

# **BERGRIVIER MUNICIPALITY**



## **MANUAL OF ACTIVITIES AND REGISTER OF RECORDS HELD BY BERGRIVIER MUNICIPALITY**

### **PROMOTION OF ACCESS TO INFORMATION ACT (ACT 2 OF 2000)**

**APPROVED :BKN011/11/2016 OF 15/11/2016**

# BERGRIVIER MUNICIPALITY

## MANUAL: ACTIVITIES AND RECORDS HELD BY BERGRIVIER MUNICIPALITY

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## 1. INTRODUCTION

The manual was compiled in terms of Section 14 of the Promotion of Access to Information Act, Act No. 2 of 2000 and its purpose is to create a culture of transparency and accountability by allowing access to information, as contained in the Constitution.

Bergrivier Municipality does not regard the matter as simply just complying with the Act, but as an opportunity to deal with information in a holistic and integrated way.

Bergrivier Municipality emphasises the creation of a culture of transparency and accountability and supports the principles of openness, integrity, equitability and responsibility towards the community.

The Act allows voluntary and compulsory procedures in order to carry out the constitutional right to information in a manner that will allow person's access to records as quickly, cheaply and effortlessly as possible.

Should you have any problems in using this guide, please contact the relevant Deputy Information Officers (see list on page 11) who are best able to render assistance.



**ADV H LINDE**  
**MUNICIPAL MANAGER**

29 NOVEMBER 2016



## 2. DESCRIPTION OF STRUCTURE AND ACTIVITIES

Bergrivier Municipality was established on 5 December 2000 and consists of the following towns which also include the rural area, viz:

- \* Piketberg
- \* Velddrif
- \* Porterville
- \* Eendekuil
- \* Redelinghuys
- \* Aurora
- \* Goedverwacht
- \* Wittewater

The vision of the Bergrivier municipal area as listed in the IDP is **“WE STRIVE TOWARDS A SATISFIED COMMUNITY THROUGH SUSTAINABLE SERVICE DELIVERY”**.

In order to expand on this vision and to eventually realise it, the following mission statement was formulated, viz:

**“TO CREATE AN EFFECTIVELY GOVERNED ADMINISTRATION THAT IS COMMITTED TO SUSTAINABLE DEVELOPMENT OF THE MUNICIPAL AREA AND THE DELIVERY OF SERVICES THAT ARE RESPONSIVE TO THE UNIQUE NEEDS OF THE BERGRIVIER COMMUNITY”**.

The following goals were formulated (as listed in the IDP) to realise the vision and mission:

- "A financially viable and sustainable Municipality;
- An effective productive administration capable of sustainable service delivery;
- An open transparent corruption free and responsive Municipality;
- A quality living environment that is conducive to development and investment;
- A safe, healthy and secure living environment; and
- Sustainable development of the Municipal Area (environment, economy, people)".

### 2.1 STRUCTURE

#### 2.1.1 COUNCIL AND COMMITTEES

In terms of section 151 of the Constitution, there must be municipalities for the total area of the Republic of South Africa. Bergrivier Municipality was established on 5 December 2000. Council consists of 13 councillors that are compiled as follows

- \* 6 Proportional councillors
  - Alderman EB Manuel (DA)
  - Councillor MA Wessels (DA)
  - Alderman J Swart (ANC)
  - Alderlady Me SIJ Smit (ANC)
  - Councillor Me SS Lesch (ANC)
  - Councillor SR Claassen (ANC)

\* 7 Ward Councillors

-	Wyk 1	:	Councillor J Daniels (DA)
-	Wyk 2	:	Councillor AJ du Plooy (DA)
-	Wyk 3	:	Alderman A de Vries (DA)
-	Wyk 4	:	Alderman RM van Rooy (DA)
-	Wyk 5	:	Alderman JJ Josephus (DA)
-	Wyk 6	:	Councillor Me A Small (DA)
-	Wyk 7	:	Alderlady Me SM Crafford (DA)

Council also elected members to the Mayoral Committee comprising three Councillors of which the Mayor is the Chairperson. The Chairperson of the Council is the Speaker. The Council also appointed three (3) committees according to Section 80 of the Local Government : Municipal Structures Act (Act 117 of 1998):

- (a) TECHNICAL SERVICES COMMITTEE : Chairperson - Councillor MA Wessels
- (b) FINANCIAL SERVICES COMMITTEE : Chairperson – Alderlady SM Crafford
- (c) CORPORATE SERVICES COMMITTEE: Chairperson – Alderman RM van Rooy

The activities dealt with by the above committees are reflected further on in the manual when the personnel structure is discussed.

Council adopted the Executive Mayoral System and the Executive Deputy Mayor system during September 2002, which were implemented on 11 June 2003.

The Executive Mayor is Alderman EB Manuel. Together with the above system, full-time Councillors were also appointed, such as the Executive Mayor, Alderman EB Manuel, the Executive Deputy Mayor, Alderlady SM Crafford, Alderman RM van Rooy and Councillor MA Wessels.

## 2.1.2 PERSONNEL STRUCTURE

The personnel structure that was approved by Council, has already been fully implemented and reconciled in Council's budget. The personnel structure consists of the under mentioned directorates and, for further clarity, the main functions of each directorate are listed under the Municipal Manager and relevant Directors:

- (a) Municipal Manager – Adv H Linde
  - Responsible for the functions contained in Section 55 of the Systems Act, Act 32 of 2000.
  - International Fund Raising
  - International Relations
  - Tourism (Strategic)
  - Communication
  - Intergovernmental Relations
  - Supervision of support personnel in the offices of the Mayor, Deputy Mayor and Speaker
  - Internal Audit
    - Risk Management
  - Strategic Services
    - Performance Management



- IDP
- Public Participation
- Social Development
- CDW's
- Ward Committee's
- LED
- Client Services

(b) Director : Technical Services – Mr H Khrön

• **Civil**

- Solid waste
- Roads and Storm water
- Water and sanitation
- Cleansing
- Sewage
- Recycling
- Maintenance of Buildings
- Parks
- Cemeteries
- Swimming Pools
- Maintenance of Sport Fields
- Maintenance of Community Halls

• **Electricity**

- Electricity Distribution

• **Project Management**

- Capital projects
- New Council Facilities
- EPWP
- Building Control
- Housing Projects
- Housing Administration

Director Financial Services - Mr J A van Niekerk

• **Income**

- Diverse Income Processes
- Debtors
- Collections
- Reconciliation
- Meter Reading
- Property Valuation

• **Expenditure**

- Creditors
- Purchases

- Tenders and Quotations
  - Asset Register Management
  - Supply Chain Management
  - Stores : Inventory
  - **Budget & Treasury**
    - Budget
    - Reporting
    - Annual Financial Statements
- (c) Director Corporate Services - Mr JWA Kotzee
- (d)

- **Administration**
  - Office Administration
  - Committee Services
  - Policy Formulation
  - IT
  - Archives/Document Management
  - Secretarial Functions
  - Registration
  - Tourism (Operational)
  - Museums
  - Libraries
- **Human Resource Management**
  - Personnel Administration
  - Labour relations
  - Occupational Health and Safety
  - Employment equity
  - Training and Development
  - Employee Assistance
  - Salaries and wages
- **Community Services**
  - Resorts and Beaches
  - Pounds and Burial of Animals
  - Traffic Services
  - Law Enforcement
  - Fire Services
  - Noise Pollution
  - Disaster Management
  - Air Pollution
  - Public Nuisances
  - Sport Development
- **Planning and Development**
  - Land Use Management
  - Town Planning
  - Spatial Development
  - GIS

➤ Environmental Management

## 2.2 **ACTIVITIES**

### 2.2.1 **OBJECTS OF LOCAL GOVERNMENT**

The Local Authority objects in terms of section 152 of the Constitution are as follows:

- (a) to provide a democratic and accountable government for local communities;
- (b) to ensure the provision of services to communities in a sustainable manner;
- (c) to promote social and economic development;
- (d) to promote a safe and healthy environment;
- (e) to encourage the involvement of communities and community organisations in the matters of local government;
- (f) A municipality must strive, within its financial and administrative capacity, to achieve the objects set out above.

### 2.2.2 **DEVELOPMENT DUTIES OF MUNICIPALITIES**

In terms of Section 153 of the Constitution, Municipalities have certain development obligations and must -

- (a) Structure and manage its administration and budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic development of the community; and
- (b) Participate in national and provincial development programmes.

### 2.2.3 **POWERS AND FUNCTIONS OF MUNICIPALITIES**

In terms of Section 156 of the Constitution, Bergrivier Municipality has the following powers and functions:

- (a) Functions listed in Part B of Schedule 4 and Part B of Schedule 5 of the Constitution

Part B of Schedule 4

- Air pollution
- Building regulations
- Child care facilities
- Electricity and gas reticulation
- Fire fighting services
- Local tourism
- Municipal airports
- Municipal planning
- Municipal health services
- Municipal public transport
- 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

- Pontoons, ferries, jetties, piers and harbours, excluding the regulation of international and national shipping and matters related thereto
- Storm water management systems in built-up areas
- Trading regulations
- Water and sanitation services limited to potable water supply systems and domestic waste-water and sewage disposal systems

(b) Functions as listed in Part B of Schedule 5 of the Constitution

- Beaches and amusement facilities
- Billboards and the display of advertisements in public places
- Cemeteries, funeral parlours and crematoria
- Cleansing
- Control of public nuisances
- Control of undertakings that sell liquor to the public
- Facilities for the accommodation, care and burial of animals
- Fencing and fences
- Licensing of dogs
- Licensing and control of undertakings that sell food to the public
- Local amenities
- Local sport facilities
- Markets
- Municipal abattoirs
- Municipal parks and recreation
- Municipal roads
- Noise pollution
- Pounds
- Public places
- Refuse removal, refuse dumps and solid waste disposal
- Street trading
- Street lighting
- Traffic and parking

- (c) A municipality may make and administer by-laws for the effective administration of the matters which it has the right to administer;
- (d) The national government and provincial governments may assign to a municipality, by agreement and subject to any conditions, the administration of a matter listed in Part A of Schedule 5 of the Constitution or Part A of Schedule 5 which necessarily relates to local government, if that matter would most effectively be administered locally, and the municipality has the capacity to administer it.
- (e) A municipality has the right to exercise any powers concerning a matter reasonably necessary for, or incidental to the effective performance of its functions.

3. **CONTACT DETAILS OF INFORMATION OFFICER AND DEPUTY INFORMATION OFFICERS**

3.1. **INFORMATION OFFICER**

Name	:	Adv H Linde
Designation	:	Municipal Manager
Address	:	Church Street / PO Box 60 PIKETBERG, 7320
Telephone No	:	(022) 913 1126
Fax No	:	(022) 913 1380
E-mail	:	<a href="mailto:mm@bergmun.org.za">mm@bergmun.org.za</a>



### 3.2. DEPUTY INFORMATION OFFICERS

NAME	ADDRESS	TEL NO.	FAX NO.	E-MAIL
Head Client Services	Church Street / PO Box 60, Piketberg, 7320	022-913 6000	022-913 1406	sb@bergmun.org.za
Client Services Official : Piketberg	Kerkstraat / Posbus 60, Piketberg, 7320	022-913 6000	022-913 1406	vanhuyssteenj@bergmun.org.za
Client Services Official : Porterville	Mark Street / Private Bag X50, Porterville, 6810	022-931 2100	022-931 3047	maarmane@bergmun.org.za
Client Services Official : Velddrif	Voortrekker Street / PO Box 29, Velddrif, 7365	022-783 1112	022-783 1422	varnickerc@bergmun.org.za
Manager Strategic Services	Church Street / PO Box 60, Piketberg, 7320	022-913 6000	022-913 1406	sb@bergmun.org.za
Manager Income	Church Street / PO Box 60, Piketberg, 7320	022-913 6000	022-913 1406	crousm@bergmun.org.za
Manager Expenditure	Church Street / PO Box 60, Piketberg, 7320	022-913 6000	022-913 1406	pereiraa@bergmun.org.za
Manager Budget and Financial Statements	Church Street / PO Box 60, Piketberg, 7320	022-913 6000	022-913 1406	sassj@bergmun.org.za
Manager Administrative Services	Church Street / PO Box 60, Piketberg, 7320	022-913 6000	022-913 1406	rheederw@bergmun.org.za
Manager Planning & Development	Church Street / PO Box 60, Piketberg, 7320	022-913 6000	022-913 1406	wagenerw@bergmun.org.za
Manager Human Resource Services	Church Street / PO Box 60, Piketberg, 7320	022-913 6000	022-913 1406	louwa@bergmun.org.za
Manager Community Services	Church Street / PO Box 60, Piketberg, 7320	022-913 6000	022-913 1406	josephusd@bergmun.org.za
Manager Civil Engineering Services	Church Street / PO Box 60, Piketberg, 7320	022-913 6000	022-913 1406	breunissenj@bergmun.org.za
Manager Electrical Services	Church Street / PO Box 60, Piketberg, 7320	022-913 6000	022-913 1406	rossouwn@bergmun.org.za
Manager Projects	Church Street / PO Box 60, Piketberg, 7320	022-913 6000	022-913 1406	engelbrechtijn@bergmun.org.za



#### **4. DESCRIPTION OF HUMAN RIGHTS COMMISSION GUIDE ON HOW TO USE THE ACT**

The guide has not yet been published by the Human Rights Commission and as soon as that has been done, it will form part of this manual.

#### **5. DETAILS ON HOW TO OBTAIN ACCESS TO A RECORD, DESCRIPTION OF THE SUBJECTS AND CATEGORIES OF RECORDS HELD BY BERGRIVIER MUNICIPALITY**

##### **5.1 REQUEST FORM**

A request for access to a record (see Annexure A) must be directed to the Information Officer (see Chapter 3) of Bergrivier Municipality. An individual who, through being illiterate or disabled, is unable to direct a request for access to a record of the Municipality as mentioned above, can direct such request verbally. The Information Officer or the relevant Deputy Information Officer must then convert the verbal request into writing on the prescribed form and supply a copy thereof to the applicant.

##### **5.2 DUTY TO ASSIST APPLICANTS**

The Information Officer or Deputy Information Officer (see Chapter 3) is obliged to render free assistance when an applicant completes the prescribed forms, if necessary. If an applicant directs his request in another manner on the prescribed form, the Information Officer may inform the applicant of his intention to refuse the request in terms of Section 19(2) of the Act.

##### **5.3 TRANSFER OF REQUESTS**

The transfer of requests must be done in accordance with Section 20 of the Promotion of Access to Information Act.

##### **5.4 SUBJECTS AND CATEGORIES OF RECORDS**

###### **1. SUBJECTS**

The following subjects of records are held by the municipality. The various categories of records of each subjects follows thereafter:-

1. Legislation
2. Organisation and control
3. Own Council and Council matters
4. Personnel
5. Finances
6. Domestic stock and services
7. Municipal property
8. Quotations, Tenders and Contracts
9. Reports: Returns and statistics
10. Public relations and information
11. Festivals and socialising
12. Compilation and meetings of councils, institution, societies and committees
13. Administration of justice
14. Licences, permits and registrations
15. Town planning and control
16. Essential services
17. Community services

## **2. CATEGORIES OF RECORDS**

### **2.1 LEGISLATION**

- Parliamentary legislation
- Provincial legislation
- Municipal by-laws

### **2.2 ORGANISATION AND CONTROL**

- Departmental organisation
- Records control
- Filing system
- Disposal of records
- Privatisation
- Occupational safety
- Constitutional development of local authorities

### **2.3 OWN COUNCIL AND COUNCIL MATTERS**

- Office Bearers
- Code of Conduct
- Training
- Trading with Councillors
- Action against Councillors
- Pension fund and medical aid fund for Councillors
- Political structures
- Representation on outside bodies by Councillors
- Meeting rules and procedures
- Election
- Meetings
- Member matters
- Portfolios

### **2.4 PERSONNEL**

- Post control, including grading, evaluating and duty sheets
- Conditions of service
- Canvassing and appointment
- Monthly remunerated employees
- Training and qualifications
- Allowances, deductions and loans
- Pension, medical aid fund and insurance matters
- Personnel control:
  - Service rosters and timesheets
  - Leave and acting arrangements
  - Grievances
  - Clothing
- Personnel returns and statistics
- Labour relations
- Meetings and congresses
- Retirement

**2.5 FINANCES**

- Budgets
- Financial Statements
- Valuations and interim valuations
- Property rates and rural levies
- Fixing of tariffs
- Deposits
- Subsidies received
- Collecting of all types of monies owing to Council
- Payment of accounts
- Financial aid by Council
- Financial aid to Council
- Masekhane
- Loans
- Investment matters
- Payment of allowances
- RDP
- Bank accounts
- Accountability

**2.6 DOMESTIC STOCK AND SERVICES**

- Domestic stock
- Procurement and maintenance
- Preferential Procurement policy
- Communication
- Computer system

**2.7 MUNICIPAL PROPERTY**

- Buildings
- Alienation
- Sites
- Procurement
- Alienation

**2.8 QUOTATIONS, TENDERS AND CONTRACTS**

- Public tenders
- Annual tenders
- Quotations
- Tenders
- Contracts
- Consulting and professional services

**2.9 REPORTS, RETURNS AND STATISTICS**

- Quarterly, monthly and annual reports
- Departmental statistics
- Statistics and Census



**2.10 PUBLICITY AND INFORMATION**

- Own publicity and information
- Enquiries
- Council logos
- Public relations by other institutions – control
- Information-other institutions

**2.11 FESTIVALS AND SOCIALISING**

- Official speeches
- Protocol lists
- Festivals / periodic events
- Own receptions and functions
- Expressions of thanks, congratulations and condolences
- Twinning

**2.12 COMPILATION OF MEETINGS OF BODIES AND OTHER GATHERINGS**

Agendas, minutes, reports and policy decisions and own local committees and bodies of which Council is a member or is represented on.

**2.13 ADMINISTRATION OF JUSTICE**

- Legal opinions and court judgements
- Appointment of lawyers and advocates
- Claims by and against Council
- Investigations and prosecution with regard to legislation applied by Council

**2.14 LICENCES, PERMITS AND REGISTRATIONS**

Details of applications and issuing of licenses, permits and registrations allowed or refuse by Council in terms of the conditions of Legislation

**2.15 TOWN PLANNING AND CONTROL****IDP**

- Details of municipal boundaries
- Spatial development planning
- Establishment of formal and informal townships
- Land use control:
  - Rezoning
  - Subdivisions
  - Demarcation/relaxations
  - Closure of open spaces and streets
  - Servitudes
  - Sectional Titles
  - Concessions and land reform
  - Building control matters:
    - Approval of building plans
    - Temporary buildings/ structures

- Advertising signs
- Demolitions

## **2.16 ESSENTIAL SERVICES**

### **Water:**

- Procurement and distribution
- Supply and maintenance of storage dams, reservoirs, pressure towers, pump stations, main pipe lines and distribution network
- Management measures

### **Electricity:**

- Restructuring
- Purchases and procurement
- Planning, construction and upgrading of networks
- Applications for connections
- Management, running and maintenance of substations, transmission infrastructure and street lightning

### **Sewage:**

- Issuing and authorising permits for reticulation works
- Planning, construction and upgrading of reticulating works
- Maintenance, analysis and utilisation of sewage overflow
- Planning, construction, upgrading and maintenance of pump stations and network
- Servitudes and thoroughfare rights

### **Cleansing:**

- Establishment, maintenance and operation of waste disposal sites
- Closure and rehabilitation of waste disposal sites
- Refuse removal
- Cleansing campaigns

### **Roads, streets and parking areas:**

- Construction programmes, proclamation and deproclamation
- Planning and comments regarding main roads
- Construction, maintenance and safeguarding of road surfaces
- Allocation of street names and erection of street name signs
- Numbering of dwellings

### **Cemeteries**

- Establishment and maintenance
- Details of exhumations and reburials, erection and maintenance of head stones
- Indigent burials

## **2.17 COMMUNITY SERVICES**

- Health services
- Housing
- Fire services
- Public transport services
- Library services
- Parks, gardens, playgrounds and open spaces
- Harbour and coast control
- Museums and monuments
- Sport and Recreation
- Beach Resort
- Community halls
- Street collections and street markets
- Traffic control
- Disaster control
- Environmental conservation
- Fish houses
- Municipal test station
- Showgrounds
- Communications
- Playschools and crèches
- Nuisance control (animals)
- Welfare

## **6. CATEGORIES THAT ARE AVAILABLE AUTOMATICALLY**

1. Budget
2. Tariffs and levies
3. Financial statements
4. Valuations
5. Credit control policy
6. Account information and requests
7. Reports (non-confidential)
8. Statistics
9. Tenders
10. Agendas and Minutes
11. Availability of properties, sizes and prices and zoning (land use rights) of erven
12. Information on personnel as prescribed in Section 34(2)(f) of the Act
13. Powers and delegations granted to personnel and councillors
14. Planning and development (rezonings, subdivisions, consents, removal of restrictions, delimitations)
15. Policy aspects
16. IDP
17. Performance management
18. Municipal legislation and by-laws
19. Housing (waiting list and availability)
20. Publications on which no copyright is held
21. Council's service providers



It should be noted that these records are available free for perusal, but the prescribed fee will apply when reproducing any such record. Requesters must apply to the relevant Information Officer or Deputy Information Officer (as listed in Chapter 3) for access to the above records.

## **7. DESCRIPTION OF SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC**

1. Approval of building plans and building inspections
2. Protection services (Traffic and Disaster Management)
3. Fire Brigade Services
4. Public Works
5. Town planning (land use applications)
6. Health
7. Cemeteries
8. Housing
9. Parks, sport facilities and open spaces
10. Electricity
11. Water
12. Refuse removal
13. Sewage removal
14. Leasing of halls
15. Beach resorts and caravan parks
16. Swimming pools
17. Libraries
18. Tourism
19. Hawkers licences
20. Cashiers and dealing with enquiries

## **8. DESCRIPTION OF ARRANGEMENTS FOR PARTICIPATION IN THE FORMULATING OF DECISION MAKING AND EXERCISING OF POWERS AND DUTIES WITHIN THE MUNICIPALITY**

Community participation in the management of the Municipality is mainly contained in the Systems Act (Chapter 4) and the Structures Act (Chapter 3).

Community participation is a prerequisite for sound management and the following mechanisms have been put in place to address this through community participation, namely:

- \* Ward committees
- \* Ward councillors
- Proportional councillors
- Participation during compilation of IDP
- Non-government organisations
- Public input during budget process
- Public meetings
- \* Attendance of meetings by Council
- Local newspapers
- \* Newsletters

## **9. REFUSAL OF ACCESS TO RECORDS**

The Information Officer or Deputy Information Officers may refuse access to certain record under specific circumstances as prescribed in terms of Chapter 4 of the Promotion of Access to Information Act, 2000.

## 10. DESCRIPTION OF AVAILABLE LEGAL RESOURCES REGARDING AN ACTION OR FAILURE TO ACT BY THE MUNICIPALITY

### 10.1 Internal appeals against decisions

A requester may lodge an internal appeal against a decision by the Information Officer if a request for access has been refused or dealt with in terms of Section 22, 26(1) or 29(3) of the Act. A third party may lodge an internal appeal against a decision of the Information Officer to grant a request for access to information. An internal appeal must be lodged in the prescribed form (Annexure B).

### 10.2 Manner of internal appeal and appeal fees

- (1) An internal appeal -
  - (a) must be lodged in the prescribed form –
    - (i) within 60 days
    - (ii) if notice to a third party is required by section 49(1)(b), within 30 days after notice is given to the appellant of the decision appealed against or, if notice to the appellant is not required, after a decision was taken;
  - (b) must be delivered or sent to the information officer of the public body concerned at his or her address, fax number or electronic mail address.
  - (c) must identify the subject of the internal appeal and state the reasons for the internal appeal and may include any other relevant information known to the appellant;
  - (d) if, in addition to a written reply, the appellant wishes to be informed of the decision on the internal appeal in any other manner, must state that manner and provide the necessary particulars to be so informed;
  - (e) if applicable, must be accompanied by the prescribed appeal fee referred to in subsection (3); and
  - (f) must specify a postal address or fax number.
- (2)(a) If an internal appeal is lodged after the expiry of the period referred to in subsection (1)(a), the relevant authority must, upon good cause shown, allow the late lodging of the internal appeal;
  - (b) if that relevant authority disallows the late lodging of the internal appeal, he or she must give notice of that decision to the person that lodged the internal appeal.
- (3)(a) A requester lodging an internal appeal against the refusal of his or her request for access must pay the prescribed appeal fee (if any).
  - (b) If the prescribed appeal fee is payable in respect of an internal appeal, the decision on the internal appeal may be deferred until the fee is paid.



- (4) As soon as reasonably possible, but in any event within 10 working days after receipt of an internal appeal in accordance with subsection (1), the information officer of the public body concerned must submit to the relevant authority-
  - (a) The internal appeal together with his or her reasons for the decision concerned; and
  - (b) If the internal appeal against the refusal or granting of a request for access, the name, postal address, telephone and fax number and electronic address, whichever is available, of any third party that must be notified in terms of Section 47(1) of the request.

### **10.3 Notice to and representations by other interested persons**

- (1) If a relevant authority is considering an internal appeal against the refusal of a request for access to a record contemplated in Section 34(1), 35(1), 36(1), 37(1) or 43(1), the authority must inform the third party to whom or which the record relates of the internal appeal, unless all the necessary steps to locate the third party have been unsuccessful.
- (2) The relevant authority must inform a third party in terms of subsection(1) -
  - (a) as soon as reasonably possible but in any event within 30 days after receipt of the internal appeal; and
  - (b) by the fastest means reasonably possible.
- (3) When informing a third party in terms of subsection (1), the relevant authority must -
  - (a) state that he or she is contemplating an internal appeal against the refusal of a request for access to a record contemplated in Section 34(1), 35(1), 36(1), 37(1) or 43(1) as the case may be, and describe the content of the record and the provisions of Section 34(1), 35(1), 36(1), 37(1) or 43(1) as the case may be.
  - (b) furnish the name of the appellant;
  - (c) in any case where the authority believes that the provision of Section 46 might apply, describe those provisions, describe which of the circumstances referred to in Section 46(a) in the opinion of the head may apply and state the reasons why he or she is of the opinion that Section 46 might apply; and
  - (d) state that the third party may, within 21 days after the third party is informed, make written representations to that authority why the request for access should not be granted.
- (4) If a third party is informed orally of an internal appeal in terms of (1), the relevant authority must, on request, give a written notice stating the matters contained in subsection (3), to the third party.
- (5) A third party that is informed of an internal appeal in terms of subsection (1), may, within 21 days after the third party has been informed, make written representations to the relevant authority why the request for access should not be granted.
- (6) A third party that obtains knowledge about an internal appeal other than in terms of subsection(1), may –
  - (a) make written or oral representations to the relevant authority why the request for access should be refused, or
  - (b) give written consent for the disclosure of the record to the requester concerned.



- (7) If the relevant authority considers an internal appeal against allowing a request for information, the authority must notify the relevant requester of the internal appeal.
- (8) The relevant authority must—
  - (a) notify the requester concerned in terms of subsection (7) as soon as reasonably possible, but in any event within 30 days after the receipt of the internal appeal; and
  - (b) state in that notice that the third party may within 21 days after notice is given, make written representations to that authority why that request should be granted.
- (9) A requester to whom or which notice is given in terms of subsection (7) may within 21 days after that notice is given, make written representations to the relevant authority why the request for access should be granted.

#### **10.4 Decision on internal appeal and notice thereof**

- (1) The decision on an internal appeal must be made with due regard to—
  - (a) The particulars stated in the internal appeal in terms of section 75(1)(c);
  - (b) Any reasons submitted by the information officer in terms of section 75(4)(a);
  - (c) Any representations made in terms of section 76(5), (6) or (9); and
  - (d) If a third party cannot be located as contemplated in section 76(1), the fact that the third party did not have the opportunity to make representations in terms of section 76(5) why the internal appeal should be dismissed.
- (2) When deciding on the internal appeal the relevant authority may confirm the decision appealed against or substitute a new decision for it.
- (3) The relevant authority must decide on the internal appeal —
  - (a) As soon as reasonably possible, but in any event within 30 days after the internal appeal is received by the information officer of the body;
  - (b) if a third party is informed in terms of section 6(1), as soon as reasonably possible, but in any event within 30 days; or
  - (c) if notice is given in terms of Section 76(7) -;
    - (i) Within five working days after the requester concerned has made written representations in terms of section 76(9);
    - (ii) In any other case within 30 days after notice is so given.
- (4) The relevant authority must, immediately after the decision on an internal appeal -
  - (a) give notice of the decision to—
    - (i) the appellant;
    - (ii) every third party informed as required by section 76(1);
    - (iii) the requester notified as required by section 76(7); and
    - (iv) if reasonably possible, inform the appellant about the decision in any other manner stated in terms of section 75(1)(d).
- (5) The notice in terms of subsection (4)(a) must -
  - (a) state adequate reasons for the decision, including the provision of this Act relied upon;
  - (b) exclude, from such reasons, any reference to the content of the record;
  - (c) state that the appellant, third party or requester, as the case may be, may lodge an application with a court against the decision on internal appeal -



- (i) within 60 days; or
  - (ii) if notice to a third party is required by subsection (4)(a)(ii), within 30 days,
- after notice is given, and the procedure for lodging the application; and
- (d) if the relevant authority decides on internal appeal to grant a request for access and notice to a third party -
    - (i) is not required by subsection (4)(a)(ii), that access to the record will forthwith be given; or
    - (ii) if so required, that access to the record will be given after the expiry of the applicable period for lodging an application with a court against the decision on internal appeal referred to in paragraph (), unless that application is lodged before the end of that applicable period.
- (6) if the relevant authority decides on internal appeal to grant a request for access and notice to a third party -
    - (b) is not required by subsection (4)(a)(ii), the information officer of the body must forthwith give the requester concerned access to the record concerned; or
    - (c) if so required, the information officer must, after the expiry of 30 days after the notice is given to every third party concerned, give the requester access to the record concerned, unless an application with a court is lodged against the decision on internal appeal before the end of the period contemplated in subsection (5)(c)(ii) for the lodging of that application.
  - (7) If the relevant authority fails to give notice of the decision on an internal appeal to the appellant within the period contemplated in subsection (3), that authority is, for the purposes of this Act, regarded as having dismissed the internal appeal.

#### **10.5 Applications at Court regarding decisions of information officers of Bergrivier Municipality**

- (1) A requester or third party referred to in Section 74 may only apply to the court for appropriate relief in terms of Section 82 after the requester or third party has exhausted the internal appeal procedure against a decision of the information officer of a public body provided for in terms of Section 74.
- (2) A requester –
  - (a) That has been unsuccessful in an internal appeal to the relevant authority of a public body;
  - (b) aggrieved by a decision of the relevant authority of a public body to disallow the late lodging of an internal appeal in terms of Section 75(2);
  - (c) aggrieved by a decision of the information officer of Bergrivier Municipality
    - (i) to refuse a request for access; or
    - (ii) taken in terms of Section 22, 26(1) of 29(3) or may by way of an application, within 30 days apply to a court for appropriate relief in terms of section 82.
- (3) A third party –

- (a) that has been unsuccessful in an internal appeal to the relevant authority of a public body;
- (b) aggrieved by a decision of the information officer of Bergrivier Municipality to grant a request for information; or
- (c) may, by way of an application, within 30 days apply to a court for appropriate relief in terms of section 82.

#### **10.6 Decision on application**

- (1) The court hearing an application, may grant any order that is just and equitable, including orders –
  - (a) confirming, amending or setting aside the decision which is the subject of the application concerned;
  - (b) requiring from the information officer or relevant authority of a public body or the head of a private body to take such action or the refrain from taking such action as the court considers necessary within a period mentioned in the order;
  - (c) granting an interdict, interim or specific relief, a declaratory order or compensation or
  - (d) as to costs.



**11. BERGRIVIER MUNICIPALITY : OFFICES**

<b>TOWN</b>	<b>ADDRESS</b>	<b>OFFICE HOURS</b>	<b>CASHIER</b>	<b>TRAFFIC (NATIS)</b>
<b><u>PIKETBERG</u></b>	Church Street PO Box 60 PIKETBERG 7320 Tel: (022) 913 1126 Fax: (022) 913 1380	Mo – Thu: 07:30 – 13:00 13:45 – 16:30 Fri : 07:30 – 13:00 14:00 – 15:30	Mo – Fri: 07:30 – 15:00	Mo – Thu: 07:30 – 13:00 13:45 – 15:00 Fri : 07:30 – 13:00 14:00 – 14:45
<b><u>VELDDRIF</u></b>	Voortrekker Street PO Box 29 VELDDRIF 7365 Tel: (022) 713 1112 Fax: (022) 783 1422	Mo – Thu: 07:30 – 13:00 13:45 – 16:30 Fri : 07:30 – 13:00 14:00 – 15:30	Mo – Fri: 07:30 – 15:00	Mo – Thu: 07:30 – 13:00 13:45 – 15:00 Fri : 07:30 – 13:00 14:00 – 14:45
<b><u>PORTERVILLE</u></b>	Market Street Private Bag X4 PORTERVILLE 6810 Tel: (022) 931 2100 Fax: (022) 931 3047	Mo – Thu: 07:30 – 13:00 13:45 – 16:30 Fri : 07:30 – 13:00 14:00 – 15:30	Mo – Fri: 07:30 – 15:00	Mo – Thu: 07:30 – 13:00 13:45 – 15:00 Fri : 07:30 – 13:00 14:00 – 14:45
<b><u>AURORA</u></b>	Main Street AURORA 7325 Tel: (022) 952 1720 Fax: (022) 952 1720	Mo – Fri: 07:30 – 13:00	Mo – Thu: 07:30 – 13:00 13:45 – 15:00 Fri : 07:30 – 13:00 14:00 – 15:00	None
<b><u>EENDEKUIL</u></b>	Main Street EENDEKUIL 7335 Tel: (022) 942 1780 Fax: (022) 942 1687	Mo – Thu: 07:30 – 13:00 13:45 – 16:30 Fri : 07:30 – 13:00 14:00 – 15:30	Mo – Thu: 07:30 – 13:00 13:45 – 15:00 Fri : 07:30 – 13:00 14:00 – 15:00	None
<b><u>REDELINGHUYS</u></b>	Voortrekker Street REDELINGHUYS 8105 Tel: (022) 962 1605 Fax: (022) 962 1605	Mo – Thu: 14:00 – 16:30	Mo – Thu: 07:30 – 13:00 13:45 – 15:00 Fri : 07:30 – 13:00 14:00 – 15:00	None

## 12. PRESCRIBED FEES

1. The fees payable for a copy of a manual contemplated in Regulation 5(c) are as follows:
  - (a) Photocopy of a A4 size page or part thereof R 0,60
  - (b) Photocopy of a A3 size page of part thereof R 1,20
  
2. The fees for a reproduction contemplated in Regulation 7(1) are as follows:
  - (a) For each photocopy of an A4 size page or part thereof R 0,60
  - (b) For each photocopy of a A3 size page or part thereof R 1,20
  - (c) For information held on a computer or in electronic or machine readable format R0,40 per printed line
  - (d) Copy in computer readable format on laser disc R40,00
  - (e) Copy of audio record R17,00
  - (f) Transcription of visual images, A4 size paper or portion thereof R22,00
  - (g) Copy of visual images R60,00
  - (h) Transcription of an audio record, A4 size or portion thereof R22,00
  
3. The access fees payable by a requester except a personal requester, contemplated in Regulation 7 (2) are as follows R35,00
  
4. Access fees payable by a requester contemplated in Regulation 7 (3) are as follows:
  - (a) For each photocopy of an A4 size page or part thereof R 0,60
  - (b) For each photocopy of a A3 size page or part thereof R 1,20
  - (c) For information held on a computer or in electronic or machine readable format R0,40 per printed line
  - (d) Copy of computer readable format on laser disc R60.00
  - (e) Transcription of visual images, A4 size paper or portion thereof R22,00
  - (f) Copy of visual images R60,00
  - (g) Transcription of an audio record, A4 size or portion thereof R12,00

- (h) For a copy of an audio record R17.00
  
  - (i) 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
5. For purposes of section 22(2) of the Ac, 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.
6. The actual postage is payable when a copy of a record must be posted to a requester.



## ANNEXURE A



**REQUEST FOR ACCESS TO RECORD OF BERGRIVIER MUNICIPALITY**  
 (Section 18(1) of the Promotion of Access to Information Act (Act 2 of 2000))

## [Regulation 6]

FOR DEPARTMENTAL USE	
Reference number: _____	
Request received by _____ (state rank, name and surname of information/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 Bergrivier Municipality**

The information officer/deputy information officer:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**B. Particulars of person requesting access to the record**

- |     |  |
|-----|--|
| (a) | <i>The particulars of the person requesting access to the record, must be given below.</i>                                 |
| (b) | <i>The address, fax number and/or e-mail address in the Republic to which the information must be sent, must be given.</i> |
| (c) | <i>Proof of the capacity in which the request is directed, if applicable, must be attached.</i>                            |

**(Annexure A)**

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. Details of persons on whose behalf request is made**

*This portion must be completed ONLY if a request has been lodged on behalf of another person*

Full names and surname \_\_\_\_\_

\_\_\_\_\_

Identity number: \_\_\_\_\_

**D. Particulars of record**

(a) *Provide full details 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: \_\_\_\_\_

**(Annexure A)**

3. Any further details 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 the record and prepare a record.
- (d) Should you qualify for exemption of the payment of any fee, please state the reason: .

Reason for exemption from paying monies \_\_\_\_\_

**F. Format of access to record**

*If you are prevented by a disability to read, view or listen to the record in the for of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.*

Disability: _____	Format 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) Accessing 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 o the record, if any, will be determined partly by the form in which access is requested.



**(Annexure A)**

<b>1. If the record is in written or printed format:</b>			
	Copy of record*		Inspection of record
<b>2. If the record is held on computer or in electronic or machine-readable format:</b>			
	Printed copy of record*		Printed copy of information derived from the record*
			Copy in computer readable form*
* If a copy or transcription of a record (as above) is requested, do you wish the copy or transcription to be posted to you? <b>Postage is payable.</b>		YES	NO
Please 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? _____			

**Notice of decision regarding request to access**

*You will be notified in writing whether your request has been approved/denied. Should 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 \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF REQUESTER/PERSON ON  
WHOSE BEHALF THE REQUEST IS DIRECTED

(Annexure B)

**ANNEXURE B**



**BERGRIVIER MUNICIPALITY : NOTICE OF INTERNAL APPEAL**  
(Section 75 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

**[Regulation 8]**

**STATE YOUR REFERENCE NUMBER:**

**A. Particulars of Bergrivier Municipality**

The information officer/deputy information officer:

\_\_\_\_\_  
\_\_\_\_\_

**B. Particulars of requester/third party who lodges the internal appeal**

- (a) *The particulars of the person who lodges the internal appeal, must be given below:*
- (b) *Proof of the capacity in which the appeal is lodged, if applicable, must be attached.*
- (c) *If the appellant is a third party and not the person who originally requested the information, the particulars of the requester must be stated in C below.*

Full names and surname \_\_\_\_\_

\_\_\_\_\_

Identity number: \_\_\_\_\_

Potal address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Fax number: \_\_\_\_\_

Telephone number: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

Capacity in which the internal appeal is lodged on behalf of another person:

\_\_\_\_\_

\_\_\_\_\_

(Annexure B)

**C. Particulars of requester**

*This section must be completed ONLY Sif a third party (other than the requester) lodges the internal appeal.*

Full names and surname: \_\_\_\_\_

\_\_\_\_\_

Identity number: \_\_\_\_\_

**D. The decision against which the internal appeal is lodged:**

*Mark the decision against which the internal appeal is lodged with an X in the appropriate box:*

	Refusal of request for access
	Decision regarding fees prescribed in terms of Section 22 of the Act
	Decision regarding the extension of the period in which request must be dealt with in terms of Section 26(1) of the Act
	Decision in terms of Section 29(3) of the Act to refuse access in the format requested by the requester
	Decision to approve request for access

**E. Grounds for appeal**

*If the space provided is insufficient, please continue on a separate folio and attach to this form. **You must sign all the additional folios.***

State the grounds on which the internal appeal is based: \_\_\_\_\_

**F. Notice of decision on appeal**

*You will be notified in writing of the decision on your internal appeal. If you wish to be notified in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request*

State the manner: \_\_\_\_\_

Details of the manner: \_\_\_\_\_

\_\_\_\_\_

Signed at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF APPELLANT