



THEME: REVENUE MANAGEMENT IMPROVEMENT PROGRAMME


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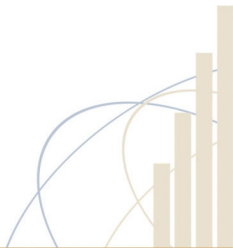
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1



CONTENT

- ☐ **Key Legislation and Policy**
- ☐ **Query Resolution Process**
- ☐ **Section 62 Appeals**
- ☐ **Dispute and Ombudsman Resolution Process**



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2

Key Legislation and Regulations



- **Constitution of the Republic of South Africa Act 108 of 1996 (Constitution)**

- **Section 34** – Access to Courts
- **Section 156(2) and (5)** - Powers and Functions of Municipality



- **Consumer Protection Act (CPA)**

- **Local Government: Municipal Systems Act 32 of 2000 (Municipal Systems Act - MSA)**

- **Section 62** : Appeals
- **Section 95**: Customer Care and Management



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3

Customer Care and Management (Key Elements)



Section 95: Customer Care and Management

- a) Establish a *sound customer management system* that aims to create *positive and reciprocal relationship* between persons liable for these payments and the municipality
- b) Establish mechanisms for users of services and ratepayers to give feedback to the municipality regarding the quality of the services
- c) *Take reasonable steps* to ensure that *users of services are informed of the costs involved in service provision and the reasons for the payment* of service fees
- d) Where the consumption of services has to be measured, *take reasonable steps to ensure that the consumption by individual users of services is measured through accurate and verifiable metering systems*

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4

Customer Care and Management (Key Elements)



Section 95: Customer Care and Management

- e) Ensure that persons liable for payments, receive regular and accurate accounts that indicate the basis for calculating the amounts due
- f) ***Provide accessible mechanisms for those persons to query or verify accounts and metered consumption, and appeal procedures which allow such persons to receive prompt redress for inaccurate accounts***
- g) Provide accessible mechanisms for dealing with complaints from such persons, together with ***prompt replies and corrective action*** by the municipality;
- h) Provide mechanisms to monitor the response time and efficiency in complying with paragraph (g)
- i) provide accessible pay points and other mechanisms for settling accounts or for making pre-payments for services.

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5

Query Resolution Process



- **“Query” and “verify”** means any query which is not defined as a dispute (**using the terminology used in 95(f)*)
 - Need to allow for queries to be raised *orally in person at any walk in centre, through the Call Centre or in writing by way of correspondence*
 - when a debtor *queries an account must furnish full personal details including any acceptable means of identification, all contact details and all account numbers held with the municipality*
 - *a debtor may be represented by a duly appointed nominee or agent*
- Municipality must acknowledge and deal with all queries, promptly and efficiently, inline with the SLA as detailed in the Service Charter

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6

Query Resolution Process



- Where an account query has been raised, the amount queried should not be subject to debt collection until the query has been resolved and the outcome has been communicated to all parties (**necessitating the need to expedite query resolution*)
 - *Any amounts not queried must be paid in full*
- Once the query has been resolved the payment of the account must be enforced in full
- Should a debtor/account owner not be satisfied with the outcome of the query, may lodge an appeal **in terms of Section 62** or **escalate the matter to the Ombudsman's office**

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7

Section 62 Appeal Process



▪ Appeals:

- 1) A person whose rights are affected by *a decision taken by municipality or official with delegated authority* may appeal against that decision *by giving written notice of the appeal and reasons* to the municipal manager *within 21 days of the date of the notification of the decision*
- (2) The municipal manager must **promptly submit** the appeal to the appropriate **appeal authority** (*subsection 4 states the authority that may be appointed as appeal authority*)
- (3) The appeal authority must **consider** the appeal, and **confirm** or **vary** or **revoke** the decision but no such variation or revocation of a decision *may detract from any rights that may have accrued as a result of the decision.*
- (5) An appeal authority must commence with *an appeal within six weeks and decide the appeal within a reasonable period.*

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8

Disputes Resolution



- **Section 34 of the Constitution – Access to Courts:**
 - Everyone has a right to have *any dispute* that can be *resolved by the application of law* decided in a *fair public hearing* before a *court* or *an independent and impartial tribunal or forum*
- Going to court may be costly and result to delays in resolving the dispute.
- The Ombudsman office is ideal solution to deal with disputes as it is an *independent, impartial public office with authority and responsibility to receive, investigate or informally address complaints*.
 - Municipalities may in terms of Section 156(2) and (5) of the Constitution establish an independent Ombudsman's office

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9

Ombudsman Resolution Process



For the Ombudsman Resolution Process to be effective, it must :

- **Have a power to investigate** - *without fear, favour or prejudice.*
- **Accessible to the community**
- **Fair in its application**
- **Effective** - *the political structures and the administration must not hinder functioning of the ombuds office*
- Have public accountability but maintain confidentiality
- Practice impartiality at all times



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10

Ombudsman Resolution Process



The ombudsman office ultimate goal:

To attempts to resolve public complaints/disputes, by offering an *alternative dispute resolution process* between the municipalities and the complainant by recommending workable solutions.



At the end of an investigation, the ombudsman will provide a report with recommendations for corrective actions:

- The report will require a written confirmation to their office within *a specified period* to confirm whether the recommendation will be implemented or not. If not going to be implemented *written comprehensive reasons* must be given



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11

Ombudsman Resolution Process



- **Limitations of the Ombudsman Office: (Matters not for investigation)**
 - Any legislative or executive decisions by the Council, portfolio committees or subcouncils
 - Investigation that substitutes for administrative or judicial proceedings
 - Any allegation relating to financial irregularities
 - Any tender-related matter
 - Any cases where the complainant has not reported the matter to the line department for review and decision making
 - Any administrative appeals (including Section 62 Appeals)
- *NB: Complainant can go log a complaint after a section 62 appeal process**

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12



Thank You!



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