

PROMOTION OF ACCESS TO INFORMATION

MANUAL OF FUNCTION OF AND INDEX OF RECORD HELD BY GREATER TZANEEN MUNICIPALITY

PREAMBLE

The Greater Tzaneen Municipality is established by way of a section 12 notice in accordance with Local Government Municipal structures Act, 1998 (Act 117 of 1998) as a Plenary Council with ward committees.

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

STRUCTURE AND FUNCTIONS

The Municipality has 66 Councillors 33 ward Councillors and 33 wards.

In terms of chapter 7 of the constitution of the Republic of South Africa No 108 of 1996 the Municipality has Executive, legislative and Administrative Authority and is Empowered to Administer the following functions.

Part B of Schedule 4 of the Constitution:

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

Schedule 5 Part B of the Constitution

- aa) Beaches and Amusement facilities
- bb) Billboards and the display of Advertisements in Public Places
- cc) Cemeteries, Funeral Parlors and Crematoria
- dd) Cleansing
- ee) Control of public nuisances
- ff) Control of undertakings that sell liquor to the Public
- gg) Facilities for accommodation, care and burial of animals
- hh) Fencing and fences
- ii) Licensing of dogs
- jj) Licensing and control of undertakings that sell food to the Public
- kk) Local Amenities
- ll) Markets
- mm) Municipal abattoirs
- nn) Municipal parks and recreation
- oo) Municipal roads
- pp) Noise pollution
- qq) Rounds
- rr) Public places
- ss) Refuse removal refuse dumps and solid waste disposal
- tt) Street trading and Parking
- uu) Traffic and Parking

In accordance with the Authorisation in terms of section 18 of the Local Government Municipal structures Act (Act 33 of 2000) the Municipality is further empowered to exercise the following functions with specific reference to the Demarcated areas of TZANEEN.

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

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

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

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

Contact Details

INFORMATION OFFICER

MR E S MAAKE
HR & Corporate Services
Greater Tzaneen Municipality

GREATER TZANEEN MUNICIPALITY
P.O. Box 24
TZANEEN
0850

Civil Centre Agatha Street Tzaneen

Tel: (015) 307 8050
Fax: (015) 307 2049

Contact Details

MR BOET BOTHA
Section Head: Administration

Guide on how to use the Promotion of accesses to information Act No 2 of 2000.

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

Procedure to request access to a record of the Municipality and description of subjects on which records are held.

A request for access to the records of the Municipality must be submitted to the office of the HR & Corporate Services or office of the Section Head Administration with proof of payment of the prescribed tariff on form A which is available at the office at the office of the Section Head: Administration

A schedule of the prescribed tariffs is attainable and included in the schedule of tariffs applicable to the Annual Budget of the Municipality.

A schedule of subjects on which records are held is attained as Annexure

Notice regarding the categories of records of the Municipality, which are available without a person having to request access in terms of the Act. Notice is hereby given in Accordance with section 15 (2) of the promotion access to information Act No 2 of 2000, that the following information is automatically available without a person having to request access in terms aforementioned Act.

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

The following information will be made available free of charge:

- Certified extract from minutes of Council meetings
- Extracts from By-laws
- Extracts from Budget
- Township Planning information except maps
- Information from Valuation Roll requiring copy or putting in writing
- Information contained in this manual
- Information contained in the guide issued by the Human Rights Commission

The following information will be made available for purchase or copying from the Municipality at the rates out in the tariff schedule:

- Full set of a By-law
- Complete budget Document
- Town map or section of town planning maps
- Complete Intergraded Development Plan or Extracts as required
- Valuation Roll or Extracts as required

This Notice with subsequent amendments, if any, will be published annually in the Government Gazette by the Minister in Accordance with section 15 (2) of the Promotion of Access to information Act No 2 of 2002.

Description of the services available to members of the public from the Municipality and how to gain access to those services.

The following Basic Services are available to members of the public upon the completion of the prescribed application form and payment of any prescribed fees, and or levies and subject to payment of the montury consumer tariff:

- Provision of water for domestic, business or industrial
- Provision of electricity for domestic, business or industrial
- Provision of sewerage removal service
- Provision of refuse removal

The Municipality renders the following additional service subject to payment of the relevant tariffs and prescribed fees, and completion and submitting of prescribed application forms and or other Documents.

- Traffic and licensing services
- Fire fighting service
- Approval of advertising signs and hoardings
- Township development approval and approval building plants Health inspections
- Booking of Municipal building and sport stadium by members of the public as and when required.

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

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

Description of the arrangement or provision for a person either by way of consultation, or by making representations or to participate in or influence

- Formulation of policy
 - The exercise of power or performance of duties by the Municipality:
1. In Accordance with the Local Government Municipal structures Act No 117 of 1998 ward committees are established for participation of members of a particular ward in any matter which affects their ward;
 2. Council Meetings are held and members of the public are welcome to attend the meeting and observe
 3. Members of the public are invited to comment on draft By-laws before such By-laws are adopted by council and published in the provincial gazettes in accordance with the Local Government Municipal System Act No 32 of 2000;

4. Provision is made in the rules of probity Tzaneen Municipality, Promulgated under notice number for new motions, deputations and petitions to be submitted to the Municipal Manager for considering by Council

A description of all remedies available in respect of an Act or a failure to act by the Municipality

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

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

- (b) The right to lodge an application with a relevant court against the decision of the Information Officer on the internal appeal.
- Within 30 days after notice is given according to the procedure to be stated in the notice of the decision in respect of the internal appeal
 - A requester or third party may only apply to a court for appropriate relief after that person has exhausted the internal appeal procedure in accordance with the rules of procedure made by the rules Board for courts of law, established by section 2 of the rules for courts of law Act 1985 (Act No 107 of 1985) or if such procedure has not been made an application may be lodged with the high court or another court of similar status.
 - NB: THIS INFORMATION IS ALSO AVAILABLE IN TSONGA, N SOTHO AND AFRIKAANS ON REQUEST