Operational budget

4.1.2.6 Financial records :

- \$ Annual statements
- \$ Monies in arrears [excluding personal details] – documentation / statistics
- \$ All tariffs, fees and levies approved by the Council for the current financial year – documentation.
- \$ Valuation lists

4.1.2.7 Registers :

Registers in connection with –

- \$ Assets [movable and immovable]
- \$ Risks
- \$ Agreements / Contracts
- \$ Cemetery register

4.1.2.8 Statistics :

- \$ Statistics maintained for departmental use in the format in which it is available.
- \$ Statistics in the format as prescribed by law.

4.1.2.9 Publications :

All publications by or on behalf of the Municipality which have already been made public or have already been submitted to the council and in terms of which no copyright rests with a person or institution that is not associated with the Municipality.

4.1.2.10 Planning :

- \$ Spatial Development Framework
- \$ Structure Plan
- \$ Register of land uses
- \$ Building plans
- \$ Erf files with reference to Town Planning applications

4.1.2.11 Housing :

- § Housing applications and approvals
- § Housing waiting lists
- § Housing projects - documentation
- § Housing contracts
- § Housing : Statistics and Reports

4.2 **Section 14(1)(f) – Request Procedures:**

- 4.2.1 Access to information mentioned above will be requested by:
- 4.2.1.1 Completing the prescribed Form A (“request forms”) [Schedule 2]; and
 - 4.2.1.2 Paying the prescribed fee as stated in Schedule 1 of this manual. It is however not expected of an applicant that requests access to a record that contains personal information on the applicant, to pay the request fee.
- 4.2.2 Once the Information Offices has taken a decision on the request, the applicant must be informed of such decision in the manner in which the applicant wishes to be notified.
- 4.2.3 The applicant must indicate whether the request is for a copy of the record or whether the applicant wishes to examine the records at the offices of Theewaterskloof Municipality.
- 4.2.4 Access to the abovementioned information will only be granted to the applicant as requested, unless such manner will unreasonably interfere with the management and operation of Theewaterskloof Municipality, or will damage the records or will infringe the copyright.
- 4.2.5 If, for practical reasons, it is not possible to grant access as was requested, but in an alternative manner, the fee for access will be calculated in accordance with the manner that was requested by the applicant.
- 4.2.6 If the applicant cannot read or write, or is handicapped, they can make the application verbally, in which case the Information Officer will complete the form on behalf of such applicant, and will deliver the completed form to the applicant.
- 4.2.7 The applicant must clearly indicate the following on the request form:
- 4.2.7.1 whether they would like to be informed telephonically of how successful their request was, or in any other manner.
 - 4.2.7.2 the capacity in which the request is being done, in case the information is being requested on behalf of someone else.

4.3 **Section 14(1)(h) - Appeal against refusal of access to information:**

4.3.1 If, after satisfying the requirements for the procedure that must be followed as stated in 4.2 above:

4.3.1.1 the Deputy Information Officer refuses to grant access to information; and

4.3.1.2 such refusal is not based on any grounds for refusal that are mentioned in the Act;

The applicant may register an appeal with the Information Officer against the decision of such Deputy Information Officer.

4.3.2 If the applicant is not satisfied with the decision of the Information Officer as stated in 4.3.1 above, appeal may be registered with the Speaker, and thereafter the Appeal Council of Theewaterskloof Municipality.

4.3.3 The applicant may institute Court proceedings for further assistance if the appeal decision by the Appeal Council is not satisfactory.

CHAPTER 5

SECTION 14(1)(e) – NOTICE PUBLISHED IN TERMS OF SECTION 15(2)

None

CHAPTER 6

SECTION 14(1)(g) – A DESCRIPTION OF ANY ARRANGEMENT OR PROVISION FOR A PERSON, BY MEANS OF DELIBERATION, TO EXERCISE THE ADDRESSING OF REPRESENTATIONS, OR OTHERWISE, TO PARTICIPATE OR INFLUENCE

Municipal Council of Theewaterskloof Municipality consisting of the Speaker.

CHAPTER 7

SECTION 14(1)(i) - ANY OTHER INFORMATION AS PRESCRIBED BY REGULATIONS

The Minister of Justice and Constitutional Development, in terms of Section 92 of the Promotion of Access to Information Act, 2000 [Act 2 of 2000] promulgated the following regulations :

1. 2001 – Regulations relating to the Promotion of Access to Information [R.223 of 09 March 2001]
2. 2002 – Regulations relating to the Promotion of Access to Information [R.187 of 15 February 2002]
3. 2003 – Amendment of regulations regarding the Promotion of Access to Information Act, 2000 (English or Afrikaans) [Notice 25411]
4. 2003 – Amended Regulations – The Minister of Justice and Constitutional Development has, under section 92 of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000), made the regulations in the Schedule. [R124 – English or Afrikaans];
5. 2006 – Government Notice R.990 of 13 October 2006 was published in Gazette 29278 dated 13 October 2006. Amendment to the PAIA regulations Section 91(a)(7) and Section (2(4)).
6. 2007 – Amendment of Regulations – Insertion of Regulation 5A and 9A (English or Afrikaans) [R.466]

CHAPTER 8

SECTIONS 14(2) and (3) - UPDATING AND AVAILABILITY OF THE MANUAL

8.1 This manual will:

8.1.1 Be updated annually;

8.1.2 Be available for inspection at the following places during office hours:

8.1.2.1 The South African Human Rights Commission

8.1.2.2 The Town Manager of every office of Theewaterskloof Municipality.

8.1.2.3 Libraries of Theewaterskloof Municipality

SCHEDULE 1**SCALE OF PRESCRIBED FEES**

Public bodies registered under the Value-Added Tax Act, 1991 (Act 89 of 1991), as vendors may add value-added tax to all fees prescribed in Schedule 1.

PART 1 : FEES IN RESPECT OF SECTION 14 GUIDE

The fee for a copy of the guide as contemplated in Regulations 2(3)(b and 3(4)(c) is R 0.60 for every photocopy of an A4-size page or part thereof.

PART II : FEES WITH REFERENCE TO PUBLIC BODIES

1. The fee for a copy of the manual as set out in Regulation 5(c) is R 0.60 for each photocopy of an A4-size page or part thereof.

2. The fees for reproduction as referred to in Regulation 7(1) is as follows :

	R
(a) For each photocopy of an A4-size page or part thereof	0.60
(b) For each printed copy of an A4-size page or part thereof that is stored in a computer or in electronic or machine readable format	0.40
(c) For a copy in a computer-readable format on -	
(i) stiffy disc	5.00
(ii) laser 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 application fee that is payable by each applicant except a personal applicant and which is referred to in Regulation 7(2), is R 35.00.

4. The access fee that is payable by an applicant and which is referred to in Regulation 7(3), is as follows :

	R
(1)(a) For each photocopy of an A4-size page or part Thereof	0.60
(1)(b) For each printed copy of an A4-size page or part thereof that is stored in a computer or in electronic or machine readable format	0.40
(1)(c) For a copy in a computer-readable format on -	
(i) stiffy disc	5.00
(ii) laser disc	40.00
(1)(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
(1)(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
(1)(f) To search for, and to prepare the records for making public, R 15.00 for each hour or part of an hour, excluding the first hour, that is reasonably necessary for such search and preparation.	
(2) For the purpose of Section 22(2) of the Act, the following is applicable :	
(a) Six hours will be the hours that must be exceeded before a deposit is payable; and	
(b) one third of the access fee is payable by the applicant as a deposit.	
(3) The correct postage is payable when a copy of a record must be posted to an applicant.	

ANNEXURE B

FORM A

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

(Article 18(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 van 2000))

[Regulation 6]

FOR DEPARTMENTAL USE

Reference number : _____

Request received by _____ (state
rank, name and surname of Information Officer/Deputy Information Officer) on
_____ (date) at _____ (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

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 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 requesting access to the record

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 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 for exemption.*

Reason for exemption from payment of fees: _____

F. Form of access to record

If you are prevented by disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, 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 for access 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 to 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
--------------------------	-----------------	--------------------------	----------------------

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*
--------------------------	-----------------	--------------------------	---------------------	--------------------------	------------------------------

3. If the 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)
--------------------------	---	--------------------------	--

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)
--	-------------------------	--	--	--	--

*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
--	-----	----

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 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 of

_____ 20 _____

SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS
MADE