



Harry Gwala District Municipality

**HGDM-P006
INDIGENT
POLICY
DRAFT
2022-23**



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1. PURPOSE OF THE POLICY

In support of the above principles the objectives of the policy will be to ensure the following:

- 1.1 The provision of free basic services to the community of HGDM in a sustainable manner within the financial and administrative capacity of the Council.
- 1.2 The financial sustainability of free basic services through the determination of the appropriate tariffs that contributes to such sustainability through cross subsidization.
- 1.3 Establishment of a framework for the identification and management of indigent household including a socio-economic analysis and an exit strategy.
- 1.4 The provision of procedures and guidelines for the subsidization of basic charges and the provision of free basic water services to the indigent households.
- 1.5 To ensure co-operative governance with other spheres of government and
- 1.6 To enhance the institutional and financial capacity of the municipality to implement the policy.

2. BACKGROUND

Poverty alleviation and the rendering of basic services to households who cannot afford to pay for essential services are rated highly on the priority lists of the South African government. South African municipalities are in the terms of the constitution entitled to “S Grant in the Equitable Share Grant”, which ensures that poor residents of towns and cities have access to basic municipal services such as water, sanitation and electricity (Department of Local Government, 2000). According to Arntz et al., 2003, to setting out at least:

- Procedures for identifying indigent households
- Procedures for verifying the information received
- A definition of indigence
- The qualifying conditions for participation in the scheme
- A process for applying for the subsidy
- Administering the subsidy



- Monitoring the efficiency of implementation
- Detecting and dealing with free-riders/fraudulence
- Community education with regard to indigent policy
- Minimum levels of services provision and
- The services that qualify for subsidization

3. DEFINITIONS/ABBREVIATIONS

The term “indigent” means lacking the necessities of life. In interpreting this for the purpose of this policy a position has to be taken on the “necessities of life” in a South African context. The Constitution provides a guide in this regard, leading to the view that the following goods and services are considered as necessities for an individual to survive:

- Sufficient water
- Basic sanitation
- Refuse removal in denser settlements
- Environmental health
- Basic energy
- Health care
- Housing
- Food and clothing

Anyone who does not have access to these goods and services is considered indigent.

Farm: is an area of land or, of agriculture, lake, river or sea including various structures devoted primarily to the practice of producing and managing food.

Farm dweller: means a person who resides on the farm

Household: means a registered owner or tenant of the property with or without children who reside on the same premises.

Privately owned land: means a land owned by a person or a group kept for exclusive use.

Property: means:

- a) Immovable property registered in the name of a person. Including in the case of sectional titles scheme, a sectional title unit registered in the name of a person
- b) A right registered against immovable property in the name of a person, excluding a mortgage bond registered against the property
- c) A land tenure right in the name of a granted to a person in terms of a legislation or
- d) Public service infrastructure

Child headed household: means household where both parents deceased and where legal of the property are children of the deceased and all are under the legal age to contract for service and are considered as minors in law by the state.



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Water services: means both water and sanitation provisioning.

Occupier: in relation to a property means a person in actual occupation of a property, whether or not that person has a right to occupy the property.

Traditional leaders: is a form of leadership in which the authority of the organization or regime is largely tied to tradition or custom.

Indigent register: means the database, which has to be captured on a monthly basis, designed to contain all the inputted data contained within completed indigent application forms contains the following key information:

- Indigent customer details
- Socio-economic details
- Skills details
- Ward councillor
- Community development worker
- Ward committee member
- Municipal official
- Indigent management system
- Indigent application form
- Rural household
- Urban household
- Free basic services
- Steering committee
- Indigent application exceptions
- Skills reporting required for LED/ exit strategy
- Social economic reporting

INDIGENT MANAGEMENT SYSTEM: means an electronic management system used by the Harry Gwala District Municipality for the management of the Indigent Register

MUNICIPALITY: means Harry Gwala District Municipality

PROGRAMME OFFICER: means an official duly authorised by the Municipality, or an employee of a service provider appointed by the Municipality, who is responsible to ensure that an assessment, screening and site visits are undertaken and for recommending applicants for approval to receive indigent support.

OWNER (IN RELATION TO IMMOVABLE PROPERTY): means a person who holds the title deed to the registered property.

FBSDF: means Free Basic District Forum

FBS: means Free Basic Services



LM: means Local Municipality

DM: means District Municipality

LED: mean Local Economic Development

MFMA: the Municipal Finance Management Act, (No.56 of 2003)

MBRR: means Municipal Budgeting & Reporting Regulations (Government Gazette 32141 dated 17 April 2009)

GRAP: means Generally Recognised Accounting Practice

DORA: Division of Revenue of Act.

CFO: means Chief Financial Officer

IDP: means Integrated Development Plan

THE LEGISLATIVE FRAMEWORK

This Policy is designed and implemented within the framework of the following legislation:

- a) The Constitution of the RSA, 1996;
- b) The Municipal Systems Act, 2000 (Act 32 of 2000);
- c) The Municipal Finance Management Act, 2003 (Act 56 of 2003);
- d) The Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);
- e) The Promotion of Access to Information Act, 2000 (Act 2 of 2000)
- f) The Property Rates Act, 2004 (Act 6 of 2004).
- g) The National Water Act, 36 of 1998
- h) The Free Basic Water Policy 2007

I) Protection of Personal Information Act 4 of 2013

4. POLICY PRINCIPLES

4.1 The policy principles include the following;

- 4.2 Ensuring that the communities have access to free basic services in a sustainable manner.
- 4.3 Providing procedures and guidelines for the subsidizing of basic charges and provisions of the free basic services to indigent households.



- 4.4 Setting of tariffs in terms of the Council tariff policy, which will balance the economic viability of continued services delivery and determining appropriate service levels.
- 4.5 Establishing a framework for the identification and management of indigent household including a socio-economic analysis where necessary and an exit strategy.
- 4.6 Linking the policy with the municipality's IDP, local economic development (LED) initiatives and poverty alleviation programs
- 4.7 Promoting an integrated approach in provision of free basic services delivery; and
- 4.8 Engaging the community in the development and implementation of this policy (Batho Pele principles). Batho Pele meaning '**People First**'. In this context, Batho Pele means putting other people first before considering your own needs/yourself by identifying small but important things that can immediately improve the quality of service you provide to your customer.



The 11 list of Batho Pele Principles are:

a) **Consultation**

We can only assume to know what our customers want. The only way we can find out for certain is by asking them. This can be done through surveys, questionnaires, meetings, suggestion boxes, izimbizo and by talking to our customers. It's important to report back to customers so they know what to expect, and to our staff so they know what is expected from us.

b) **Service Standards**

Citizens should be told about the level and quality of the services they receive. If possible they should be given an opportunity to choose the service they want. The standards we set are the tools we can use to measure our performance, and therefore need to be realistic depending on available resources. We should also be able to measure these standards so that everyone can see if they are being met.

c) **Access**

There is much more involved when referring to access. It means making it easy for our customers to benefit from the services we provide. Easy access can be made possible by: -having wheelchair ramps, disabled parking bays, taking our services out to the community. Staff attitude may determine how approachable your component/directorate/department is.

d) **Courtesy**

We must be polite and friendly to our customers. Customers should be treated with respect and consideration. We must always be willing to assist. Telephone etiquette is vital. All our correspondence must be respectful.

e) **Information**

Citizens should be given full accurate information about the public services they are entitled to receive. Information is about reaching all our customers to make sure they are well informed about the services our department provides. This may be done in a number of ways-for example through newspapers, radio, posters and leaflets. It's important to remember that different customers have different needs and they do not all speak the same language.

f) **Openness and Transparency**



We should be open about our day to day activities, how much our departments receive, how that money is spent. This information should be available to the public. Annual reports, strategic plans, service commitment charters, etc must be made available to the public. We should tell our customers where to complain and how to do it.

g) **Redress**

Redress is making it easy for people to tell us if they are unhappy with our service. We should train staff to deal with complaints in a friendly, helpful manner. An apology, full explanation and effective, speedy remedy should be offered when the promised standards of service have not been delivered. When complaints are made, we must give our customers a sympathetic ear. Have positive Responses to complaints.

h) **Value for Money**

We need to make the best use of available resources. Avoid wastage of time, money, and other resources. It also means eliminating waste, fraud and corruption and finding new ways of improving services at little or no cost.

i) **Encouraging Innovation and Rewarding Excellence**

Innovation: using new ways of doing things; encourage partnerships with different sectors in order to improve service delivery; rewarding Excellence is also about rewarding the staff who "go the extra mile" in making it all happen.

j) **Customer Impact**

If we put all the Batho Pele Principles into practice, we then increase the chances of improvement in our service delivery. This in turn will have a positive impact on our customers. It is about how the nine principles link together to show how we have improved our overall service delivery. Here we look at the benefits we have given to our customers both internally and externally.

k) **Leadership and Strategic Direction**

Our leaders must create an atmosphere which allows for creativity. Management must ensure that goals are set and that planning is done.



- 4.9 To ensure that a portion of the Equitable Share received annually will be utilised for the benefit of the poor only and not to subsidise rates and service charges of those who can afford to pay

5. PARTNERSHIP AND RESPONSIBILITY OF HGDM

- 5.1 The HGDM has to sign a Memorandum of understanding together with the following local municipalities (UMzimkhulu, Ubuhlebezwe, Greater Kokstad and Dr Nkosazana Dlamini-Zuma).
- 5.2 First and foremost, the HGDM is committed to assist the above mentioned local municipalities in terms of publications.
- 5.3 In addition, to that the HGDM will commit itself to assist the above delineated local municipalities with the verification of indigent applications through indigent management system.
- 5.4 Furthermore, the HGDM has to assist the local municipalities with the distribution and collection of application forms where there is no capacity.
- 5.5 The HGDM has to assist the local municipalities during the establishment of free basic ward based verification committees.
- 5.6 Lastly, the HGDM will co-ordinate the Free Basic District Forum (FBSDF).

6. DUTIES AND RESPONSIBILITIES OF LOCAL MUNICIPALITIES

The local municipalities are expected to perform the following duties:

- 6.1 To establish ward based verification committees
To distribute, collect, and capture indigent application forms
- 6.2 To induct/workshop the ward councillors, community development workers, ward clerks, ward committee members traditional leaders, and community members about indigent policy and completion of indigent application forms

7. TARGETING OF INDIGENT HOUSEHOLDS

The effective targeting households and the implementation of this policy will depend largely on the analysis in the IDP, the LED initiatives and other poverty relief programmes of the



municipality. The socio-economic information and performance indicators contained in these documents must form the basis for the targeting of indigent households.

Against the background of such socio-economic analysis the municipality must within its financial and institutional capacity decided the municipality with which targeting approach or opinion should be applied. Depending on capacity the municipality may apply any or a combination of the following targeting methods:

Targeting approach	Application
1.Service level	Lowest service levels are normally found in an informal settlement rural areas and privately owned (farms)
2.Service consumption	Metered services in urban and rural areas
3.Household income	Threshold determined in terms of socio-economic analysis
4.Geographical (Zonal) targeting	Specific areas (rural, urban or farms) where households are regarded as poor irrespective of service level.

8. ELIGIBLE APPLICANTS FOR INDIGENT SUPPORT

The following applicants may be considered as an indigent if they meet one of the following requirements:

- 9.1. Indigent households who have income that is less than the prescribed threshold.
- 9.2. Households' owners who depended on pensions or social grants for their livelihood.
- 9.3. Households' owners temporally without income.
- 9.4. The applicant must be a resident of the municipality.
- 9.5. The applicant must be eighteen (18) years of age and above.
- 9.6. **The total household joint gross income of all occupants or dependents in a single household must be less than R4200, 00.**
- 9.7. The applicant must be the owner or tenant who receives municipal services and is registered as an account holder on the municipal financial system, provided that the



requirement of being registered as an account holder does not apply to households in informal settlements and rural areas where no accounts are rendered.

- 9.8. The applicant must have a single property (stand), the applicant cannot have two properties registered in his/her name in order to qualify.
- 9.9. All households that are child headed, even if they are below eighteen (18) years of age can apply for the indigent support.
- 9.10. The registered indigent must be either the owner or occupant (tenant) of the property concerned.
- 9.11. All households applying for Free Basic water must have water connected to the household.
- 9.12. Subsidies apply to households and not individuals
- 9.13. The onus for applying for indigent subsidy rest with the consumer who cannot afford to pay the full municipal tariff for services received.

9. APPLICATION PROCEDURE

Qualifying residents of the municipality must submit the applications forms and any supporting that may be required, provide the following documents which are not older than 6 months at the date of submission.

- i. Applicant's identity document (Certified Copy) and certified I.D. copies or Birth Certificates of dependents (if applicable).
- ii. Latest municipal or Eskom account and proof of ownership.
- iii. Documentary proof of total monthly income of the household (e.g. UIF card, salary advice, bank statement or letter from an employer) but excluding Child Support Grant.
- iv. Owners copy of death certificate (if applicable)
- v. A sworn affidavit to the effect that all information supplied is true and that income from all sources has been declared.
- vi. In addition, a recommendation by a Ward Councillor **by signing on the register for all qualifying indigent applicants from his or her ward.**

The HGDM will provide assistance to persons who cannot read or write, at such times and places as are specified in the notices published to indicate that the registration programme is to take place. Registration will take place on dates and at times and places determined by the Council, but shall generally be undertaken during January and/ or February each year. The successful applicant will receive a monthly indigent subsidy as determined by Council from



time to time, if the total monthly charges are more than the subsidy the balance must be paid by the customer.

10. SERVICES FOR URBAN, RURAL AND FARMS INDIGENT HOUSEHOLDS

10.1. The HGDM is a water services authority institution therefore it responsible for water services to the entire district. The following free basic services will be provided as per area:

10.2. Indigent urban areas 6Kl of free basic water and sanitation per household.

10.3. Indigent rural areas have RDP standpipe for water and one approved VIP toilet per household; and

10.4. Indigent farm dwellers will be provided with 6Kl of water and an approved VIP toilet per household (**provided they do not reside on the farm**).

11. SOURCE OF FUNDING

11.1 The council must provide funds annually on the budget for the subsidisation of indigent households for water services.

11.2 The indigent subsidies will have to be financed from the equitable share contribution to the municipality obtained from National Treasury.

11.3 Existing indigent arrears prior to approval of indigence on services charges will be written off against the provision for bad debts.

12. ESTABLISHMENT OF FREE BASIC SERVICES STEERING COMMITTEE:

There is a high necessity of steering committees that are responsible for the ward based verification of indigent register. The verification committee comprises of the following:

- Ward councillor (chairperson)
- Ward committees
- Church leaders (if applicable)
- Traditional leaders(if applicable)
- Community development workers
- Fbs coordinator(LM's)
- Fbs coordinator(DM)

13. FBS COMMUNICATION STRATEGY



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The municipality must develop a communication strategy in terms of which communities will be informed and educated in order to have a clear understanding of this policy and its implementation. Regular information dissemination and awareness campaigns must be undertaken to eliminate unrealistic expectations both in terms of qualifying for subsidy as well as service delivery in general and methods of communication may include, but will not be limited to:-

- Ward committees;
- Traditional Imbizo, where applicable;
- Community based organisations;
- Local radio stations and news papers;
- Municipal accounts;
- Imbizo's and road shows;
- Jamborees
- FBS Awareness Campaigns
- Loud Hailing
- Churches
- Schools

13. PUBLICATION OF INDIGENT REGISTER:

For the purpose of transparency and accountability as per the constitution of the Republic of South Africa the information about indigent register has to be made available for public scrutiny. For the publication of indigent the HGDM will be using the following types of media and community information centres:

- HGDM website
- Local newspapers
- Local libraries
- Notice boards of municipalities (locals and district)



14. NON-COMPLIANCE OF THE HOUSEHOLD REGISTERED AS INDIGENT

- 14.1 When a property owner or account holder who has registered as an indigent fails to comply with any arrangements or conditions materially relevant to the receipt of indigent relief, such person will forfeit his/her status as a registered indigent with immediate effect, and will thereafter be treated as an ordinary residential property owner or account holder for the financial year concerned.
- 14.2 The obligation is on each registered indigent to advise the municipality of such failure to comply. It may happen that even with the introduction of the indigent policy, certain households may fall into arrears in respect of the amounts due to them.
- 14.3 The property owner or account holder concerned will have to make immediate arrangements with the municipal manager and Water Service Provider to pay off these arrears owing within a reasonable time determined in terms of the municipality's credit control policy.

15. WITHDRAWAL OF INDIGENT SUBSIDY

- 15.1 The relief to indigents may be withdrawn at the discretion of the municipal manager and or Water Services Provider if:
- A registered indigent who qualifies for such relief fails to keep to the terms of the policy agreement.
 - Any tempering with the installations of the municipality is detected.
 - A registered indigent who qualifies for such relief fails to allow or permit a municipal employee(s) to get access to the property of an indigent beneficiary for the purpose of physical verification.
- 15.2 If a registered indigent applicant is found to have provided fraudulent information to the municipality in regard to any material condition for the registration as an indigent beneficiary, such person shall immediately be removed from the indigent register, and shall be liable to repay to the municipality with immediate effect all indigent relief received from the date of such fraudulent registration.
- 15.3 An applicant may not again be considered for indigence relief for the period of 2 (two) years beyond the financial year in which the offence is detected.



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- 15.4 The council may remove the applicant from the indigent register, if the applicant fails to comply with service level agreement that was signed between the municipality and the applicant.
- 15.5 A decision by the Council maybe communicated formally by the municipality to the customer.
- 15.6 Upon death of the account-holder or the head of the household where no accounts are rendered.
- 15.7 At the end of the (12) twelve months cycle, except in the case of pensioners and disabled.
- 15.8 Upon sale of the property in respect of which support is granted.
- 15.9 When circumstances in the indigent household have improved to the extent where the income threshold as determined is exceeded.
- 15.10 Upon death of the indigent, if the indigent had dependents the dependents will need to re-apply for the support as subsidies are not transferable.
- 15.11 When the indigent disposes his /her property.
- 15.12 When the indigent's circumstances change or the indigent criteria for approval changes to the extent that approval no longer applies.
- 15.13 If the indigent fails to pay the account of his/her consumption or use of a municipal service in excess of the subsidised service or fails to honour any arrangements made by him/her for payment for outstanding accounts.

16. FREE BASIC SERVICES POLICIES

Council will provide free basic services only to indigent debtors, on a monthly basis in quantities as determined from time to time.

The commencement date hereof will be communicated to the public in due course

17. APPEAL PROCEDURES & LEGISLATIVE FRAMEWORK

- 17.1 An appeal must be submitted by the applicant to the Municipal Manager / Chief Financial Officer in writing
- 17.2 The application must be submitted prior to the final due date of payment for the contested amount and must contain details of the specific item(s) on the account which are the subject of appeal



- 17.3 Once the appeal is lodged, the debtor's obligation to pay the portion of the total amount due represented by the items appealed against is suspended until the appeal has been finalized.
- 17.4 In the meantime, the debtor will remain liable for all the other amounts becoming due during the process of the appeal. If the appeal is in respect of a metered consumption, the metering instrument must be tested within 7 days of lodging the appeal to establish in accuracy.
- 17.5 The debtor should be informed in writing of the results and any adjustments to the amount due by him/her, together with the cost of the test, for which the debtor will be liable if no error was found with the instrument. If the instrument was found to be faulty the municipality will bear the cost of the test.
 - 17.5.1 If the Councillor confirms that the indigent application was correct then the customer will remain on the indigent register.
 - 17.5.2 The policy is designed and implemented within the framework of the following legislation:
 - i. The Constitution of the Republic of South Africa, 1996
 - ii. The Municipal Systems Act, 2000 (Act 32 of 2000)
 - iii. The Municipal Finance Management Act, 2003 (Act 56 of 2003)
 - iv. The Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)
 - v. The Promotion of Access to Information Act, 2000 (Act 2 of 2000)
 - vi. The Property Rates Act, 2004 (Act 6 of 2004)

DEBT CANCELLATION

- 18.1 Proof of the death of a customer must be provided
- 18.2 The occupier opening the account must complete the required disconnection form for the deceased
- 18.3 After completing the required disconnection form for the deceased the occupier must complete the required connection form for service provision and if applicable register as an indigent consumer.
- 18.4 The new property owner needs not to pay the prescribed applicable consumer deposit and connection fees provided they are indigent.
- 18.5 The process of transferring the property to the new owner must be proceeded with.



- 18.6 When a non-indigent customer becomes indigent the debt of the customer excluding the current year's charges must be written off including interest. Interest on arrear charges will not be applicable to indigent customer accounts.

EXIT STRATEGY

- 18.7 It is also an obligation of the council to provide a clear exit strategy or to assist the indigent applicants to graduate from being indigent to become non-indigents. This can be achieved through cooperation of supply management policy of HGDM and EPWP
- 18.8 The indigent register must be considered when HGDM projects are implemented and EPWP personnel's are appointed.
- 18.9 The integration of LED projects by the municipality and other stakeholders must utilise the indigent register.

LEGAL COMPLIANCE

- 18.10 The municipality shall at all times manage its banking arrangements and investments and conduct its cash management policy in compliance with the provisions of and any further prescriptions made by the Minister of Finance in terms of the Municipal Finance Management Act No. 56 of 2003.
- 18.11 SA summary of the provisions of this Act is attached as Annexure I to this policy.

AUDIT AND REVIEW

- 18.12 The municipality will conduct regular audits of the indigent register with regard to the information furnished by applicants, possible changes in status, the usage of allocations and debt collection measures applied and where necessary review and update the status of the applicant.
- 18.13 The frequency of such audits will depend on the institutional capacity of the municipality to do so. The municipality will engage in yearly targeted audits and reviews, with a completed review scheduled for at least every five (5) years.



MONITORING AND REPORTING

The Chief Financial Officer will report monthly to the Municipal Manager via the municipality's Service Delivery and Budget Implementation Plan to enable the Municipal Manager to report to Council and other interested parties. Such report shall reflect on:

- Number of indigent household's applications received.
- Amount of subsidy allocated per benefit category.
- Amount of debt accumulating and debt recovery information (number of customers, enquiries, default arrangements, growth or diminishing of arrears debtors; ideally divided into wards, domestic, state institutions and other such divisions.
- Performance against targets set in respect of indigent support and poverty relief and in particular with regard to the following:
 - a. Number of applications for indigent support dealt with;
 - b. Time taken to process and finalise applications;
 - c. Site visits undertaken;
 - d. Awareness initiatives;
 - e. Exit initiatives, and
 - f. Changes in the registered status of indigents.

CAPACITY BUILDING

The municipality will ensure that all officials and councillors are appropriately capacitated in Free Basic Services in terms of the following key areas:

- Database management
- Demand and revenue management
- Policy and by-law implementation

REVIEW OF POLICY

In terms of section 17(1)(e) of the MFMA this policy must be reviewed on annual basis and the review policy tabled to Council for approval as part of the budget process.

The following should be taken into account for future amendments to this policy:

- Changes in financial strategy;
- Changes in no-financial strategic strategies; and
- Changes in legislation



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Policy section:	Director: Budget and Reporting
Current date:	29 March 2022
Previous review date:	27 May 2021

APPROVAL AND IMPLEMENTATION OF POLICY

This policy shall be implemented on 01 July 2022 once approved by council.

Policy section:	Director: Budget and Reporting
Approval by council:	