



PROMOTION OF ACCESS TO INFORMATION MANUAL (PAIA)

(In accordance with the Promotion of Access to Information Act 2 of 2000)

HARRY GWALA DISTRICT MUNICIPALITY



*Harry Gwala District Municipality
Distrik Munisipaliteit
Umasipala wesifunda*

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1. Introduction/ Foreword

The Constitution guarantees everyone the right to access information held by the State and information held by private entities. National Legislation (the Promotion of Access to Information Act 2 of 2000) was enacted to give life to this fundamental right. PAIA seeks to entrench a culture of accountability, transparency, and good governance and a respect for human rights in both the public and private sector.

To ensure that the objectives of the Act are realized and that the right to access information is a reality for all, PAIA places mandatory compliance requirements on both the public and private sector. PAIA requires that every public body to compile a manual in terms of section 14 to guide members of the public on how to obtain access to records held by public bodies.

Public institutions are charged with making and implementing decisions that have a bearing on the lives of South African citizens and constituents served by the various public bodies. Making their information available to the public is therefore critical in ensuring that the public is able to scrutinize their actions and hold them accountable on decisions taken and service delivery.

2. Purpose of the Manual

The purpose of the manual is to provide information to the public on services rendered by Harry Gwala District Municipality, records generated by Harry Gwala District Municipality and how members of the public can access services or records. The manual further provides information on the details of the Information Officer (IO) and Deputy Information Officer (DIO) and stipulates both the request and appeal procedures in terms of PAIA.

Noting the nature of the work of the public entities; accountability and transparency are an essential requirement for sustaining democracy. This manual is therefore a critical tool to entrenching a culture of participatory democracy, informed public scrutiny and voluntary dissemination of information by public entities.

This manual therefore contains the following information

- Services offered by Harry Gwala District Municipality
- What records Harry Gwala District Municipality holds



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- Records that are available on request and records that are available automatically
- An outline of the request procedure
- Remedies available

The public needs this information to be better informed about decisions Harry Gwala District Municipality is taking on their behalf. It is through information sharing that our democracy can be entrenched, strengthened and nurtured.

3. Information and Deputy Officer's details (As updated from time to time)

Information Officer

Mrs. AN Dlamini

MUNICIPAL MANAGER

40 Main Street, IXOPO, 3276

Private Bag X501, IXOPO, 3276

Tel: 039 834 8707

Fax: 039 834 1701

Email: dweban@harrygwaladm.gov.za

Deputy Information Officer

Ms. N Lungwengwe

EXECUTIVE DIRECTOR: CORPORATE SERVICES

40 Main Street, IXOPO, 3276

Private Bag X501, IXOPO, 3276

Tel: 039 834 8700/09

Fax: 039 834 1701

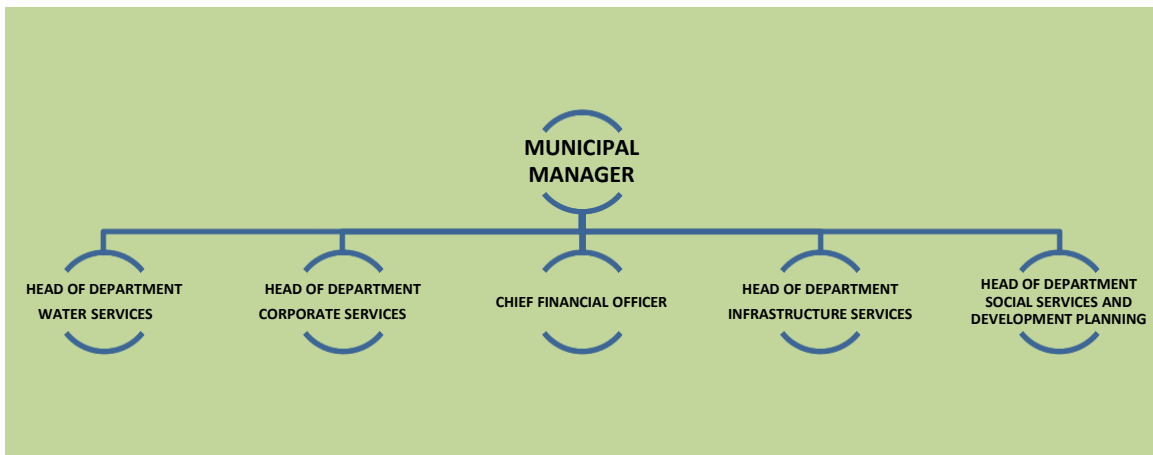
Email: lungwengwen@harrygwaladm.gov.za



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4. Description of Harry Gwala District Municipality's Structure

In accordance with the Constitution Act, 108 of 1996, the Harry Gwala District Municipality's Council is the ultimate political decision making body of the Municipality. The Mayor of Harry Gwala District Municipality takes overall strategic and political responsibility, whilst the Municipal Manager heads the Municipality's administration and is responsible for the implementation of policies and the Integrated Development Plan (IDP).



5. Description of Harry Gwala District Municipality's functions

Harry Gwala District Municipality, a category C Municipality, was established by notice in the Provincial Gazette notice number 344 dated the 19th of September 2000 published in terms of section **12** of the Local Government Municipal Structures Act 117 of 1998, herein represented by Mrs. Adelaide Nomnandi Dlamini in her capacity as the Municipal Manager following the Council resolution dated 24 May 2013.



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5.1 Vision

By 2030 Harry Gwala District Municipality will be a leading water services provider in the KZN province with its communities benefiting from a vibrant agriculture and tourism sectors.

5.2 Location

The Harry Gwala District Municipality is located to the South West of the Kwazulu-Natal province. The Harry Gwala District Municipality forms part of the boarder between Kwazulu Natal and the Eastern Cape Province. The District Management Area (DMA) is located to the West of the District and forms part of Kwazulu-Natal and Lesotho. The Harry Gwala District Municipality is composed of the following four (4) Local Municipalities *viz*; Ubuhlebezwe, Dr. Nkosazana Dlamini-Zuma, Greater Kokstad and UMzimkhulu local municipalities.

5.3 Administration

The Administration of the municipality is headed by the Municipal Manager. The Municipality has five administrative departments, each being headed by the Executive Director.

Office of the Municipal Manager

- Implementation of Integrated Development Plan
- Audit and Risk Management
- Legal Matters
- Good Governance
- Implementation of National and Provincial Legislation
- Strategic Direction and Leadership
- People Management
- Budget and Financial Management
- Program and Project Management
- Change Management Leadership
- Governance Leadership

Corporate Services Department

- Human Capital Management
- Information and Communications Technology



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- Council Support Services
- Labour Relations
- Municipal Security Services
- Communication and Municipal Public Relations

Financial Services Department

- Financial Planning, Budgeting and Reporting
- Expenditure Control
- Asset Management
- Debtors Control Administration
- Revenue Enhancement
- Statutory Compliance with Acts

Infrastructure Department

- Municipal Project Management
- Municipal Infrastructure Development
- Road Construction Management
- Civil Engineering Construction
- Capital project Management
- Management of Municipal Infrastructure Grant
- Community Engineering Project Management
- Water and Sanitation Development Planning

Water services Department

- Water Services Development Plan
- Water Demand Management
- Water Services Authority Legislation and Regulations
- Water Reticulation Management
- Water and Waste Water Process Management

Social Services and Development Planning

- Rural and Urban Development Planning
- Disaster Management



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- Environmental Health
- Organizational Performance Management
- Integrated Development Planning
- Sports, Cultural, Youth, Gender, Disability and other community sectoral issues
- Geographical Information Systems

6. Manual and its availability

HARRY GWALA MUNICIPALITY, IXOPO, 40 MAIN STREET	RECEPTION
KOKSTAD SATELLITE OFFICE, 84 MAIN STREET	RECEPTION
UNDERBERG SALLITE OFFICE, 03 RESERVOIR CRESCENT	RECEPTION
BULWER LIBRARY, REM 183 BULWER MAIN STREET	RECEPTION
UBUHLEBEZWE LIBRARY, 29 MARGARET STREET	RECEPTION
MUNICIPALITY WEBSITE: www.harrygwaladm.gov.za	

7. Request of Access to a Record of Harry Gwala District Municipality

This category contains a description of subjects on which Harry Gwala District Municipality holds records and description of the categories of records held on each subject.



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CATEGORY	DESCRIPTION	LOCATION	DOCUMENT TYPE	LEVEL OF ACCESS/ AVAILABILITY
A. AGENDAS AND MINUTES	1. <u>COUNCIL</u> Agendas Minutes Attendance Registers	Registry Committee Section	Printed documents Electronic	1. Automatic
	2. <u>EXCO</u> Agendas Minutes Attendance Registers			2. Automatic
	3. <u>Portfolio Committees</u> 3.1 Water and Sanitation 3.2 Finance and Corporate services, 3.3 Social and Development Planning, 3.4 Audit Agendas Minutes Attendance Registers			3. Automatic
	4. <u>MANCO</u> Agendas Minutes Attendance Registers			4. Restricted
	5. <u>Bid Committees</u>			5. Automatic



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	<ul style="list-style-type: none"> 5.1 Bid Specification 5.2 Bid Evaluation 5.3 Bid Adjudication (Agendas Minutes Attendance Registers) 6. <u>Other Committees</u> <ul style="list-style-type: none"> 6.1 ICT Steering 6.2 Municipal Managers' Forum 6.3 Mayors' Forum 6.4 Local Labour Forum 6.5 IGR Forum 6.6 MPAC 			<p>"In committee items-Restricted"</p> <p>6. Automatic</p>
B. REPORTS	<ul style="list-style-type: none"> 1. Annual Report of the Municipality 2. Mid Term Reports 3. Quarterly Reports 	Registry	Printed documents	Automatic
C. FINANCIAL ITEMS	<ul style="list-style-type: none"> 1. Budget 2. Financial statements 3. Bank reconciliation statements 4. Main ledger 5. Main journal 6. Main cash book 7. Stock register 8. Tender opening register 	Financial Services	Printed documents	Restricted



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D. REGISTERS	<ol style="list-style-type: none"> 1. Destruction register 2. Register of files opened 3. Register of disposal authorities 4. Master copy the file plan 5. Remittance register 6. Register of registered post 7. Delivery register 8. Staff attendance register 	<p>Registry</p> <p>Human Resources</p>	<p>Printed documents</p>	<p>Restricted</p>
E. PUBLICATIONS PUBLISHED BY THE COUNCIL	<ol style="list-style-type: none"> 1. Advertising brochures 2. Newsletters 3. History of the municipality 4. Posters 5. Programmes of festivals and exhibitions 6. Regulations 	<p>Mayorality and Communications</p>	<p>Printed documents</p> <p>Electronic</p>	<p>Automatic</p>
F. CARTOGRAPHIC MATERIAL	<ol style="list-style-type: none"> 1. Detailed plans of municipal buildings 2. Pipes and sewer line maps 3. Reservoir maps 4. GIS maps 	<p>Water Services Authority</p> <p>Planning and Development</p>	<p>Printed documents</p> <p>Electronic</p>	<p>Automatic</p>
G. PHOTOGRAPHS	<ol style="list-style-type: none"> 1. Events and functions 	<p>Mayorality and communications</p>	<p>Printed documents</p> <p>Electronic</p>	<p>Automatic</p>



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	<ol style="list-style-type: none"> 2. Photographs of Council, Administration and officials 3. Aerial photographs 4. Projects 	Planning and Development		
H. FORMS	<ol style="list-style-type: none"> 1. Supplier database application forms 	Reception Supply Chain Management	Printed documents	Automatic
I. AGREEMENTS	<ol style="list-style-type: none"> 1. Contracts 2. Memorandums of Understanding 3. Services level agreements 4. Maintenance contracts 5. Lease agreements 	Municipal Manager's office Registry	Printed documents	Restricted
J. HUMAN RESOURCES	<ol style="list-style-type: none"> 1. Performance management agreements 2. Disciplinary case files 3. Employment contracts 4. Leave forms 5. Bursary applications and agreements 6. Training applications 7. Allowances 8. Staff CV's 9. S&T forms 10. Stop order agreements 	Human Resources	Printed documents	Restricted



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K. PROPERTY FILES	<ol style="list-style-type: none"> 1. Applications for water 2. Applications for sewer 3. Deposit information 4. Change of address 5. Credit control matters 6. Transfer of ownership 7. Consolidations 	<p>Water services Authority</p> <p>Financial Services</p>		Restricted
L. ANNEXURE FILES	All annexure files	Registry	Documents	Restricted
M. MISCELLANEOUS	<ol style="list-style-type: none"> 1. Municipal title deeds 2. Completed vehicle trip sheets 3. Permits 4. Tender documents 5. Business plans 6. Company profiles 			Restricted



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7.1 Automatically Available Records

The access to information legislation provides for records which are automatically available in Harry Gwala District Municipality to be included in this manual and to be made available to requestors.

Automatically available records usually do not have information which is sensitive in nature or records that have the ability to place the institution in detriment if released. These records have been specified in the table above.

7.2 Categories of records Not Automatically available

The records listed as restricted in the above may be formally requested, but access to parts of these records or the whole record may be refused on legal grounds.

Harry Gwala District Municipality reserves the right to refuse access to records, where the processing of such records will result in a substantial and unreasonable diversion of its resources.

Access may also be refused where requests are clearly frivolous and or vexatious.

(Dates and meetings where the manual was discussed, recommended and approved)

COMMITTEE	DATE APPROVED
Management Committee	
Finance and Corporate Services Committee	
Executive Committee	





FORM A

REQUEST FOR ACCESS TO RECORD OF HARRY GWALA DISTRICT MUNICIPALITY
(Section 18(1) of the Promotion of Access to Information Act, 2000)

(Act No. 2 of 2000)
[Regulation 6]

FOR DEPARTMENTAL USE

Reference number:

Request received by

AN Dlamini, Municipal Manager, Information Officer

N Lungwengwe, Executive Director Corporate Services, Deputy Information Officer

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

Information Officer

Mrs AN Dlamini

MUNICIPAL MANAGER

40 Main Street, IXOPO, 3276

Private bag x501, IXOPO, 3276

Tel: 039 834 8700/08

Fax: 039 834 1701

Email: dweban@harrygwalam.gov.za

Deputy Information Officer

Ms N Lungwengwe

EXECUTIVE DIRECTOR: CORPORATE SERVICES

40 Main Street, IXOPO, 3276

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B Particulars of person requesting access to the record

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

Full names and surname:

Identity number:

Postal Address:

Fax number: (.....).....

Telephone number: (.....).....

Email 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.**



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

E Fees

- a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- b) You will be notified of the amount required to be paid as the request fee.
- c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

.....

F Form of access to record

If you are prevented by disability to read, view or listen to the record in the form of access provided in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
Mark the appropriate box with an X. NOTES: <ul style="list-style-type: none"> a) Compliance with your request for access in the specified form may depend on the form in which the record is available. b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form. c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested. 	
1. If the record is in written or printed form:	
<input type="checkbox"/> copy of record*	<input type="checkbox"/> inspection of record
2. If record consists of visual images- (this includes photographs, slides, video recordings, computer-generated images, sketches, etc):	
<input type="checkbox"/> View the images	<input type="checkbox"/> Copy of the images
<input type="checkbox"/>	<input type="checkbox"/> Transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:	
<input type="checkbox"/> Listen to the soundtrack (audio cassette)	<input type="checkbox"/> Transcription of soundtrack* (written or printed record)



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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 form* (stiffy or compact disc)
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable			YES	NO
Note that <i>if</i> the record is not available in the language you prefer, access may <i>be granted</i> in the language in <i>which</i> the record is available.				
In which language would you prefer the record?				

G Notice of decision regarding request for access

You will be notified whether your request has been approved/ denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at this day of 20.....



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**PROMOTION OF ACCESS TO INFORMATION ACT (PAIA)
SCHEDULE OF FEES**

REQUEST FOR ACCESS TO RECORD OF HARRY GWALA DISTRICT MUNICIPALITY
(No. r223, government Gazette, 9 March 2001, No. 22125)

(Act No.2 of 2000)

[Regulation 6]

A request for access to a record, as contemplated in Section 18(1) of the Act, must be made in the form of Form A – PAIA REQUEST FOR ACCESS TO RECORD.

1. FEE STRUCTURE

Fees are chargeable for the records of Harry Gwala District Municipality;

A.	REPRODUCTION FEES	
1.	For every photocopy of an A4 Size page or part thereof	R0.60
2.	For every printed copy of an A4 size page or part thereof held on a computer in electronic or machine readable form	R0.40
3.	For a copy in a computer readable form on;	
3.1	Compact Disc (CD)	R40.00
3.2	Digital Video Disk (DVD)	R40.00
4.		
4.1	For transcription of visual images for an A4 size page or part thereof	R22.00
4.2	For a copy of visual images	R60.00
5.		
5.1	For a transcription of an audio record, for an A4 size page or part thereof	R12.00
5.2	For a copy of an audio record	R17.00
6.	The request fee payable by every requested, other than a personal requestor referred to in section 22(8) of the Act	R35.00



B.	ACCESS FEES	
	Access fees payable by a requester referred to in section 22(7) of the Act, unless exempted under section 22(8) of the Act	
1.	For every photocopy of an A4 size page or part thereof	R1.20
2.	For every printed copy of an A4 size page or part thereof held on a computer in electronic or machine readable form	R2.00
3.	For a copy in a copy readable form on;	
3.1	Compact Disc (CD)	R60.00
3.2	Digital Video Disk (DVD)	R60.00
4.		
4.1	For transcription of visual images for an A4 size page or part thereof	R40.00
4.2	For a copy of visual images	R80.00
5.		
5.1	For a transaction of an audio record, for a A4 size page or part thereof	R25.00
5.2	For a copy of an audio record	R30.00
6.	To search for the record for disclosure, excluding the first hour, reasonably required time for such a search.	R30.00 per hour or part of an hour

For the purpose of section 22(2) of the Act the following applies;

- Six hours as the hours to be exceeded before a deposit is payable; and
- One third of the access fee is payable as a deposit by the requester

2. FORM REQUEST

A request for access to a record, as contemplated in Section 18 of the Act, must be made in the form of Form A.

If a requester is unable to complete the form because of illiteracy or a disability, they may make the request to a public body orally. In the event that a request is made orally the Information Officer shall fill out the form and provide a copy to the requester.

If a requester makes a request for access to a record of the municipality that does not comply with the requirements for making a request, an Information Officer of the municipality cannot refuse the request because of the non-compliance unless the Information Officer has:

- Notified the requester of the intention to refuse the request, including the reasons for the proposed refusal



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- Notified the requester that an official of the municipality would assist the requester to make the request in compliance with the procedural requirements
- Given the requester a reasonable opportunity to seek the assistance
- Given the requester any information that would assist them to make the request in the required form. This includes information about the records, but not information on the basis of which records could be refused on the basis of a ground for refusal; and
- Given the requester a reasonable opportunity to confirm the request or alter it so it complies.

3. REQUEST TRANSFER

A mandatory obligation to transfer a request is placed on the Information Officer of this municipality in section 20 of PAIA. Such a transfer must be effected as soon as reasonably possible, but within 14 day of the request being received, where:

- The record requested is in the possession of another municipality or public body,
- The subject matter of the requested record is more closely connected with the functions of another public body, or
- The record contains commercial information in which another public body has a greater commercial interest

A public body that receives a transferred request must prioritize the processing of the request in relation to other requests. However, the 30 day time period for responding to a request does not begin to run until the request is received by the Information Officer to whom the request is transferred.

4. EXEMPTION OF PAYMENT OF FEES

In terms of the Promotion of Access to Information Act, (Act No. 2 of 2000), the following persons are exempted from paying the access fee:

- A single person whose annual income, after permissible deductions, does not exceed R14 712.00 per annum; and
- Married persons or a person and his or her life partner whose annual income after permissible deductions does not exceed R27 192.00 per annum.

5. RECORDS THAT CANNOT BE FOUND

If the municipality has taken all reasonable steps to find a record and there are reasonable grounds for believing that the record is in possession of the municipality but cannot be



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found or does not exist, the official shall notify the requester that it is not possible to give access to the records.

The notice shall be in the form of an affidavit or affirmation and shall give full account of all steps taken to find the record or to determine whether it exists, as applicable. That account shall include all communications with every person who conducted the search on behalf of the relevant official.

6. EXTENDING THE PERIOD FOR RESPONDING

The municipality may extend the period for responding to a requester for no more than 30 days if:

- The requester is for a large number of records or requires a search through a large number of records and compliance with the 30 day period would unreasonably interfere with the activities of the municipality
- The requested records must be collected from, or searched for in, an office of the municipality that is not in the same town or city as the Information Officer of the municipality that cannot reasonably be completed within the 30 day period
- Consultation among divisions of the municipality or with another body is necessary or desirable to decide upon the request that cannot reasonably be completed within 30 days
- More than one of the above circumstances exists in the respect of the request, making compliance with the 30 day period not reasonably possible
- The requester consents to the extension in writing

If the municipality extends the period for responding to a request they must notify the requester as soon as possible, but within 30 days of receiving the request. That notice must state:

- The period of extension
- Adequate reasons for the extension, including the provisions of PAIA relied upon
- That the requester may lodge an internal appeal or an application with the court against the extension and the procedure for doing so.

7. DEEMED REFUSAL

If a municipality fails to respond to a request within 30 days (or any extended period of time, up to 60 days) the municipality is deemed to have refused the request. This allows the requester to invoke the internal appeal or court procedures, as applicable.



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8. NOTICE OF INTERNAL APPEAL

Notice of an internal appeal, as contemplated in Section 75(1) of the Act, must be lodged in the form of Form B.

A requester must lodge an internal appeal within 60 days of receiving notice of the decision they are appealing. The municipality shall allow the late lodging of an internal appeal by a requester upon good cause being shown.

9. APPEAL FEES

The appeal fee payable in respect of the lodging of an internal appeal by a requester against the refusal of his or her request for access, as contemplated in Section 75(3)(a) of the Act, is R200.00

10. THE RIGHT TO JUDICIAL REVIEW

A requester may apply to the court for a review of a decision of a municipality if they are not satisfied with a decision of the relevant authority of the body on internal appeal or to disallow the late logging of an internal appeal.

The 180 day period was selected by the court as reasonable as it is consistent with the time period for applying to court in respect of a right under the Promotion of Administration of Justice Act.

11. VALUE ADDED TAX- VAT

Harry Gwala District Municipality is registered under the Value Added Tax Act, 1991 (Act No. 89 of 1991) as a vendor and therefore will add value added tax to all fees prescribed above.

12. COMMENCEMENT

These regulations shall come into operation at Harry Gwala District Municipality on (Date)



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