



BREEDE VALLEY

MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

ACCESS TO INFORMATION MANUAL 2017



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1. DEFINITIONS

“**Act**” means the Promotion of Access to Information Act, 2000 (Act 2 of 2000) also referred to as PAIA;

“**Constitution**” means Constitution of the Republic of South Africa, 1996;

“**Council**” means the Municipal Council of the Municipality;

“**IDP**” means the Integrated Development Plan as envisaged in chapter 5 of the Systems Act;

“**Information Regulations**” means the Regulations regarding the Promotion of Access to Information Act promulgated per government notice 187 of 15 February 2002;

“**MFMA**” means the Local Government: Municipal Financial Management Act, 2003 (Act 56 of 2003);

“**Municipality**” means the Breede Valley Municipality and includes any political structure, political office bearer, duly authorised agent thereof, or a service provider fulfilling a responsibility under this manual assigned to it in terms of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) or any other law, as the case may be, or any employee thereof acting in connection with this manual by virtue of a power vested in the municipality and delegated, to such political structure, political office bearer, agent or employee;

“**Municipal Manager**” means a person appointed as such by the Municipality in terms of section 54A of the Systems Act;

“**SDBIP**” means the Service delivery budget implementation plan as envisaged in terms 69 of the MFMA;

“**Regulations**” means the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers as promulgated per government notice 21 of 17 January 2014, as amended;

“**Systems Act**” means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), as amended, and **MSA** has the same meaning;

“**Structures Act**” means the Local Government: Municipal Structures Act, 1998, (Act 117 of 1998);

“**Western Cape Determination Act**” means the Western Cape Determination of Types of Municipalities Act, 2000 (Act 9 of 2000);

“**Website**” means <http://www.bvm.gov.za>

2. INTRODUCTION

The Act gives effect to the constitutional right of access to any information held by any public or private body that is required for the exercise or protection of any rights. The Act sets out the procedures attached to such a request.

Section 9 of the Act, however, recognises that such right to access to information is subject to certain justifiable limitations, for instance limitations aimed at:

- The reasonable protection of privacy;
- Commercial confidentiality;
- Effective, efficient and good governance.

Section 14 of the Act obliges public bodies to compile a manual, which would assist a person to obtain access to information held by a public body and stipulates the minimum requirements a manual has to comply with.

The purpose of this manual is therefore to inform a person how to obtain access to a record held by the Municipality and thereby giving effect to Section 14 of the Act.

3. MUNICIPAL STRUCTURES AND THEIR FUNCTIONS

The Municipality was established on 22 September 2000 in terms of a section 12 notice in terms of the Structures Act (notice number 490 dated 22 September 2000).

The Municipality comprises political and administrative structures whose functions are as follows: -

The Political Structures

(a) The Council

The Council is defined in section 157(1) of the Constitution and in Chapter 3 of the Structures Act.

It consists of 41 Councillors, including the Executive Mayor, Deputy Executive Mayor and Speaker as determined by the MEC for local government in the Western Cape. It is a category B Municipality with a Mayoral executive system combined with a ward participatory system as provided for in the Western Cape Determination Act.

Its objects are as set out in section 152 of the Constitution and it strives, within its financial and administrative capacity, to provide democratic and accountable government, provide services to communities in a sustainable manner, promote social and economic development, promote a safe and healthy environment, and to encourage community participation in matters of local government.

Its functions include to annually review the needs of the community, its priorities to meet those needs, its processes for involving the community, its organizational and delivery mechanisms for meeting the needs of the community and its overall performance in achieving objectives as set out in section 152 of the Constitution.

(b) The Executive Mayor

In terms of section 57 of the Structures Act, the Council elects an Executive Mayor and Deputy Executive Mayor. The Executive Mayor is entitled to receive reports from Council committees and to forward it to Council with a recommendation, or dispose of the matter in terms of his or her delegated powers. The legal powers and function of the Executive Mayor is described in section 56 of the Structures Act. The Council also may delegate additional powers and function to the Executive Mayor. The specific delegations to the Executive Mayor can be found in the system of delegations of the Council. The Executive Mayor is the executive head of the Municipality. The Executive Mayor appoints a Mayoral Committee from among the Councillors to assist him or her in the execution of his or her functions and powers. The appointment, powers and functions of the Executive Mayoral committee is prescribed in terms of section 60 read with section 80 of the Structures Act.

(c) The Speaker

In terms of section 36(1) of the Structures Act, the Council must have a chairperson who will be called the Speaker. The Speaker:

- Presides at meetings of the Council;
- Performs the duties and exercises the powers delegated to the Speaker;
- Must ensure that the Council meets at least quarterly;
- Must ensure compliance in the Council and Council committees with the code of conduct; and
- Must ensure that Council meetings are conducted in accordance with the Rules of Orders of the Council.

(d) Council and portfolio committees

The Structures Act provides for various types of committees for the Municipality. In terms of section 79 of the Structures Act, committees are elected that reports directly to the Council. In terms of section 60 read with section 80 portfolio committees is established to assist the executive Mayor. More information in this regard can be obtained from the committee department of the Municipality.

(e) Ward committees

Section 73 of the Structures Act provides for the establishment of ward committees for each ward to broaden community participation at local government level. A ward committee consist of the Councillors representing that ward in the Council, who must also be the chairperson of that ward committee and not more than ten other registered voters residing in the ward and representing various sectors. A ward committee may make recommendations on any matters affecting the ward to the ward Councillor or to the Council or to the Executive Mayor through that particular ward Councillor. A ward committee has such duties and powers as the local council may delegate to it in terms of section 59 of the Systems Act.

The administrative structures**(a) Organisational structure**

The organizational structure and staff establishment derives from section 66 of the Systems Act read with the Regulations. The Municipal Manager develop a staff establishment for the municipality and submit it to the municipal council for approval.

(b) Office of Municipal Manager

The Council appoints a Municipal Manager as head of the administration in terms of section 54A of the Systems Act. The Municipal Manager is also the accounting officer in terms of section 60 of the MFMA and is responsible for the management of the Municipality and all its Departments. The Municipal Manager must ensure that the Municipality operates within the policy directions of the Council that inter alia includes the responsibility for the formation and development of an economical, effective efficient and accountable administration equipped to implement and monitor the IDP. More information can be obtained from sections 54A and 55 of the Systems Act and sections 60 and 61 of the MFMA, the SDBIP as well in the annual performance contract of the Municipal Manager that is available on the website. The Municipal Manager also signs an employment contract setting out the, subject to applicable labour legislation, details of duties, remuneration, benefits and other terms and conditions of employment.

(c) Departments

The Municipality has four Directorates, namely, Financial-, Strategic Support-, Community- and Technical services as approved by the Council in terms of the organizational structure and staff establishment. The functional areas of the Directors are set out in their employment- and annual performance contracts. The Directors decide on management policy within their respective functional areas within the policies and delegations of the Council.

4. INFORMATION OFFICER AND DEPUTY INFORMATION OFFICER

The contact details of the Information Officer and Deputy Information Officers are as follows: -

(a) INFORMATION OFFICER

Name:	Senior Manager Legal Services
Street Address:	Municipal Office
Postal Address:	P/Bag X3046, or 30 Baring Street, Worcester, 6849
Telephone No:	(023) – 348 2653

Facsimile No: (023) – 347 3671
 E-mail Address: rekords@bvm.gov.za

(b) DEPUTY INFORMATION OFFICER

Name: **Legal Advisor**
 Street Address: Municipal Office
 Postal Address: P/Bag X3046, or 30 Baring Street, Worcester, 6849
 Telephone No: (023) – 348 26?
 Facsimile No: (023) – 347 3671
 E-mail Address: rekords@bvm.gov.za

5. REQUESTS FOR ACCESS TO A RECORD

- 5.1 A person wishing to request information in terms of the Act is required to adhere to the following procedure: -
- 5.1.1 The request must be made in writing, on the prescribed application form as per **Annexure E**, addressed to the abovementioned information officer or deputy information officers.
 - 5.1.2 The application must be accompanied by prescribed search service fees as indicated in paragraph 7 below.
 - 5.1.3 The application must clearly state the nature of information needed to enable the information officer or the relevant deputy information officer to identify the requested records.
 - 5.1.4 Information officers may defer a decision until the requested information becomes available and will so notify the requester in writing with a request that he/she makes follow-up representations within **30** (thirty) days.
 - 5.1.5 In the event the requested information is unavailable, and all reasonable steps have been taken to find a requested record, the information officer will accordingly inform the requester, giving full reasons in writing.

6. PAIA GUIDE

A guide has been compiled by the Human Rights Commission in terms of section 10 of the Act, which contains information required by a person wishing to exercise any right, contemplated by the Act. The Guide is available in all of the official languages from the PAIA Unit of the Human Rights Commission, who may be contacted at:

Physical address:

29 Princess of Wales Terrace
 Cnr of York and St Andrews Street, Parktown

Postal address:

Private Bag 2700
 Houghton
 2041

Telephone: +27 11 484 800 **Fax:** +27 11 484 1360
Website: www.sahrc.org.za **E-mail:** paia@sahrc.org.za

7. SEARCH/SERVICE FEES PAYABLE

- 7.1 In terms of the Act, two types of fees are required to be paid, namely the **request fee** and the **access fee**.
- 7.2 A requester who seeks access to a record containing personal information about him or herself, the requester, is not required to pay the request fee. Every other requester must pay the relevant request fee.

- 7.3 If a search for the record has been made and the preparation of the record for disclosure, including arrangements to make it available in the requested form, requires more than the hours prescribed in the information regulations for the purpose, the information / deputy information officer shall notify the requester to pay as a deposit the prescribed portion of the access fee, which would be payable if the request is granted.
- 7.4 The information / deputy information officer shall withhold a record until the requester has paid the relevant fees as indicated below.
- 7.5 A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure, including making arrangement to make it available in the requested form.
- 7.6 The prescribed request fee payable is set out in **Annexure A**.
- 7.7 Certain persons, as set out in **Annexure G**, are exempted from paying access fees.

8. TIME LIMITS FOR DEALING WITH INFORMATION REQUESTS

- 8.1 The time limit for processing an application for access to a record is **30** (thirty) working days. An applicant has the right to lodge a written complaint about any delays in receiving a response with the Municipal Manager who will attend to the complaint within **5** (five) working days.
- 8.2 If a request for access is made for information that the Municipality does not possess or another public body holds the information, the requester will accordingly be notified within **14** (fourteen) working days.

9. REFUSAL TO GRANT ACCESS TO A RECORD

- 9.1 The information officer or relevant deputy information officers **MUST** in terms of the Act, and under the following circumstances, refuse to grant access to requested records:
- 9.1.1 Subject to subsection 34(2) of the Act, if the disclosure of the record would involve the unreasonable disclosure of personal information about a third party including a deceased individual;
- 9.1.2 Subject to subsection 36(2) of the Act, information which contains –
- 9.1.2.1 trade secrets of a third party;
- 9.1.2.2 financial, commercial, scientific or technical information, other than trade secrets, of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party; or
- 9.1.2.3 information supplied in confidence by a third party the disclosure of which could reasonably be expected –
- 9.1.2.3.1 to put that third party at a disadvantage in contractual or other negotiations; or
- 9.1.2.3.2 to prejudice that third party in commercial competition.
- 9.1.3 Subject to subsection 37(2) of the Act, if the disclosure of the record would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement.
- 9.1.4 If its disclosure could reasonably be expected to endanger the life or physical safety of an individual.

- 9.1.5 If the record is privileged from production in legal proceedings unless the person entitled to the privilege has waived the privilege.
- 9.1.6 If the record contains information about research being or to be carried out by or on behalf of a third party, the disclosure of which would be likely to expose –
- 9.1.6.1 the third party;
- 9.1.6.2 a person that is or will be carrying out the research on behalf of the third party; or
- 9.1.6.3 the subject matter of research,
to serious disadvantage.
- 9.2 The information officer or relevant deputy information officers **MAY** in terms of the Act, and under the following circumstances, refuse to grant access to requested records:
- 9.2.1 Subject to subsection 37(2) of the Act, if the record consists of information that was supplied in confidence by a third party –
- 9.2.1.1 the disclosure of which could reasonably be expected to prejudice the future supply of similar information, or information from the same source; and
- 9.2.1.2 if it is in the public interest that similar information, or information from the same source, should continue to be supplied.
- 9.2.2 if its disclosure would be likely to prejudice or impair -
- 9.2.2.1 the security of -
- 9.2.2.1.1 a building, structure or system, including, but not limited to, a computer or communication system;
- 9.2.2.1.2 a means of transport; or
- 9.2.2.1.3 any other property; or
- 9.2.2.2 methods, systems, plans or procedures for the protection of -
- 9.2.2.2.1 an individual in accordance with a witness protection scheme;
- 9.2.2.2.2 the safety of the public, or any part of the public; or
- 9.2.2.2.3 the security of property contemplated in subparagraph 9.2.1
- 9.2.3 the record contains methods, techniques, procedures or guidelines for -
- 9.2.3.1 the prevention, detection, curtailment or investigation of a contravention or possible contravention of the law; or
- 9.2.3.2 the prosecution of alleged offenders, and the disclosure of those methods, techniques, procedures or guidelines could reasonably be expected to prejudice the effectiveness of those methods, techniques, procedures or guidelines or lead to the circumvention of the law or facilitate the commission of an offence.
- 9.2.4 the prosecution of an alleged offender is being prepared or about to commence or pending and the

disclosure of the record could reasonably be expected -

9.2.4.1 to impede that prosecution; or

9.2.4.2 to result in a miscarriage of justice in that prosecution.

9.2.5 the disclosure of the record could reasonably be expected -

9.2.5.1 to prejudice the investigation of a contravention or possible contravention of the law which is about to commence or is in progress or, if it has been suspended or terminated, is likely to be resumed;

9.2.5.2 to reveal, or enable a person to ascertain, the identity of a confidential source of information in relation to the enforcement or administration of the law;

9.2.5.3 to result in the intimidation or coercion of a witness, or a person who might be or has been called as a witness, in criminal proceedings or other proceedings to enforce the law;

9.2.5.4 to facilitate the commission of a contravention of the law, including, but not limited to, subject to subsection 39(2) of the Act, escape from lawful detention; or

9.2.5.5 to prejudice or impair the fairness of a trial or the impartiality of an adjudication.

9.2.6 if its disclosure -

9.2.6.1 could reasonably be expected to cause prejudice to -

9.2.6.1.1 the defence of the Republic;

9.2.6.1.2 the security of the Republic; or

9.2.6.1.3 subject to subsection 41(3) of the Act, the international relations of the Republic; or

9.2.6.2 would reveal information -

9.2.6.2.1 supplied in confidence by or on behalf of another state or an international organisation;

9.2.6.2.2 supplied by or on behalf of the Republic to another state or an international organisation in terms of an arrangement or international agreement, contemplated in section 231 of the Constitution, with that state or organisation which requires the information to be held in confidence; or

9.2.6.2.3 required to be held in confidence by an international agreement or customary international law contemplated in section 231 or 232, respectively, of the Constitution.

9.2.7 If its disclosure would be likely to materially jeopardise the economic interests or financial welfare of the Republic or the ability of the government to manage the economy of the Republic effectively in the best interests of the Republic.

9.2.8 Subject to subsection 42(5) of the Act, if the record -

9.2.8.1 contains trade secrets of the State or a public body;

- 9.2.8.2 contains financial, commercial, scientific or technical information, other than trade secrets, the disclosure of which would be likely to cause harm to the commercial or financial interests of the State or a public body;
- 9.2.8.3 contains information, the disclosure of which could reasonably be expected -
- 9.2.8.3.1 to put a public body at a disadvantage in contractual or other negotiations; or
 - 9.2.8.3.2 to prejudice a public body in commercial competition; or
- 9.2.8.4 is a computer program, as defined in section 1(1) of the Copyright Act, 1978 (Act No. 98 of 1978), owned by the State or a public body, except insofar as it is required to give access to a record to which access is granted in terms of this Act.
- 9.2.9 If the record contains information about research being or to be carried out by or on behalf of a public body, the disclosure of which would be likely to expose -
- 9.2.9.1 the public body;
 - 9.2.9.2 a person that is or will be carrying out the research on behalf of the public body; or
 - 9.2.9.3 the subject matter of the research,
to serious disadvantage.
- 9.2.10 Subject to subsections 44(3) and 44(4) of the Act –
- 9.2.10.1 if the record contains -
 - 9.2.10.1.1 an opinion, advice, report or recommendation obtained or prepared; or
 - 9.2.10.1.2 an account of a consultation, discussion or deliberation that has occurred, including, but not limited to, minutes of a meeting,

for the purpose of assisting to formulate a policy or take a decision in the exercise of a power or performance of a duty conferred or imposed by law; or
 - 9.2.10.2 if -
 - 9.2.10.2.1 the disclosure of the record could reasonably be expected to frustrate the deliberative process in a public body or between public bodies by inhibiting the candid -
 - 9.2.10.2.1.1 communication of an opinion, advice, report or recommendation; or
 - 9.2.10.2.1.2 conduct of a consultation, discussion or deliberation; or
 - 9.2.10.2.2 the disclosure of the record could, by premature disclosure of a policy or contemplated policy, reasonably be expected to frustrate the success of that policy.
- 9.2.11 Subject to subsection 44(4) of the Act, if -
- 9.2.11.1 the disclosure of the record could reasonably be expected to jeopardise the effectiveness of a testing, examining or auditing procedure or method used by a public body;

9.2.11.2 the record contains evaluative material, whether or not the person who supplied it is identified in the record, and the disclosure of the material would breach an express or implied promise which was -

9.2.11.2.1 made to the person who supplied the material; and

9.2.11.2.2 to the effect that the material or the identity of the person who supplied it, or both, would be held in confidence; or

9.2.11.3 the record contains a preliminary, working or other draft of an official of a public body.

9.2.12 If the request is manifestly frivolous or vexatious or the work involved in processing the request would substantially and unreasonably divert the resources of the public body.

9.3 The above provisions are however subject to the provision of section 46 of the Act which prescribes instances where the information officer of a public body **MUST** grant a request for access to a record of the body.

10. INTERNAL APPEALS AGAINST DECISION OF INFORMATION OFFICER

10.1 A requester may, in terms of Section 74 of the Act, lodge an internal appeal with the municipality against a decision of the Information Officer or Deputy Information Officer, if:

- (i) a request for access is refused;
- (ii) the fees charged are unacceptable;
- (iii) information is given in a different form from what was requested; or
- (iv) the period within which information has to be disclosed is extended by the Information Officer.

10.2 An internal appeal must be lodged on the prescribed form **Annexure F**, within the following periods:

- (i) a period of **60** (sixty) days;
- (ii) if notice to a third party is required i.t.o. Section 49(1)(b), within **30** (thirty) days after notice is given to the appellant of the decision appealed against or, if notice to the appellant is not required, after the decision was taken.

10.3 An internal appeal must:

- (i) be delivered, posted, faxed or sent electronically to the Information Officer or Deputy Information Officer;
- (ii) state the manner in which the applicant wishes to be informed of the decision on the internal appeal, in addition to a written reply;
- (iii) identify the subject of the internal appeal and give reasons for the appeal;
- (iv) if applicable, be accompanied by the prescribed appeal fee(s); and
- (v) specify a postal address, fax number or e-mail address.

10.4 The Information Officer or Deputy Information Officer must, within **10** (ten) working days after the receipt of an internal appeal, submit it, together with his/her reasons for the decision, to the Delegated Authority, namely the Municipal Manager, or in his/her absence the person designated by the Municipal Council in writing, for consideration.

10.5 If an internal appeal is considered against the refusal of a request for access to a record of a third party, the third party to whom or which the record relates, must be informed of the internal appeal and he/she may, within **21** (twenty-one) days after being so informed, make written representations why the request for access should not be granted or give written consent for the disclosure of the record to the requester concerned. Late appeals may be allowed, if good cause can be shown.

10.6 When deciding on the internal appeal the Delegated Authority may confirm the decision appealed against or substitute a new decision for it, within **30** (thirty) days after the internal appeal is received by the Information Officer/Deputy Information Officer.

- 10.7 The Delegated Authority will immediately after the decision on an internal appeal give notice of the decision to the appellant and any relevant third party, state adequate reasons for the decision, and 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 within **60** (sixty) days; or, if notice to a third party is required, within **30** (thirty) days after notice is given, and also state the procedure for lodging the application.
- 10.8 If the Delegated Authority fails to give notice of the decision on an internal appeal to the appellant within the periods indicated here above, it is regarded as having dismissed the internal appeal.

11. SUBJECTS AND CATEGORIES OF RECORDS HELD BY THE MUNICIPALITY

Under the Act the Municipality is required to state which records it holds. Given the wide range of services provided, this listing of records is constantly being updated and may change over time. The method of managing records in the Municipality is in accordance with national archive requirements.

It should be noted that inclusion in the following list of records does not mean that the files or records are necessarily accessible under the Act. The Act prohibits a public body from allowing access, and/or allows the public body to refuse access, to certain types of information. Chapter 4 of the Act deals with the grounds for refusal of access to records. For further information, please refer to the Act.

The following is the main series of the records kept by the Municipality:

1. Legislation
2. Own Council/Council Matters, Organization and Control and Liaison with other Authorities
3. Finance
4. Staff
5. Domestic Supplies, Services and Tenders
6. Reports, Returns and Statistics
7. Advertising, Information and Social interactions
8. Legal matters, Licenses and Permits
9. Town Planning and Property Transactions
10. Borders, Planning Scheme and Building Control
11. Municipal Services and Works
12. Community Services

Annexure B contains a list of the categories of records as per the abovementioned main series of records that the Municipality keep. More complete particulars may be obtained from the municipal head office or arrangements can be made with the deputy information officer for more information.

12. RECORDS AVAILABLE WITHOUT REQUESTS FOR ACCESS

The records as set out in **Annexure C** are automatically available without a person having to request access in terms of the Act, but where appropriate, remain subject to review by the Information Officer or Deputy Information Officer in terms of section 15(4) of the Act.

All other records must be formally requested as provided for in this manual. The only fee payable, if any, for access to these records is the prescribed fee for reproduction.

Where a request for information cannot be met a requester shall be:

- Informed of his/her right to make a formal application under the Act.
- Informed of the fact that certain types of requests for information may be refused.
- Informed of his/her right to appeal if a request is initially refused.

13. PROVISIONS FOR PUBLIC PARTICIPATION

In terms of section 14(1)(g) of the Act the following arrangements are made for a person to make representations and to participate and influence the formulation of policy or the exercise of powers or performance of duties of the Municipality:

- Participate in the ward committee system.
- Liaise with the ward Councilor.
- Get involved in a recognized Community based Organization.
- Get involved in one of the sector groups within the ward.
- Make inputs through the IDP and budget processes.
- Make input through public meetings.
- React in writing on advertisements and public notices.
- Make input through the media such as radio and local newspapers.

14. SERVICES AVAILABLE FROM THE MUNICIPALITY

Section 14(1)(f) of the Act stipulates that the Municipality must provide information on the services it offers. The Municipal services that are rendered by the Municipality in terms of the powers and functions allocated to it in terms of Schedules 4B and 5B of the Constitution, is listed in **Annexure D**.

Access to these services can be gained by applying at the Municipal Offices. The different policies and the tariffs and fees relating to the services can be obtained from the municipal website.

15. GENERAL INFORMATION

The technical details of this manual would be changed from time to time. This manual is available in Afrikaans, English and IsiXhosa. The Municipality is constantly reviewing information that can be made available and improving its own internal access to information. Always ask if a record can be made available before making a formal request under the Act.

ANNEXURES:

1. Annexure A: Fees payable by the applicant.
2. Annexure B: Schedule of records and categories of records kept by the Municipality.
3. Annexure C: Records automatically available in terms of section 15 of the Act.
4. Annexure D: Municipal Services
5. Annexure E: Official application form
6. Annexure F: Notice of internal appeal
7. Annexure G: Persons exempted from paying the fees for requested information

FEES PRESCRIBED IN TERMS OF SECTION 15(3) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (ACT 2 OF 2000)**Fees for records of public body**

	R
1. The fee for reproduction is as follows (VAT should be added):	
(a) For every photocopy of an A4-size page or part thereof	1.80
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0.75
(c) For a copy in a computer-readable form on –	
(i) compact disc	70.00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40.00
(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	20.00
(ii) For a copy of an audio record	30.00
2. The request fee payable by every applicant, other than a personal applicant referred to in section 22(1) of the Act, is R35.00.	
3. The access fee payable by an applicant referred to in section 22(7) of the Act, unless exempted under section 22(8) of the Act, are as follows:	
(a) For every photocopy of an A4-size or part thereof	0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
(c) For a copy in a computer-readable form on -	
(i) compact 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
(f) To search for a record for disclosure, R15,00 for each hour or part of an hour, excluding the first hour, reasonably required for such search.	

4. The actual postal fee is payable when a copy of a record must be posted to an applicant.
5. For purposes of section 22(2) of the Act the following applies:
 - (a) Six (6) 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 applicant.
6. The appeal fee payable in respect of the lodging of an internal appeal by an applicant against the refusal of his or her request for access, as contemplated in section 75(3)(a) of the Act, is R50,00.

ANNEXURE B**DESCRIPTION OF SUBJECTS AND CATEGORIES OF RECORDS THAT ARE HELD BY THE MUNICIPALITY**

<p>1. LEGISLATION Routine enquiries Drafting, amendments and comments Prescribing circulars</p> <p>2. OWN COUNCIL/COUNCIL MATTERS, ORGANISATION AND CONTROL AND LIAISON WITH OTHER AUTHORITIES Own council/council matters Organisation and control Liaison with other authorities Public participation Masakhane campaign Internal communication External communication</p> <p>3. FINANCE Routine enquiries Budget Determining and charging of fees Determining, charging and refunds of deposits Collection of arrear money Subsidies received Agency collections Provision of financial assistance Funds Property valuations Loans and investments Bank arrangements Insurance Audit Returns and reports</p> <p>4. STAFF Staffing Staff Utilisation</p> <p>5. DOMESTIC SUPPLIES, SERVICES AND TENDERS Property Services Tenders</p> <p>6. REPORTS, RETURNS AND STATISTICS Reports Returns Statistics Population census</p>	<p>7. STAFF Staffing Staff Utilisation</p> <p>8. LEGAL MATTERS, LICENSES AND PERMITS Legal matters Licenses Permits</p> <p>9. TOWN PLANNING AND PROPERTY TRANSACTIONS Town planning Property transactions</p> <p>10. BORDERS, PLANNING SCHEME AND BUILDING CONTROL Determining of municipal borders Demarcation Planning scheme Building control National monuments</p> <p>11. MUNICIPAL SERVICES AND WORKS Water Electricity Sewerage Sanitation Civil Engineering works</p> <p>12. COMMUNITY SERVICES Community development Health Protection services Traffic control Public transport Public facilities Welfare services Housing</p>
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ANNEXURE C

**AUTOMATICALLY AVAILABLE RECORDS AND ACCESS TO SUCH RECORDS:
(Section 15 of the Promotion of Access to Information Act 2000 (Act No. 2 of 2000))
[Regulation 5A]**

DESCRIPTION OF CATEGORY OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 15(1)(a) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000	MANNER OF ACCESS TO RECORDS (e.g. website) (SECTION 15(1)(a))
FOR INSPECTION IN TERMS OF SECTION 15(1)(a)(i):	
<p>1. <u>Business details</u> Name, locality, address, telephone numbers, contact persons, hours of business, etc. of all council offices, depots, installations, facilities and amenities.</p>	<p>Director: Strategic Support Services Breede Valley Municipality Private Bag X3046, Worcester, 6849 rekords@bvm.gov.za</p>
<p>2. <u>Agendas and minutes</u> Agendas and minutes of all meetings of council, its structures and formal staff meetings and those of its predecessors, excluding minutes and agendas which have been marked "confidential/in-committee".</p>	<p>Manager: Administration & Support Services Breede Valley Municipality Private Bag X3046, Worcester, 6849 rekords@bvm.gov.za</p>
<p>3. <u>Councillors</u> (Including the Executive Mayor, Executive Deputy Mayor, Speaker and office bearers) Information regarding each councillor's-</p> <ul style="list-style-type: none"> • name, address, telephone numbers • ward/proportional, political party and election details • position in council, e.g. committee membership, whether full-time or part-time • representation on outside bodies • salary, allowances, etc. • details of trips outside municipal area • declaration of interests in accordance with item 7 of the Code of Conduct • attendance registers, absence records and fines imposed 	<p>Manager: Administration & Support Services Breede Valley Municipality Private Bag X3046, Worcester, 6849 rekords@bvm.gov.za</p>
<p>4. <u>Structures</u> (Including council, executive committee, ward committees and other committees)</p> <ul style="list-style-type: none"> • composition, names of members, office bearers, political membership • date, time and venue of meetings • functional areas 	<p>Manager: Administration & Support Services Breede Valley Municipality Private Bag X3046, Worcester, 6849 rekords@bvm.gov.za</p>
<p>5. <u>Municipal legislation, by-laws and policies</u> All documents in this regard</p>	<p>Manager: Administration & Support Services Breede Valley Municipality Private Bag X3046, Worcester, 6849 rekords@bvm.gov.za</p>
<p>6. <u>Delegations</u> Delegations to-</p> <ul style="list-style-type: none"> • political office bearers • councillors • members of staff • structures (executive committee, committees, etc.) <p>Authority granted to-</p> <ul style="list-style-type: none"> • conclude contracts 	<p>Director: Strategic Support Services Breede Valley Municipality Private Bag X3046, Worcester, 6849 rekords@bvm.gov.za</p>

<ul style="list-style-type: none"> • sign legal documents, cheques, etc. <p>Decisions by any political office bearer, councilor or staff member in terms of a power or duty delegated or sub-delegated.</p>	
<p>7. <u>Budget</u> Budget, Service Delivery and Budget Implementation Plan (SDBIP), Annual Report and Integrated Development Plan (IDP) as approved by Council.</p>	<p>Director: Financial Services Breede Valley Municipality Private Bag X3046, Worcester, 6849 rekords@bvm.gov.za</p>
<p>8. <u>Financial records</u></p> <ul style="list-style-type: none"> • annual financial statements • quarterly statements • monthly statements • arrears (excluding personal details) 	<p>Director: Financial Services Breede Valley Municipality Private Bag X3046, Worcester, 6849 rekords@bvm.gov.za</p>
<p>9. <u>Registers</u> Registers regarding-</p> <ul style="list-style-type: none"> • assets (movable or immovable) • agreements • contractors, service providers • tenders awarded 	<p>Manager: Supply Chain Management Breede Valley Municipality Private Bag X3046, Worcester, 6849 rekords@bvm.gov.za</p>
<p>10. <u>Tariffs, fees, surcharges, etc.</u> All tariffs, fees, surcharges, etc. approved by the Council for the current or any previous financial year.</p>	<p>Director: Financial Services Breede Valley Municipality Private Bag X3046, Worcester, 6849 rekords@bvm.gov.za</p>
<p>11. <u>Personal information of members of staff</u> Personal information of members of staff in terms of section 34(2)(f) of the Act relating to-</p> <ul style="list-style-type: none"> • the fact that the individual is or was an official • title, work address, work phone number, e-mail address of an official • post level, salary scale and allowances of an official • responsibilities of position held 	<p>Manager: Human Resources Breede Valley Municipality Private Bag X3046, Worcester, 6849 rekords@bvm.gov.za</p>
<p>12. <u>Statistics</u> (Excluding personal details of individuals)</p> <ul style="list-style-type: none"> • statistics kept for departmental use in the format in which it is available • statistics in the format as required by legislation 	<p>Manager: Administration & Support Services Breede Valley Municipality Private Bag X3046, Worcester, 6849 rekords@bvm.gov.za</p>
<p>13. <u>Personal information of personal requester</u> Personal information requested by personal requester seeking access to a records containing personal information about the requester, on positive identification.</p>	<p>Manager: Administration & Support Services Breede Valley Municipality Private Bag X3046, Worcester, 6849 rekords@bvm.gov.za</p>
<p>14. <u>Research</u> Information regarding research by or on behalf of the municipality, on condition that such research results have been presented to Council or any of its structures and no copyright is held by persons or bodies not connected with the municipality.</p>	<p>Manager: Administration & Support Services Breede Valley Municipality Private Bag X3046, Worcester, 6849 rekords@bvm.gov.za</p>
<p>15. <u>Publications</u> All publications by and on behalf of the municipality and which had been made public or presented to Council and in which no copyright is held by persons or bodies not connected with the municipality.</p>	<p>Manager: Administration & Support Services Breede Valley Municipality Private Bag X3046, Worcester, 6849 rekords@bvm.gov.za</p>
<p>16. <u>Housing</u> Records containing-</p> <ul style="list-style-type: none"> • Details of housing waiting list • Houses and land available for housing 	<p>Manager: Housing Breede Valley Municipality Private Bag X3046, Worcester, 6849 rekords@bvm.gov.za</p>
<p>17. <u>Tenders</u></p>	<p>Manager: Supply Chain Management</p>

Tenders and proposal calls after public opening (excluding evaluations and recommendations to the municipal manager)	Breede Valley Municipality Private Bag X3046, Worcester, 6849 rekords@bvm.gov.za
18. <u>Service providers</u> Details of providers of services to the municipality.	Manager: Supply Chain Management Breede Valley Municipality Private Bag X3046, Worcester, 6849 rekords@bvm.gov.za
19. <u>Planning</u> <ul style="list-style-type: none"> • zoning and structure plans • individual zoning and conditions • register of approved departures and consent uses 	Senior Manager: Municipal Planning and Building Control Breede Valley Municipality Private Bag X3046, Worcester, 6849 rekords@bvm.gov.za
20. <u>Land</u> Single records only of owners of land	GIS Officer Breede Valley Municipality Private Bag X3046, Worcester, 6849 rekords@bvm.gov.za
21. <u>Organizational structure</u> <ul style="list-style-type: none"> • organogram • staff structure 	Manager: Human Resources Breede Valley Municipality Private Bag X3046, Worcester, 6849 rekords@bvm.gov.za
FOR PURCHASING IN TERMS OF SECTION 15(1)(a)(ii):	
As applicable on section 15(1)(a)(i) above	Request a copy from – The Deputy Information Officer Breede Valley Municipality Private Bag X3046, Worcester, 6849 rekords@bvm.gov.za
AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 15(1)(a)(iii):	
1. <u>Business details</u> Name, locality, address, telephone numbers, contact persons, hours of business, etc. of all council offices, depots, installations, facilities and amenities.	Request a copy from – The Deputy Information Officer Breede Valley Municipality Private Bag X3046, Worcester, 6849 rekords@bvm.gov.za
2. <u>Councillors</u> (Including the Executive Mayor, Executive Deputy Mayor, Speaker and office bearers) Information regarding each councillor's- <ul style="list-style-type: none"> • name, address, telephone numbers • ward/proportional, political party and election details • position in council, e.g. committee membership, whether full-time or part-time • representation on outside bodies • salary, allowances, etc. • details of trips outside municipal area • declaration of interests in accordance with item 7 of the Code of Conduct attendance registers, absence records and fines imposed	
3. <u>Structures</u> (Including council, executive committee, ward committees and other committees) <ul style="list-style-type: none"> • composition, names of members office bearers, political membership • date, time and venue of meetings • functional areas 	

MUNICIPAL SERVICES: THE MUNICIPALITY RENDERS THE FOLLOWING SERVICES:

1. The provision and management of cemeteries in Worcester, Rawsonville, De Doorns and Touwsriver.
2. Regulating of liquor trading days and hours.
3. The control of fencing and fences, in terms of the applicable by-laws.
4. The provision of management of library services. Libraries are provided in the following towns, suburbs and rural areas: Avian Park (Worcester), De Doorns Library, Esselen Library (Worcester), Goudini Library (Rawsonville), Steenvliet Library (Touwsrivier), Touwsrivier Library, Worcester Library, Zwelethemba Library (Worcester) and mini libraries Fairhills (Rawsonville area), Hexvallei (De Doorns area), Overhex (Robertson Road), Sandhills (De Doorns area) Slanghoek (Rawsonville area).
5. Municipal Planning and building control (land use planning). (Structure plans, spatial development framework, and zoning scheme regulations).
6. The control of public nuisances.
7. Noise pollution and air quality control.
8. Distribution and sale of electricity in the licensed areas of Worcester, Rawsonville, De Doorns and Touwsriver.
9. The management and control of street trading.
10. Provision of child care facilities.
11. Promotion of local economic development.
12. Provision and management of municipal public works.
13. Provision and maintenance of municipal roads and sidewalks.
14. Provision, maintenance and management of public places, public halls, local amenities and amusement facilities.
15. Provision, maintenance and management of sport facilities in Worcester, Rawsonville, De Doorns and Touwsriver.
16. Provision and management of municipal parks and recreation facilities.
17. Provision and management of storm water management services in built-up areas.
18. Provision and management of cleansing services.
19. Provision and management of domestic refuse removal services in the towns of Worcester, Rawsonville, De Doorns and Touwsriver.
20. Provision and management of landfill sites in Worcester, Rawsonville, De Doorns and Touwsriver.
21. Control and regulation of billboards and the display of outdoor advertising signs.
22. Control provision and management of pounds.
23. Provision and maintenance of street lighting in build-up areas.
24. Provision and management of traffic services, traffic law enforcement, road markings and road traffic signs.
25. Provision, maintenance and management of water services including storage, purification and reservoirs for domestic and industrial usage.
26. Storage and distribution of irrigation water in Worcester, Rawsonville, De Doorns and Touwsriver.
27. Provision and management of sewage disposal facilities and sanitation; domestic and industrial usage in Worcester, Rawsonville, De Doorns and Touwsriver. Includes network and treatment plant.
28. Provision, maintenance and management of risk mitigation measures such as fire breaks.
29. Management of local disaster situations.
30. The provision of emergency housing and associated municipal services for informal settlements.
31. The control of the keeping of animals in built-up areas.
32. Squatter control and management
33. The eradication of alien vegetation on public land.
34. Law enforcement in respect of municipal by-laws.

**BREDE VALLEY MUNICIPALITY
APPLICATION FOR ACCESS TO A RECORD**

(Section 18(1) of the Promotion of Access to Information, Act No 2 of 2000)

A: Particulars of the Institution

The Municipal Manager
Breede Valley Municipality
P/Bag X3046 or
30 Baring Street,
Worcester
6849

TEL: (023) 348 2600
FAX: (023) 347 3671
E-mail: rekords@bvm.gov.za

Requests for information in terms of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), will only be processed if the attached application form has been completed in full, signed by the relevant requestor and the applicable fees have been paid.

FOR OFFICE USE ONLY			
Reference number:			
Request received by: (name of information officer)			
On (date)		at:	
Request fee:	R	Receipt nr.	
Deposit:	R	Receipt nr.	
Access fee:	R	Receipt nr.	
Signature of Information Officer:			

B. Particulars of person requesting access to the record

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

Full names and surname: _____

Identity number: _____

Postal address: _____

Fax number: _____

Telephone number: _____ E-mail address: _____

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 the 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.

4. 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, complete the next section:-

Disability: _____

Form in which record is required: _____

Mark the appropriate box with a **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 required.

1. If the record is in written or printed form:

	Copy of record*		Inspection of record
--	-----------------	--	----------------------

2. If record consists of visual images –

(This includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

	View the images		Copy of the images*		Transcription of images*
--	-----------------	--	---------------------	--	--------------------------

3. If record consists of recorded words or information, which can be produced in

	Listen to the soundtrack (audio cassette)		Transcription of soundtrack* (written or printed document)
--	---	--	--

4. If record is held on computer or in an electronic or machine-readable form:

	Printed copy or record*		Printed copy of information derived from the record*		Copy in computer readable form* Stiffy/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 request for 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**

NOTICE OF INTERNAL APPEAL

(Section 75 of the Promotion of Access to Information Act, 2000 {Act No.2 of 2000})
[Regulation 8]

FOR DEPARTMENTAL USE

Reference number:

Appeal received by
(State rank, name and surname of Information officer /Deputy Information officer) on
..... (Date) (Place).

Appeal accompanied by the reasons for the Information officer's / deputy Information officer's decision and, where applicable, the particulars of any third party to whom or which the records relate, submitted on..... (Date) by the information officer/ deputy information officer to the relevant authority.

OUTCOME OF APPEAL

DECISION OF DELEGATED AUTHORITY CONFIRMED / NEW DECISION SUBMITTED.

NEW DECISION:
.....
.....
.....

DATE:..... RELEVANT AUTHORITY:.....

RECEIVED BY THE INFORMATION OFFICER / DEPUTY INFORMATION OFFICER FROM THE RELEVANT AUTHORITY ON (Date).

**TO: THE INFORMATION OFFICER /DEPUTY INFORMATION OFFICER
30 BARING STREET
WORCESTER
6850**

Particulars of applicant/third party lodging the Internal Appeal

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

Full names and surname:.....

Identity number:.....

Postal address:

Fax number:

Telephone number: E-mail address:

Capacity in which an internal appeal on behalf of another person is lodged: -
.....

Particulars of Applicant

This section must be completed ONLY if a third party (other than the applicant) is lodging the internal appeal.

Full names and surname:

Identity number:.....

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 within 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 applicant.
- Decision to grant request for access

GROUND S FOR APPEAL

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

1. State the grounds on which the internal appeal is based:
.....
.....
.....
.....

2. State any other information that may be relevant for consideration of the appeal.
.....
.....
.....
.....

NOTICE OF DECISION OF APPEAL

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

1. State the manner:
.....
.....

2. Particulars of manner requested:
.....
.....

Signed at on this day of 20.....

.....
SIGNATURE OF APPELLANT

PERSONS EXEMPTED FROM PAYING THE FEES FOR REQUESTED INFORMATION

Database Government Gazettes
 Gazette No 28107
 Notice No 991
 Regulation 8325
 Date 20051014

Government Notice

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

No. R.991

14 October 2005

PROMOTION OF ACCESS TO INFORMATION ACT, 2000 EXEMPTIONS AND DETERMINATIONS FOR PURPOSES OF SECTION 22(8)

I, Brigitte Sylvia Mabandla, Minister for Justice and Constitutional Development, acting under section 22(8) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)

Hereby-

- (a) exempt the following persons from paying the access fee contemplated section 22 (6) of the Act:
- (i) A single person whose annual income, after permissible deductions referred to in the Schedule to this notice are made, does not exceed R14 714.00 per annum; and
 - (ii) married persons or a person and his or her life partner whose annual income, after permissible deductions referred to in the Schedule to this notice are made, does not exceed R27 192.00 per annum and
- (b) determined that:-
- (i) where the cost of collecting any fee contemplated in section 22 of the Act, exceeds the amount charged, such fee does not apply;
 - (ii) the access fee contemplated in section 22(6) of the Act does not apply to the personal record of a requester; and
 - (iii) the request fee contemplated in section 22(1) of the Act and the access fee contemplated in section 22(6) of the Act do not apply to a record requested by a maintenance investigation or inquiry in terms of the provisions of the Maintenance Act, 1998 (Act No. 99 of 1998) or the regulations made under section 44 of that Act.

SCHEDULE

1. For purposes of paragraph (a) (i) and (ii) of the notice the following deductions are permissible:
- (a) employee's tax in terms of paragraph 2 of Part II of the Fourth Schedule of the Income Tax Act, 1962 (Act No. 58 of 1962);
 - (b) contributions in terms of section 5 of the Unemployment Insurance Contributions Act, 2002 (Act No.4 of 2002);
 - (c) compulsory contributions to a Group Insurance Fund in terms of a court order or in terms of a contract between an employer and his or her employee;
 - (d) contributions to any medical scheme registered under the provisions of the Medical Schemes Act, 1998 (Act No. 131 of 1998), and allowed to be deducted in terms of section 18 (1) (a) of the Income Tax Act, 1962 (Act No. 58 of 1962);
 - (e) contributions to pension funds in terms of section 13A of the Pension Funds Act, 1958 (Act No. 24 of 1956);

- (f) rent or mortgage installments to the maximum of R12 000.00 per annum;
- (g) maintenance paid in terms of a court order; and
- (h) school fees, except school fees paid to a private school.

B.S. MABANDLA, MP
Minister for Justice and Constitutional Development