



"RE SEBELLE TSA KATLEHO"

SETSOTO LOCAL MUNICIPALITY

REVISED INDIGENT POLICY

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INDIGENT DEBTORS MANAGEMENT

1. Introduction

As a developmental institution, Setsoto Local Municipality is committed in supporting measures that assist and empower its community. It is accepted that large sections of the community cannot exist without intervention and it is therefore the duty of the municipality to support and to ensure that citizens are able to access their constitutional right to have access to a basic level of services.

The municipality must therefore at all times strive to fulfil the constitutional objectives as contemplated in Section 152 of the Constitution and to meet the criteria for a credible indigent policy as laid down in the Credible Indigent Policy Assessment Framework, 2008, provided by the Department of Local Government.

The successful implementation of this policy depends totally on affordability and the social analysis of the area as should be included in the municipality's Integrated Development Planning, with regard to affordability the foundation is laid in section 74 of the Municipal Systems Act, 2000, which stipulates that poor households must have access to basic service through tariffs that cover only the operating and maintenance costs.

The municipality therefore adopts an indigent support policy which embodies an indigent support program not only providing procedures and guidelines for the subsidization of service charges to indigent households in its area of jurisdiction, but also to increase the quality of life of the beneficiaries by assisting them to exit from indigence

2. Adoption of the policy

The Accounting Officer must ensure that this Draft Revised Indigent Policy is submitted to the Council of Setsoto Local Municipality for adoption as required.

3. Abbreviations

All the terms used in this policy are written in full.

4. Definitions

- (a) "Child headed household" means a household where both parents are deceased and where all occupants of property are children of the deceased and under the legal age to contract for services;
- (b) "Household" means a registered owner or tenant with or without children who reside on the same premises
- (c) "Indigent" means any household or category of households, including a child headed household, earning a combined gross income, as determined by the municipality annually in terms of a social and economic analysis of its area, as vested in the municipal policy, which qualifies for rebates or remissions, support or a services subsidy, provided that child support grant is not included when calculating such household income;
- (d) "Indigent Management System" an electronic management system applied by other municipalities for the smooth and efficient management of the register of indigent households;
- (e) "Municipality" means the list of municipal categories, established in terms of Section 12 of the Municipal



structures Act 117 of 1998, and includes any political structure, political office bearer, councilor duly authorized agent or any employee acting in connection with this by-law virtue of a power vested in the municipal council.

- I. "Program officer" an official duly authorised by the municipality, or an employee of a services provider appointed by the municipality, who is responsible for the following;
- II. To ensure that applications for indigent support are received and assessed;
- III. To ensure that applications are captured on the Indigent Management System.
- IV. To ensure that information on applications are verified and that regular audits are executed; and
- V. To authorize expenditure with regard to indigent support.

(g) "Occupier" means the person who controls and resides on or control and otherwise uses immovable property provided that;

- I. The spouse of the owner of immovable property, which is used by such spouse or owner as a dwelling at any time, shall be deemed to be the occupier thereof;
- II. Where both spouses reside on immovable property and one of them is an occupier thereof, the other shall also be deemed an occupier;

(h) "Indigent register" means the municipal list of indigent customers as per the municipal policy, which has to be updated on a monthly basis, designed to contain all the data contained within completed indigent application forms which contains the following

(i) "Owner" in relation to immovable property means:

- I. The person in whom is vested the legal title thereto provided that –
 - a. The lease of immovable property which is leased for a period of not less than fifty years, whether lease is registered or not, shall be deemed to be owner thereof, and
 - b. The occupier of immovable property occupied in terms of a service or right analogous thereto shall be deemed the owner thereof;
- II. If the owner is deceased, insolvent, has assigned his or her estate for the benefit of his or her creditors, has been placed under curatorship by order of court or is a company being wound up or under judicial management, then the person in whom the administration of such property is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager, as the case may be;
- III. If the owner is absent from the Republic or if his or her address is unknown to the municipality, then any person who as agent or otherwise receives or is entitled to receive the rent in respect of such property; or
- IV. If the municipality is unable to determine who such person is, then the person who is entitled to



the beneficial use of such property;

(j) "Premises" includes any piece of land, the external surface boundaries of which are delineated on

I. A general plan or diagram registered in terms of the Land Survey Act, 1997 (Act No. 8 of 1997) or in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937);

II. A general plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), and situated within the jurisdiction of the municipality;

(k) "Rates" means any tax, duty or levy imposed on property by the Council;

(l) "Resident" means the occupant of the property with an account registered in his/her name.

5. Policy Background

Section 153 (a) of the Constitution provides that a municipality must structure its administration, budgeting and planning process to give priority to the basic needs of the community, and to promote the social and economic development of the community.

6. Policy principles

In recognition of the abovementioned National Framework the municipality undertakes to promote the following principles:

- i. To ensure that the Equitable Share received annually will be utilized for the benefit of the poor only and not to subsidize rates and services charges of those who can afford to pay;
- ii. To link this policy with the municipal Integrated Development Planning, Local Economic Development initiatives and poverty alleviation program;
- iii. To promote an integrated approach to free basic service delivery; and
- iv. To engage the community in the development and implementation of this policy;

7. Policy objectives

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

- i. The provision of basic services to the community in a sustainable manner within the financial and administrative capacity of the Council;
- ii. The financial sustainability of free basic services through the determination of appropriate tariffs that contribute to such sustainability through cross subsidization;
- iii. Establishment of a framework for the identification and management of indigent households including a socio-economic analysis and the indigent exit strategy;
- iv. The provision of procedures and guidelines for the subsidization of basic charges and the provision of free basic energy to indigent households;



- v. To ensure co-operative governance with other spheres of government; and
- vi. To enhance the institutional and financial capacity of the municipality to implement the policy.

8. Scope of Application

The extent of the monthly indigent support granted to indigent households must be based on budgetary allocations for a particular financial year and the tariffs determined for each financial year.

9. Targeting Approach

The threshold should appear in the policy and it should be equal to two (2) pensioners and persons earning the exact threshold amount or less.

10. Qualification criteria

- (1) For a household to qualify as an indigent, a household should comply with the following requirements:
 - (a) The applicant must be a resident of the municipality.
 - (b) The applicant must be eighteen (18) years of age and older.
 - (c) The verified total monthly household gross income of all occupants or dependents in a single household must not exceed the amount as approved in the budget for the applicable year not more than two state old age pensions. The total household income shall exclude the child care grant, foster child grants and other income which is meant for the child below the age of eighteen (18).
 - (d) 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
 - (e) Registered indigent consumers who own more than one property within the municipal area, will only qualify for subsidy on one site.
 - (f) In cases where the owner/s of the house (e.g. mother and father) have passed away and the occupant children are indigent, they should qualify for the subsidy, provided that an affidavit is provided that they are the children/relatives and legitimate occupants of the house along with certified copies of the Death Certificate/s. (i.e. death certificate of owner, latest municipal account & birth certificate)
 - (g) The registered indigent must be either the owner or occupant (tenant) of the property concerned.
 - (h) Subsidies apply to households and not individuals.
 - (i) The onus for applying for indigent subsidy rest with the consumer who cannot afford to pay the full municipal tariff for services received.
- (2) The granting of an indigent subsidy shall be the sole prerogative of council whose decision shall be final.
- (3) The Indigent policy should be seen as a revenue protection mechanism for Setsoto Local Municipality to protect its revenue and must be applied consistently.



11. Sources of funding

- (1) The council will have to provide funds annually on the budget for the subsidization of indigent households for rates, refuse removal, water, sanitation and, electricity.
- (2) The indigent subsidies will have to be financed from the equitable share contribution to the municipality obtained from National Treasury.
- (3) Existing indigent arrears on rates, tariffs and services charges will be written off against the provision for bad debts.
- (4) Indigent households may be required to convert to prepayment electricity meters, the cost of which can be met by the equitable share fund.

12. Application Process / Compulsory documentation for registration

- (1) An indigent application must be done on a specific council application form at service centers designated at their respective areas; the following documentary proof has to accompany the indigent application form:
 - (a) Applicant's certified copy of the South African identity document. Non South African Citizens are excluded from participating in the indigent support scheme;
 - (b) Latest municipal or Eskom account and proof of ownership;
 - (c) Documentary proof of total monthly income of the household (e.g. Unemployment Insurance Fund (UIF) card, salary advice, pensioners' confirmation letter from SASSA or letter from an employer)
 - (d) Certified copy of death certificate, in the case of child headed households.
 - (e) Confirmation letter signed by Ward Councilor where there is no letter of authority.
 - (f) A sworn affidavit to the effect that all information supplied is true and that income from all sources has been declared;
 - (g) In areas where Eskom is the provider of Electricity, proof of the meter number must be submitted to enable the consumer to receive FREE BASIC ELECTRICITY.
 - (h) In addition, a recommendation by a Ward Councilor.
- (2) The application forms will be processed and information provided will be assessed and screened by the Financial Services Directorate within the council.
- (3) Community Development Workers will provide the verification, so as to visit the applicants to verify the correctness of the information provided on the application form.
- (4) The Assistant Accountant Credit Control and Senior Indigent officer will approve or disapprove the submitted application form as per the indigent policy.
- (5) Indigent household must re-apply for the indigent support every twenty four (24) months.
- (6) The indigent register will be updated bi-annually and the verification process is undertaken through the year for any change of circumstances.
- (7) The re-application for indigent support will not be approved if the consumers account for water and electricity exceeded the free basic services approved by the council is not paid up to date, according to the Credit Control and Debt Collection by-laws.



- (8) An indigent consumer must immediately request de-registration if his/her circumstances have changed to the extent that he or she no longer complies with the requirements set out in the definition.
- (9) The ward committees would be expected to assist council in reinforcement of the indigent policy conditions.
- (10) All applicants whose forms are DECLINED will be informed in writing about the outcome of their applications.
- (11) All approved beneficiaries for the indigent support automatically qualify for Free Basic Electricity.
- (12) Alternative water supply (water tanks) will be provided to areas where there is no infrastructure within the Municipal jurisdiction.
- (13) Funds are already allocated to the municipality to fund the implementation of free basic services through the equitable share grant disbursed by the National Treasury to municipalities.

(a) **REGISTRATION**

- (i) Registration of an application – all information will be captured and verified by Indigent Management Unit in terms of the procedures vested on the municipal indigent policy and on the national indigent guideline provided by the National Department of Cooperative Government and Traditional Affairs.
- (ii) Such forms will be available at approved registration municipal offices and must be completed with assistance from approved role players provided by the municipality and shall be dealt with in terms of the policy guidelines.

(b) **DE-REGISTRATION/EXIT**

Members of households registered as indigent are prepared to participate in exit programs coordinated by the municipality in collaboration with other government departments, stakeholders, involved, sector departments and the private sector.

(c) **COMPLAINTS MANAGEMENT**

Right of appeal – an applicant who is the registered household owner living within the municipal jurisdiction and therefore feels aggrieved by a decision taken in respect of his/her application may lodge an appeal in terms of section 62 of the Municipal System Act 32 of 2000.

13. PENALTIES AND DISQUALIFICATION FOR FALSE INFORMATION

If the applicant is found to have lied about his/her personal circumstances or has furnished false information regarding indigent status, in which case the following will apply;

- (a) All arrears will become payable immediately,
- (b) Stringent credit control measures will apply; and



- (c) The applicant will not be eligible to apply for Indigent support for a period of two (2) years.

14(a) EXIT MECHANISMS

Setsoto Local Municipality will facilitate the exit of beneficiaries from Indigent support program by;

- a. Inclusion in public works projects indigent beneficiaries who could be suitable for the type of work to be undertaken;
- b. Initiating local job creation projects such as cleansing operations, small infrastructure projects, etc.;
- c. Facilitation of opportunities for some of the indigent beneficiaries to enter the informal trade market;
- d. Facilitation of food security projects; and
- e. Liaison with National and Provincial departments to include in their public works program some of the indigent beneficiaries who could be suitable for the type of work to be undertaken.

14. (b) EXIT MECHANISMS

To identify any changes that may affect the status of beneficiaries' continuity, the Indigent register will be continuously verified by ensuring:

- a. The involvement of all stakeholders namely, Councilors, Community Development Workers and Ward Committee members.
- b. Members of household registered as Indigent are prepared to participate in exit programs coordinated by the municipality in collaboration with other government departments, stakeholders involved, sector departments and the private sector.

As part of its broader poverty reduction program the municipality undertakes to provide for participation and accommodation of indigent persons in its Local Economic Development initiatives and in the implementation of integrated development programs where possible.

15. Extent of indigent support

- (1) The Local Government Municipal Systems Act 32 of 2003; states that a municipality must ensure that all communities have access to at least minimal basic services, core objective of the free basic services program is vested in section 152 of the South African Constitution which further states that 'local government has to ensure the provision of services is provided in a sustainable and efficient manner, henceforth all the indigent customers within the municipal jurisdiction will benefit from the free basic services subsidy.



- (2) The funding of the free basic services program comes from the National Treasury in a form of an equitable share grant dispensed to municipalities and the National Department of Cooperative Government and Traditional Affairs is mandated to coordinate the free basic services program, the National Department of Minerals and the National Department of Water Affairs serves as sector departments to municipalities.
- (3) The extent of the monthly indigent support granted to indigent households must be based on budgetary allocations for a particular financial year and the tariffs determined for each financial year.

16. Free Basic Services Provided to Beneficiaries

(1) Water and Sanitation -

- (a) Approved indigent registered household shall receive fully subsidized water and sanitation to a maximum of 6kl per month, including the basic charges for such supply, provided that;
 - (i) Where the consumption exceeds 6kl (kilo liter) per month the municipality shall be entitled to restrict water supply to the property or to bill the excess consumption used at a normal rate.
 - (ii) Where excessive consumption is partly due to leaking or poor plumbing, the municipality may install a yard connection to the outside of the dwelling and meter the consumption.

(2) Electricity -

- (a) Approved indigent registered household shall receive electricity fully subsidized to a maximum of 50 kWh per month, the free basic services subsidy is also applicable to registered indigent households in rural areas where Setsoto Local Municipality or Eskom is the supplier of electricity.
- (b) Free Basic Electricity is being conducted every financial year, in all the Eighteen (18) wards within the municipal jurisdiction, the free basic electricity registration process is conducted in order to maximize the provisioning of free basic electricity roll-out to all the qualifying indigent households.
- (c) If an indigent consumer's consumption or use of municipal services is less than the subsidized service or free basic services, the unused portion may not be accrued by the customers and will not be entitled to receive cash or a rebate in respect of the unused portion.

(3) Refuse Removal -

16.1.1 Approved indigent households are fully subsidized for refuse removal as provided for in the annual budget, depending on tariff changes annually and the council's resolution every financial year.

(4) Property Rates -

- (a) Approved indigent households are fully subsidized for property rates as provided for in the municipal annual budget and subjected to the provisions of the Municipal Property Rates Act 2006.

17. Indigent households in retirement centers and old age homes

- (1) The onus will be on the Board of Trustees/Managing Agent (hereinafter referred to as the representative) to apply to the municipality, for indigent status to be granted in respect of water Consumption on behalf of the owners of those units, who meet the criteria and conditions for qualification.
- (2) Indigent consumers living in retirement centers or old age homes are eligible to qualify for assistance and support in terms of this policy, subjected to the following rules and procedures:



17.1.1 The onus will be on the unit owner to apply to the municipality for indigent status to be granted in respect of property rates related charges.

17.1.2 The representative will submit applications to the indigent management unit.

- (3) The indigent management unit will verify all applications and the relevant official must notify:
 - (a) The representative, whether an application was successful or not, with regard to the water consumption and electricity; and
 - (b) The unit owner whether an application was successful or not, with regard to the property rates and other related charges;
- (4) The Chief Financial Officer will credit the monthly municipal charges as follows:
 - (a) Water and electricity account of the Retirement Centre or Old Age Home with water and/or electricity where the municipality serves as an electricity and/or water provider with 6 kl per unit as applied by the institution.
 - (b) Rates, sewerage and refuse charges account of the unit owner with the amount determined by the municipality.
- (5) The representative must, in respect of monthly water credits allowed under indigent support, ensure that:
 - (a) such credits are off-set against the monthly levies of the relevant individual units at least once every six months as could be required; and
 - (b) at such intervals as may be determined by the municipality, provide proof to the Chief Financial Officer that the monthly levies of poor households which qualify for assistance, have been adjusted by the amounts credited to the account of the Retirement Centre or Old Age Home.

18. Communication of implementation of Free Basic Services

- (1) Regular information dissemination and awareness campaigns will be undertaken and eliminate unrealistic expectations both in terms of qualifying for the free basic services subsidy as well as the services that will be rendered and the qualifying for subsidy as well as service delivery in general and methods of communication that will be used, but not be limited to:
 - (a) Ward committees;
 - (b) Traditional leaders, where applicable;
 - (c) Community based organizations;
 - (d) Local radio stations and newspapers;
 - (e) Municipal accounts; and
 - (f) Imbizo's and road shows.

19. Free Basic Services Registration and Institutional Arrangements

- (1) The municipality has designated existing staff in all four units, and engage properly with the Community Development Workers who had been trained and familiar with the municipal by-laws and the government legislative framework that are in line with the South African Constitution Act 108 of 1996.
- (2) The free basic services registration process is being facilitated collectively with the public participation office



and Community Development Workers (CDW's), ward committees and the ward councilors.

- (3) Any person wishing to be registered in indigent support programme shall:
 - (a) Apply by completing a formal indigent support application form approved by the municipality.
 - (b) Such forms will be available at approved registration municipal offices and must be completed with assistance from approved role players provided by the municipality and shall be dealt with in terms of the policy guidelines.
- (4) Applicants shall be subjected to assessment and screening process as follows:
 - (a) Registration of an application - all information will be captured and verified by indigent management unit in terms of the procedures vested on the municipal indigent policy and on the indigent National indigent guideline provided by the National Department of Cooperative Government and Traditional Affairs.
 - (b) Approval of applications - once verification has been completed, the forms will be captured on the municipal indigent database. The Financial System will generate an indigent register which shall be dealt with in terms of the municipal indigent management system guideline.
 - (c) Right of appeal - an applicant who is the registered household owner living within the municipal jurisdiction and therefore feels aggrieved by a decision taken in respect of his/her application may lodge an appeal in terms of section 62 of the Municipal System Act 32 of 2000.

20. Indigent subsidy process management

- (1) Applications -
 - 20.1.1 Indigent application forms should be completed in full with all the attachments mentioned on the form and then captured onto the indigent register. The financial system calculates the subsidy amount according to the approved budgeted amount for free basic services roll-out each financial year.
- (2) Validity period -
 - (a) The validity period of assistance will be for the duration that the applicant remains an indigent, provided that re-registration is done bi-annually. Households, in terms of the audit and review process, will be subjected to scrutiny to determine any changes in status.
 - (b) Child headed families'-registration will be conducted, as their economical and living status is subjected to change from time to time.
- (3) Death of the Registered Applicant -
 - (a) In the event that the approved applicant passes away the heir/s of the property must re-apply for indigent support, provided that the stipulated criteria are met, as per the municipal indigent policy (Required documents are certified copy of Death certificate and Letter of Authority)
- (5) Publication of Register of Indigent Households -
 - (a) The Indigent register after approval will be distributed to all the Municipal pay- points for public perusal
- (6) Arrears and excess usage of allocations -
 - (a) Upon registration as an indigent household, the arrears on the account of the applicant will be written off.
 - (b) Where an indigent household exceeds the water and electricity consumption level approved by the



municipality, the supply may be restricted and the excess will be subjected to the credit control and debt collection policy of the municipality.

(7) Termination of Indigent Support -

(a) Indigent Support will be terminated under the following circumstances:

- (i) Upon death of the account-holder or the head of the household where services are rendered and if the indigent had dependents the dependents will need to re-apply for the support as subsidies are not transferable (Letter of authority and certified copy of death certificate).
- (ii) At the end of the (24) twenty-four months' cycle subject to re-registration.
- (iii) Upon sale of the property in respect of which support is granted.
- (iv) When circumstances in the indigent household have improved or changed to the extent where the income threshold as determined is exceeded or the indigent criteria for approval changes to the extent that approval no longer applies.
- (v) If the applicant is found to have lied about his/her personal circumstances or has furnished false information regarding indigent status, in which case the following will apply;
- (vi) If the indigent fails to pay the account of his/her consumption or use of a municipal service in excess of the subsidized service or fails to honor any arrangements made by him/her for payment for outstanding accounts
- (vii) No application for a clearance costing and a clearance certificate will be granted within the initial first two years of an household being declared Indigent and subsequent Indigent registration. If the household demands a clearance certificate all cost written off within the initial first registration period of two-year will be written back and the clearance costing will be calculated on the new outstanding balance.

(b) If the termination of the indigent support based on the circumstances listed in section 41(7)(a)(v) & (vi) above:

- (i) All arrears will become payable immediately;
- (ii) Stringent credit control measures will apply; and
- (iii) The applicant will not be eligible to apply for indigent support for a period of two (2) years;

21. Verification of the Indigent Register/ Audit and review

- a) Approval of applications – once verification has been completed, the forms will be captured on the municipal indigent database. The Financial System will generate an indigent register which shall be dealt with in terms of the municipal indigent management system guideline.
- b) The municipality will conduct regular audits of the indigent register with regard to the information furnished by beneficiaries, possible changes in status, the usage of allocations and debt collection measures applied and where necessary review the status of the beneficiary.
- c) The frequency of such audits will depend on the institutional capacity of the municipality to do so, however it is envisaged that at least quarterly targeted audits and reviews are undertaken, with a completed review scheduled for a least every three (3) years.

22. Monitoring and Evaluation of indigent support



22.1.1.1 When compiling report on this policy the following information should be included on indigent support programme:

- (a) Number of indigent household's applications applied, approved, captured and declined.
- (b) Amount of subsidy allocated per benefit category;
- (c) 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.
- (d) Performance against targets set in respect of indigent support and poverty relief and in particular with regard to the following:
 - (i) Number of applications for indigent support dealt with;
 - (ii) Time taken to process and finalize applications;
 - (iii) Site visits undertaken;
 - (iv) Awareness initiatives; and
 - (v) Exit initiatives.
 - (vi) Changes in the registered status of indigents.

22.1.1.2 Political support and oversight as well as the community participation is important in implementing the Indigent policy in full.

23. Building capacity to implement the program

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

- (a) Database management
- (b) Demand and revenue management.
- (c) Policy and by-law implementation

24. Additional information/Items Covered

The Municipality is allowed to add information that is perceived to be important in their policy. Such information will indicate originally from the policy author.

25. List of Stakeholders

Indigent Management Unit
Manager Revenue
Chief Financial Unit
Financial Committee
Mayoral Committee of Council
Council

26. Contact Details of the Office responsible for the Indigent policy

For assistance or clarification of question the following should be contacted:
INDIGENT MANAGEMENT UNIT in all four towns.

Contact Details:

Head Office in Ficksburg:



051-9339300 extension 9458

Clocolan:

0519430403

Senekal:

0584812142

Marquard:

059910021

