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CONTENT



- Legislation
- Policy
- Court ruling
 - Body Corporate of Croftdene Mall v eThekweni Municipality [Supreme Court of Appeal 603/2010 (Judgment 2011)]
- Procedures
 - Query
 - Dispute
 - Appeals
- Impact

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LEGISLATION



- Local Government Municipal Systems Act
 - Section 62 - Appeals
 - Section 102 – Dispute
- OXFORD
 - Dispute” *an argument between two people, groups or countries; discussion about a subject on which people disagree*”
 - Appeal” *appeal (to somebody/something) (against something) to make a formal request to a court or to someone in authority for a judgment or a decision to be changed*”
 - Query” *a question, especially one asking for information or expressing a doubt about something*”
- Need to be explained in CC policy

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POLICY REQUIREMENTS



- Clear process and procedures to be followed in instances of a Query, Dispute, Appeal
- Rules of Natural Justice should apply (Administrative Law)
- Audi rule of importance
- What would not constitute a Dispute or Appeal
 - Illegal use of services
 - Valuation of property
 - Change in category of rateable property
 - Total Charges on Bill unless correctly added

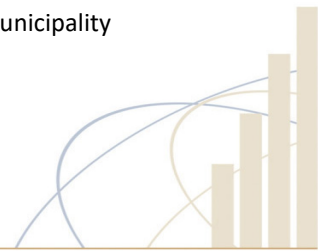
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COURT RULING



- Body Corporate of Croftdene Mall v eThekweni Municipality [Supreme Court of Appeal 603/2010 (Judgment 2011)]
 - What constitute A Dispute
 - P21 mere claim of dispute does not constitute a dispute
 - P22 must advance the facts of the dispute
 - In writing
 - Must be referring to specific amount which is claimed by the Municipality
 - Balance of debt still be pursued
 - Dispute raised before CC action is taken



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DISPUTE - PROCESS



- Credit Control Policy must set out process
- Guard against delaying tactics
- Dispute must be in writing
 - Customer needs to submit dispute Form
 - Indicate the reasons of the dispute
 - Indicate the amount under dispute
 - Indicate the relief that would be appropriate
- Code of Delegations and Policy must indicate who will deal with a dispute
- Set timeframes to deal with Dispute
- Municipality my request further information
- Due Consideration should be given
- Outcome should be in writing



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APPEAL PROCESS – SECTION 62



- Dispute outcome should allow for appeal process
 - Must be in writing
 - Appellant must indicate which fact was overlooked during the dispute resolution application
 - What principle in Law guide the appeal e.g. “In Duplum rule”
 - MM must consider Appeal taking in consideration all facts
- Outcome must be in writing
- Appeal must start in 6 weeks from receiving such appeal
- Stipulate who is the Appeal Authority



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IMPACT – DELAYING TACTICS



- All disputes and appeals should be recorded in a register
- All outcomes must be recorded in register
- Municipality must ensure due diligence when dealing with Disputes and Appeals
- Ensure Code of delegations are in place
- Ensure there is transparency on the outcome
- Dispute & Appeals must be in writing



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