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**M A N U A L**

*IN ACCORDANCE WITH*

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

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

**FOR**

**MAKHADO LOCAL MUNICIPALITY  
(NP344)**

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## 1. INTRODUCTION

The Act seeks to promote a culture of transparency, accountability and good governance by giving effect to a person's constitutional right of access to information.

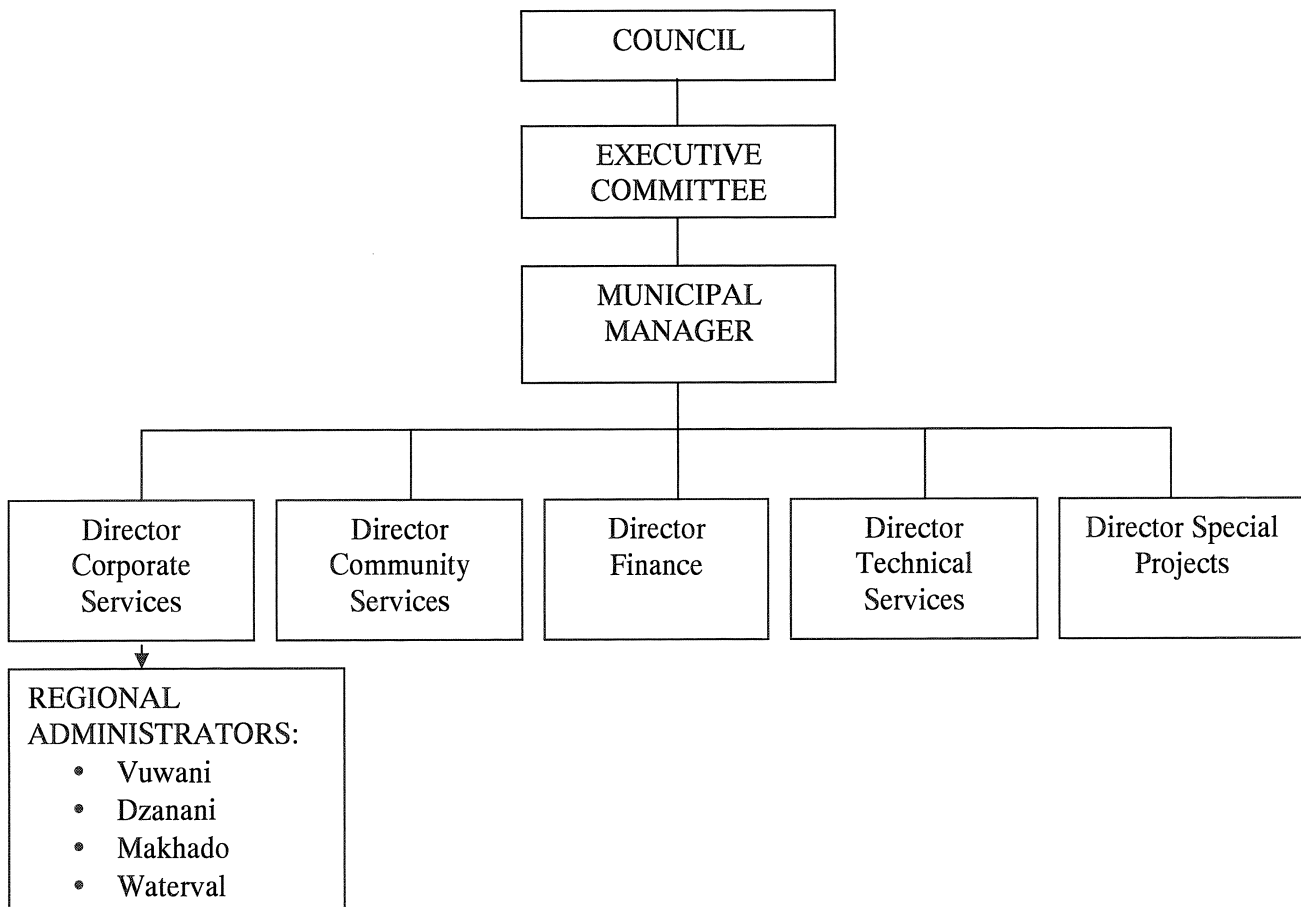
In furtherance of this objective, section 14 of the Act requires public bodies to compile a manual in at least three official languages, which will assist either juristic or private person in obtaining information from such public body.

## PART I

### 2. PARTICULARS IN TERMS OF SECTION 14

#### A. THE FUNCTIONS AND THE STRUCTURE OF THE PUBLIC BODY

- (i) Functions of public body as presented by Section 156 and 229 of the Republic of South Africa Constitution, Act 108 of 1996, as amended, read with Section 12 of the Local Government: Municipal Structures Act, 117 of 1998
- (ii) A schematic diagram of the Structure of the Makhado Local Municipality is as follows:



Makhado Municipality has its main office at Makhado town and it consists of four regions in Vuwani, Dzanani, Waterval and Makhado.

**B. CONTACT DETAILS (SECTION 14(1) OF THE ACT)**

Information Officer: Mr I P Mutshinyali  
e-mail Address: [municipal.manager@makhado.gov.za](mailto:municipal.manager@makhado.gov.za)

Deputy Information Officer:  
e-mail Address:

Street Address: 83 Krogh Street  
MAKHADO  
0920

Postal Address: Private Bag X2596  
MAKHADO  
0920

Telephone No.: (015) 519 3000

Fax No.: (015) 516 1195

Website: [www.makhado.gov.za](http://www.makhado.gov.za)

**C. THE SECTION 10 GUIDE ON HOW TO USE THE ACT (SECTION 14(1)(C))**

Please direct any queries to:  
The South African Human Rights Commission  
PAIA UNIT  
The Research and Documentation Department  
Postal Address: Private Bag X2700  
HOUGHTON  
2041  
Telephone No.: +2711484-8300  
Fax No.: +2711484-1360  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)  
E-mail: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

**D. ACCESS TO THE RECORDS HELD BY MAKHADO LOCAL MUNICIPALITY (SECTION 15(2))**

Information for the Makhado Local Municipality notice in terms of Section 15(2) is not currently available. A notice in terms of Section 15(2) describes the categories of records of the body that are available without a person having to request access in terms of the Act.

**E. RECORDS THAT MAY BE REQUESTED (SECTION 14(1)(D))**

- i. Automatic Disclosure (Section 14(1)(d))  
A notice in terms of Section 15(2) describes the categories of records of the bodies that are available without a person having to request access in terms of the Act. Information for the Makhado Local Municipality notice in terms of Section 15(2) is not currently available.
- ii. Records that may be requested (Section 14(1)(d))
  1. Human Resources
    - Policies on Personnel Recruitment and other Personnel related policies
    - Employment records
    - Performance Management System and other Personnel policies
    - Personnel grievance procedures
    - Personnel disciplinary procedure
    - Disciplinary Hearing Register
  2. Procurement
    - Supply Chain Management (SCM) Policy and the Procedure Manual on Supply Chain Management, SLA
    - Asset Register
  3. Financial Administration
    - Budgets and Policies related to budget
    - Service Delivery Budget Implementation Plans (SDBIP)
    - Integrated Development Programme (IDP) and Annual IDP Reviews together with related Strategic Plans
    - Audited Financial Statements
    - Council Performance Management System
    - Finances Monthly In-year submission
    - Mid-Budget Progress Report
    - Indigent Register
  4. Town Planning and Property Administration
    - Town Planning Scheme
    - Township Registers
    - Record of Approved Building Plans
    - Spatial Development Framework
    - Maps of various townships
    - Record of various erven
    - Maps
    - Permission to Occupy Certificate Register
  5. Legal Services and Administration
    - Claims by and against Council
    - Records Filing Index (System) and the Registry Instruction Manual
  6. Legislation
    - By-laws
    - Standing Orders
    - Records of Council Resolutions

7. Council

- Minutes of Council and its committees
- Records of Notice of Meetings
- Registers of Attendance of Meetings by Councillors
- Record of remuneration of councillors

8. Licensing and Permits

- Records of Motor, Drivers, Learner Driver, Business and Hawker licenses
- Bus and taxi routes

iii. The Request Procedures

A requester must be given access to a record of public body if the requester complied with the following:

- \* The requester complies with all the procedural requirements in the Act relating to the request for access to that record;
- \* Access to that record is not refused on any ground of refusal mentioned in the Act.

*Nature of request*

- A requester must use form A that has been printed in the Government Gazette (Government Notice R187 – 15 February 2002)
- The requester must indicate if the requester is for a copy of the record or if the requester wants to come in and look at the record at the offices of the public body, Alternatively if the record is not a document, it can then be viewed in the requested form where possible (section 29(2)).
- If a requester asks for access in a particular form then the requester should get access in the manner that has been asked for. This is unless doing so would unreasonably interfere with the running of the public body, or damage the record, or infringe a copyright not owned by the State. If for practical reasons access cannot be given in the required form but in an alternate manner, the fee must be calculated according to the way that the requester first asked for it (Section 29(3) and (4)).
- If, in addition to a written reply to their request for the record, the requester wants to be told about the decision in any other way e.g. telephone, this must be indicated (Section 18(2)(e)).
- If a requester is asking information on behalf of somebody else, the capacity in which the request is being done must be indicated (section 18(2)(f)).
- If a requester is unable to read or write, or has a disability, then (s)he can make the request for the record to be made orally.
- The Information Officer or his representative must then fill in the form on behalf of such a requester and give the requester a copy (Section 18(3)).

There are *two types of fees* required to be paid in terms of the Act, viz. Request Fee and The Access Fee (Section 22):

- A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee.



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- The Information Officer or his representative must notify the requester (other than personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
- The request fee payable to public body is R35,00. The requester may lodge an internal appeal, where appropriate, or on application to the court against the tender or payment of the request fee.
- After the Information Officer has made a decision on the request, the requester must be notified of such a decision in the way in which the requester wanted to be notified in.
- If the requester is granted, then a further access fee must be paid for the search, preparation, reproduction and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

#### **F. SERVICES AVAILABLE (SECTION 14(1)(F))**

##### **i. How to gain access to the Services**

To gain access to the services at Makhado Local Municipality requests must be made to the Municipal Manager.

Street Address: 83 Krogh Street  
MAKHADO  
0920

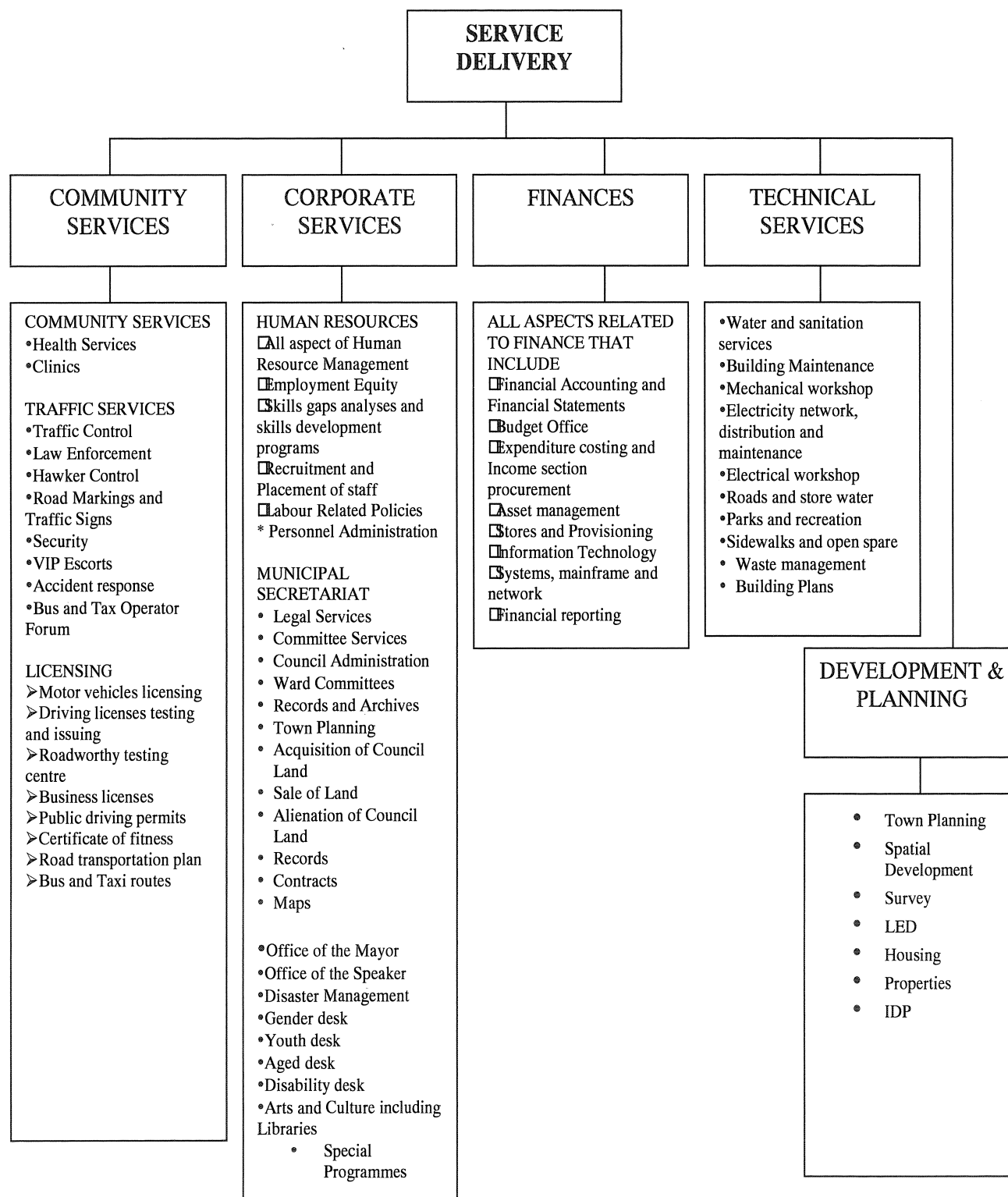
Postal Address: Private Bag X2596  
MAKHADO  
0920

Telephone No.: (015) 519 3000

Fax No.: (015) 516 1195

E-mail Address: [municipal.manager@makhado.gov.za](mailto:municipal.manager@makhado.gov.za)

ii. Nature of Services



**G. ARRANGEMENTS ALLOWING FOR PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY AND THE EXERCISE OF POWER (SECTION 14(1)(J))**

This include procedures for public consultations, provisions for the making of representations and comments and any other means in which the public can participate or influence the formulation of policy and the exercise of power.

The public body doesn't have an approved Community Participation Policy with the public, however as a local sphere of government, it adheres to the provision of Chapter 4 "Community Participation" of the Local Government: Municipal Systems Act.

**H. THE REMEDIES AVAILABLE IF THE PROVISIONS OF THIS ACT ARE NOT COMPLIED WITH (SECTION 14(1)(h))**

The requester who wishes the decision of the Deputy Information Officer a written notice of review or appeal to the Information Officer to be reviewed or appeal against such decision, the requester will have to submit a written notice of review or appeal to the information officer in case the review or appeal is against the decision of the Information Officer, to requester will have to submit the notice of review or appeal to the Speaker of Council.

**I. OTHER INFORMATION AS PRESCRIBED IN TERMS OF THE ACT (SECTION 14(1)(i))**

There is currently no information available from the Minister of Justice and Constitutional Development in terms of Section 92 of the Act to be placed here.

**J. UPDATING OF THE MANUAL (SECTION 14(2))**

The public body must update and publish its Manual referred to in Section 14(1) at intervals of not more than a year.

**K. AVAILABILITY OF THE MANUAL (SECTION 14(3))**

Regulation No. R187 of 15 February 2002 prescribes in Section 4(1) that the Manual of a public body must be made available in the following manner:

- A copy in each of the three languages must be made available to a legal deposit as defined in Section 6 of the Legal Deposits Act, 1997, the South African Human Rights Commission and the Head Office of the public body and satellite offices of the public body.
- The manual is to be published in three of the official languages in the Gazette.
- The manual is to be made available on the website, if any, of the public body.

**L. EXEMPTION BY THE MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT FROM ANY PROVISION OF THIS SECTION FOR A DETERMINED PERIOD (SECTION 14(5))**

For security, administrative or financial reasons, the Minister may, on request or of his own accord by notice in the Gazette, exempt a public body from any provision of this Section for such a period as the Minister may deem fit.

**PART II**

**M. FEES IN RESPECT OF PUBLIC BODIES**

**NB:** The fees are subject to determination of the Minister from time to time by Notice in the Gazette.

1. The fee for a copy of the manual as contemplated in regulation 5 (c) is R0,60 for every photocopy of an A4-size page or part thereof.

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

	<b>R</b>
(a) For every photocopy of an A4-size page or part thereof	<b>0,60</b>
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	<b>0,40</b>
(c) For a copy in a computer-readable form on—	
(i) stiffy disc	<b>5,00</b>
(ii) compact disc	<b>40,00</b>
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	<b>22,00</b>
(ii) For a copy of visual images	<b>60,00</b>
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	<b>12,00</b>
(ii) For a copy of an audio record	<b>17,00</b>

3. The request fee payable by every requester, other than a personal requester, referred to in regulation 7 (2) is **R35,00.**

4. The access fees payable by a requester referred to in regulation 7 (3) are as follows:

	<b>R</b>
(1) (a) For every photocopy of an A4-size page or part thereof	<b>0,60</b>
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	<b>0,40</b>
(c) For a copy in a computer-readable form on—	
(i) stiffy disc	<b>5,00</b>
(ii) compact disc	<b>40,00</b>
(d)(i) For a transcription of visual images, for an A4-size page or part thereof	<b>22,00</b>
(ii) For a copy of visual images	<b>60,00</b>

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- (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**
- (f) 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.
- (2) For purposes of section 22 (2) of the Act, 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.
- (3) The actual postage is payable when a copy of a record must be posted to a requester.

N. APPLICATION FORM FOR ACCESS TO INFORMATION

FORM A

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY  
(Section 18(1) of the Promotion of Access to Information Act, 2000

(Act No. 2 of 2000)

[Regulation 6]

**FOR DEPARTMENTAL USE**

Reference number:

Request received by

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 on whose behalf request is made**

*This section must be completed ONLY if a request for information is made on behalf of another person.*

Full names and surname:

Identity number:

**D. Particulars of record**

- (a) *Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*
- (b) *If the provided space is inadequate, please continue on a separate folio and attach it to this form.*
- The requester must sign all the *additional* folios.**

- 1 Description of record or relevant part of the record:
- 2 Reference number, if available:
- 3 Any further particulars of record:

**E. Fees**

- (a) A request for access to a record, other than 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 a 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.

<u>Disability:</u>		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"/>		<input type="checkbox"/>	transcription of the images*
3. If 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:			
<input type="checkbox"/>	printed copy of record'	<input type="checkbox"/>	printed copy of information derived from the record*
<input type="checkbox"/>		<input type="checkbox"/>	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? <b>Postage is payable.</b>			<input type="checkbox"/> YES <input type="checkbox"/> 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 request for access**

You will be notified 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  
2WHOSE BEHALF REQUEST IS MADE

CNK/lh/Manual\_AccessOfInformation