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MANUAL

IN ACCORDANCE WITH

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



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PROMOTION OF ACCESS TO INFORMATION ACT, 2000

In terms of the provisions of section 14 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) the Department of Local Government, Traffic Control and Traffic Safety of the Mpumalanga Province hereby publish a manual on the functions of, and an index of the records held by the Department as set out in the Annexure hereto.

J.I. SINDANE

INFORMATION OFFICER

Annexure**SECTION 14 MANUAL FOR THE DEPARTMENT OF LOCAL GOVERNMENT,
TRAFFIC CONTROL AND TRAFFIC SAFETY: MPUMALANGA PROVINCE****CONTENTS**

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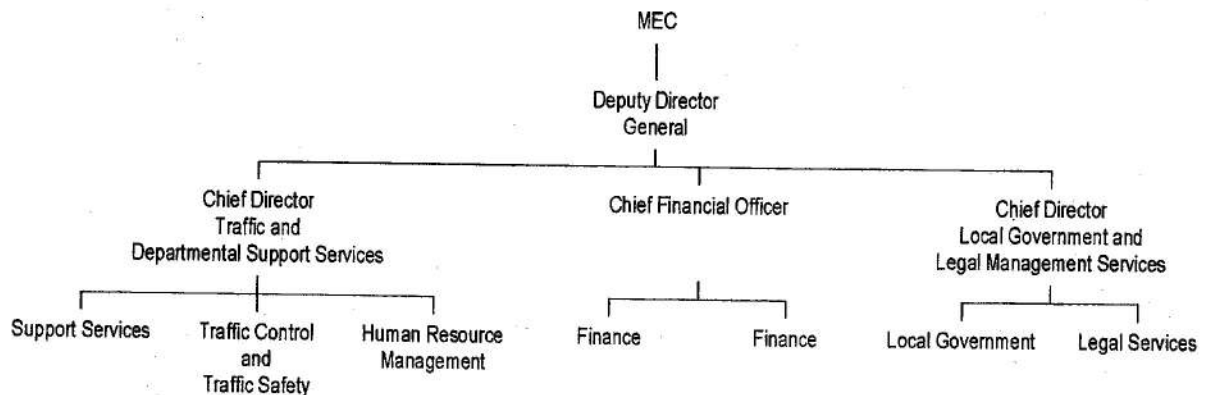
1. PARTICULARS IN TERMS OF SECTION 14

A. The functions and the structure of the Department of Local Government, Traffic Control and Traffic Safety [Section 14(1)(a)]

i. The functions of the Department

- Support, monitor and regulate municipalities in terms of applicable legislation and policies.
- Creating a dynamic "Road to Safety" environment through education and training, communication, recognition and respect, service excellence, law enforcement, traffic law management and effective administration.

ii. Schematic diagram of the structure of the Department



B. Contact details [Section 14(1)(b)]

Information Officer:

Mr. Jabu Sindane
(Head of Department)

jsindane@nel.mpu.gov.za

Deputy Information Officer:

Mr. Gustav Ludwick
(Senior Manager: Legal Services)

gludwick@nel.mpu.gov.za

General Information:

Address : Riverside Mall
Government Complex
Building 7, 3rd floor
Nelspruit
1200

Postal address: Private Bag X11310
Nelspruit
1200

Telephone : 013-7666580

Fax : 013-7668461

C. The section 10 Guide on how to use the Act [Section 14(1)(c)]

The guide will be available from the South African Human Rights Commission by not later than August 2003. Please direct any queries to:

The South African Human Rights Commission:

PAIA Unit

The Research and Documentation Department

Postal address : Private Bag 2700
Houghton
2041

Telephone : +27 11 484-8300

Fax : +27 11 484-1360

Website : www.sahrc.org.za

E-mail : PAIA@sahrc.org.za

D. Access to the records held by the Department [Section 14(1)(d)]

i. Automatic disclosures [Section 14(1)(e)]

The following information is automatically available:

- Annual Report
- Mec's Budget Speech
- Departmental Newsletter
- Media releases
- Publications in Government Gazettes

ii. Records that may be requested [Section 14(1)(d)]

Local Government

- Information pertaining to the implementation of the Consolidated Municipal Infrastructure Programme
- Integrated Development Planning
- Local Economic Development
- Local Government Support Grant and Municipal Finance matters
- Performance Management in Municipalities
- Disaster management support and disaster related relief
- Promotion of community participation in municipal affairs
- Support towards capacity building in municipalities
- Implementation of the Integrated Sustainable Rural Development Programme

Legal Services

- Draft Laws and other legal notices
- Hearings and litigation
- Mediation and conciliation
- Commissions of Inquiries and related matters

Traffic Control and Traffic Safety

- Information pertaining to traffic violations
- Arrive Alive Campaign and promotion of Road Safety through education
- Overload Control
- Fitness of vehicles and drivers
- Licensing of drivers
- Registration and licensing of motor vehicles
- Special projects
- Traffic Law Administration
- National Traffic Information System

Personnel

- Policies on staff recruitment and other related policies
- Information pertaining to the training of officials

Finance

- Budget
- Strategic Plan
- Revenue generation and collection

iii. The request procedures

A requester must be given access to a record if the requester complies with the following:

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

Nature of the request

- A requester must use the form that has been printed in the Government Gazette [Govt. Notice R187 – 15 February 2002] (Form A).
- The requester must also indicate if the request is for a copy of the record or if the requester wants to come in and look at the record at the officer of the public body. Alternatively if the record is not a document it can then be viewed in the requested form, where possible [s 29(2)].
- If a person 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 interfere unreasonably with the running of the public body concerned, or damage the record, or infringe a copyright not owned by the state. If for practical reasons access can not be given in the required form but in an alternate manner, then the fee must be calculated according to the way that the requester first asked for it [s 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 [s 18(2)(e)].
- If a requester is asking for the information on behalf of somebody else, the capacity in which the request is being made should be indicated [s 18(2)(f)].

- If a requester is unable to read or write, or has a disability, then they can make the request for the record orally. The information officer must then fill in the form on behalf of such a requester and give them a copy [s 18(3)].

There are two types of fees required to be paid in terms of the Act, being the request fee and the access fee s22:

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 fee:

- The information officer must notify the requester (other than a 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 bodies is R35. The requester may lodge an internal appeal, where appropriate, or an 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 request 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.

E. Services available [Section 14(1)(f)]

The Department aims to ensure viable, sustainable and strong municipalities that will serve the needs of their communities and the upholding of a safe and sustainable road environment. A wide range of Local Government related activities and traffic related activities are covered by the Departments Local Government and Traffic divisions and can be accessed through the Departments Head Office personnel or regional office personnel.

ii How to gain access to these services

To gain access to these services of the Department, requests must be made to the Head of the Department

Address : Riverside Mall
Government Complex
Building 7, 3rd floor
Nelspruit
1200

Postal address: Private Bag X11310
Nelspruit
1200

Telephone : 013-7666580

Fax : 013-7668461

F. Arrangement allowing for public involvement in the formulation of policy and the exercise of power [Section 14(1)(g)]

Hearings and workshops – the public may attend and make representations at these hearings and workshops.

Submissions and Reports – submissions and reports on any concern pertaining to the Department may be submitted to the Member of the Executive Council the Head of Department or the Premier or Director General of the Province.

G. The remedies available if the provisions of this Act are not complied with [Section 14(1)(h)].

The Department of Local Government, Traffic Control and Traffic Safety do not have internal appeal procedures. The courts will have to be approached in such instances where there is no compliance with the provisions of the Act.

H. 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.

2. Prescribed fees for public bodies**PART II OF NOTICE 187 IN THE GOVERNMENT GAZETTE ON THE 15 FEBRUARY****2002****FEES IN RESPECT OF PUBLIC BODIES**

1. The fee for a copy of the manual as contemplated in regulation 5c 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:
 - (a) For every photocopy of an A4-size page or part thereof R 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 R 0,40
 - (c) For a copy in a computer-readable form on –
 - (i) stiffy disc R 5,00
 - (ii) Compact disc R40,00
 - (d) (i) For a transcription of visual images, for an A4-size page or part thereof R22,00
 - (ii) For a copy of visual images R60,00
 - (e) (i) For a transcription of an audio record, for an A4-size page or part thereof R12,00
 - (ii) For a copy of an audio record R17,00
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
 1. (a) For every photocopy of an A4-size page or part thereof R 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 R 0,40
 - (c) For a copy in a computer-readable form on –
 - (i) stiffy disc R 5,00
 - (ii) compact disc R40,00
 - (d) (i) For a transcription of visual images, for an A4-size page or part thereof R22,00
 - (ii) For a copy of visual images R60,00

- (e) (i) For a transcription of an audio record, for an A4-size page or part thereof R12,00
- (ii) For a copy of an audio record R17,00
- (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 purpose 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.

3. Prescribed forms for access to a record of a public body.

ANNEXURE B OF NOTICE 187 IN THE GOVERNMENT GAZETTE ON THE

15 FEBRUARY 2002

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 2002)

[Regulation 2]

FOR DEPARTMENTAL USE

Reference number:

Request received by (state rank, name and surname of information officer / deputy information officer) on (date) at (place).

Request fee (if any): R _____

Deposit (if any) : R _____

Access fee : R _____

SIGNATURE OF INFORMATION OFFICER / DEPUTY INFORMATION OFFICER

A. Particulars of public body

The information Officer / Deputy Information Officer:

B. Particulars of person requesting access to the record

- (a) Particulars of the person who requests access to the record must be recorded below.
- (b) Furnish an address and / or fax number in the Republic to which information must be sent.
- (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 therefore.

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 hereunder, state your disability and indicate in which form the record is required.

Disability:		Form in which record 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 –			
	View the images		Copy of the images*
			Transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound –			
	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 of record*	Printed copy of information derived from the record*	Copy in computer readable from* (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? A postal fee 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 record 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 thereof 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

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