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PROCLAMATION · PROKLAMASIE

PROCLAMATION

No. 45 (Premier's), 1994

LOCAL GOVERNMENT TRANSITION ACT, 1993
(ACT No. 209 OF 1993)

HEIDELBERG TOWN COUNCIL

Under section 10 of the Local Government Transition Act, 1993 (Act No. 209 of 1993), I hereby, with the concurrence of the Provincial Committee, make the enactments in the Schedule.

Given under my Hand at Johannesburg this Fourteenth day of December, One thousand Nine hundred and Ninety-four.

R. M. G. SEXWALE,
Premier-in-Executive Council.

SCHEDULE

Establishment of transitional local council

1. A transitional local council, hereunder called the Heidelberg Town Council, is hereby established as contemplated in section 7 (1) (b) (i) of the Local

PROKLAMASIE

No. 45 (Premiers-), 1994

OORGANGSWET OP PLAASLIKE REGERING, 1993
(WET No. 209 VAN 1993)

HEIDELBERG STADSRAAD

Kragtens artikel 10 van die Oorgangswet op Plaaslike Regering, 1993 (Wet No. 209 van 1993), vaardig ek hierby, met die instemming van die Provinsiale Komitee, die maatreëls in die Bylae uit.

Gegee onder my Hand te Johannesburg, op hede die Veertiende dag van Desember, Eenduisend Negehonderd Vier-en-negentig.

R. M. G. SEXWALE,
Premier-in-Uitvoerende Raad.

BYLAE

Instelling van plaaslike oorgangsraad

1. 'n Plaaslike oorgangsraad, hieronder die Heidelberg Stadsraad genoem, word hierby, soos beoog in artikel 7 (1) (b) (i) van die Oorgangswet op

Government Transition Act, 1993 (Act No. 209 of 1993), with effect from the date upon which this Proclamation shall come into operation (hereunder called the effective date), comprising the Town Council of Heidelberg, the Town Committee of Ratanda and the Management Committee of Shalimar Ridge, which Heidelberg Town Council shall be deemed to be a local authority in terms of the Local Government Ordinance, 1939 (Ordinance No. 17 of 1939).

Dissolution of local government bodies

2. The Town Council of Heidelberg, the Town Committee of Ratanda and the Management Committee of Shalimar Ridge are hereby dissolved on the effective date.

Area of Heidelberg Town Council

3. The area of the Heidelberg Town Council comprises the existing area of jurisdiction of the dissolved Town Council of Heidelberg, including Rensburg and as referred in Administrator's Notice No. 32 of 1980, the area of the dissolved Town Committee of Ratanda as defined in Government Notice No. R. 123 of 1979, and the area of the dissolved Management Committee of Shalimar Ridge as defined in Administrator's Notice No. 270 of 15 October 1968, as amended or extended.

Councillors

4. (1) The Heidelberg Town Council comprises 16 Councillors.

(2) The terms of office of the Councillors of the dissolved local government bodies mentioned in section 2 shall be terminated on the effective date.

(3) The persons mentioned in Annexure A, and duly nominated in terms of paragraph 5 of Schedule 1 to the Local Government Transition Act, 1993, are hereby appointed as Councillors of the Heidelberg Town Council.

(4) Any casual vacancy arising on the Heidelberg Town Council as from the effective date shall be reported to the Member for Housing and Local Government of the Executive Council within thirty days, which vacancy shall, notwithstanding the provisions of sections 20 and 36 of the Municipal Elections Ordinance, 1970 (Ordinance No. 16 of 1970), be filled by the competent authority from the list of additional candidates in order of preference as contemplated in paragraph 5 of Schedule 1 to the Local Government Transition Act, 1993, as contained in Annexure B.

Mayor and Deputy Mayors

5. The Heidelberg Town Council shall, in the manner prescribed for the election of a Mayor and Deputy Mayor in sections 16 and 17 respectively of the Local Government Ordinance, 1939, elect within seven days after the effective date, at a special meeting of the Heidelberg Town Council, a Mayor from the non-statutory component and two Deputy Mayors from the statutory component, from the Councillors mentioned in section 4 (3).

Plaaslike Regering 1993 (Wet No. 209 van 1993), vanaf die datum van inwerkingtreding van hierdie Proklamasie (hieronder die effektiewe datum genoem), ingestel, bestaande uit die Stadsraad van Heidelberg, die Dorpskomitee van Ratanda en die Bestuurskomitee van Shalimar Ridge, welke Heidelberg Stadsraad geag word 'n plaaslike bestuur ingevolge die Ordonnansie op Plaaslike Bestuur, 1939 (Ordonnansie No. 17 van 1939), te wees.

Ontbinding van plaaslike owerheidsliggame

2. Die Stadsraad van Heidelberg, die Dorpskomitee van Ratanda en die Bestuurskomitee van Shalimar Ridge word hierby op die effektiewe datum ontbind.

Gebied van Heidelberg Stadsraad

3. Die gebied van die Heidelberg Stadsraad bestaan uit die bestaande regsgebied van die ontbinde Stadsraad van Heidelberg, insluitende Rensburg en soos na verwys in Administrateurskennisgewing No. 32 van 1980, die gebied van die ontbinde Dorpskomitee van Ratanda soos omskryf by Goewermentskennisgewing No. R. 123 van 1979, en die gebied van die ontbinde Bestuurskomitee van Shalimar Ridge soos omskryf by Administrateurskennisgewing No. 270 van 15 Oktober 1968, soos gewysig of uitgebrei.

Raadslede

4. (1) Die Heidelberg Stadsraad bestaan uit 16 Raadslede.

(2) Die ampstermyne van die Raadslede van die ontbinde plaaslike owerheidsliggame in artikel 2 vermeld, word op die effektiewe datum beëindig.

(3) Die persone in Aanhangsel A vermeld, wat behoorlik kragtens paragraaf 5 van Bylae 1 by die Oorgangswet op Plaaslike Regering, 1993, benoem is, word hierby as Raadslede van die Heidelberg Stadsraad aangestel.

(4) Enige toevallige vakature wat na die effektiewe datum op die Heidelberg Stadsraad ontstaan, moet binne dertig dae aan die Lid vir Behuising en Plaaslike Regering van die Uitvoerende Raad gerapporteer word, welke vakature, ondanks die bepalings van artikels 20 en 36 van die Ordonnansie op Munisipale Verkiesings, 1970 (Ordonnansie No. 16 van 1970), deur die bevoegde gesag gevul word uit die lys van bykomende kandidate in orde van voorkeur soos beoog in paragraaf 5 van Bylae 1 by die Oorgangswet op Plaaslike Regering, 1993, in Aanhangsel B vervat.

Burgemeester en Onderburgemeesters

5. Die Heidelberg Stadsraad verkies, binne sewe dae na die effektiewe datum op 'n spesiale vergadering van die Heidelberg Stadsraad, 'n Burgemeester uit die nie-statutêre komponent en twee Onderburgemeesters uit die statutêre komponent, uit die Raadslede in artikel 4 (3) vermeld op die wyse voorgeskryf vir die verkiesing van 'n Burgemeester en 'n Onderburgemeester by artikels 16 en 17 respektiewelik van die Ordonnansie op Plaaslike Bestuur, 1939.

Allowances of Councillors, Mayor and Deputy Mayors

6. (1) All the Councillors shall, as from the effective date, receive the same allowances as the allowances paid to the Councillors of the dissolved Town Council of Heidelberg.

(2) The Mayor and the Deputy Mayors shall, as from the effective date, receive the same allowances as the allowances paid to the Mayor and Deputy Mayor of the dissolved Town Council of Heidelberg.

Executive Committee

7. (1) The Heidelberg Town Council shall, notwithstanding the provisions of the Local Government (Administration and Elections) Ordinance, 1960 (Ordinance No. 40 of 1960), in terms of the provisions of section 16 (6) of the Local Government Transition Act, 1993, elect from its members an Executive Committee.

(2) The Heidelberg Town Council shall designate from the members of the statutory component of the Executive Committee a Chairperson for the Executive Committee and from the members of the non-statutory component of the Executive Committee two Deputy Chairpersons for such Committee.

(3) The provisions of sections 1 and 55 to 61 of the Local Government (Administration and Elections) Ordinance, 1960, shall, for the purposes of this Proclamation, be applicable *mutatis mutandis* to the Executive Committee contemplated in subsection (1).

Transfer of assets, liabilities, rights, obligations and successor-in-law

8. (1) All assets, liabilities, rights and obligations of the dissolved local government bodies mentioned in section 2 shall, as from the effective date, and subject to the provisions of subsection (3), be transferred to in Heidelberg Town Council.

(2) The Heidelberg Town Council shall as from the effective date, and subject to the provisions of subsection (3), for the purposes of this Proclamation be the successor-in-law of the dissolved local government bodies mentioned in section 2.

(3) Any liability, debt or obligation which has been incurred by the dissolved black local government body mentioned in section 2, namely the dissolved Town Committee of Ratanda, up to and including the day preceeding the effective date, other than a liability, debt or obligation which has been incurred in respect of any infrastructure that generates revenue or infrastructure which is or can be utilised by the Heidelberg Town Council, shall devolve upon the Heidelberg Town Council subject to the right of the national government to assume such liabilities, debts or obligations in terms of assurances made by the national government that no transitional council will inherit any external debts of the said black local government body up to the effective date.

Toelaes van Raadslede, Burgemeester en Onderburgemeesters

6. (1) Al die Raadslede ontvang vanaf die effektiewe datum dieselfde toelaes as wat aan Raadslede van die ontbinde Stadsraad van Heidelberg betaal is.

(2) Die Burgemeester en die Onderburgemeesters ontvang vanaf die effektiewe datum dieselfde toelaes as wat aan die Burgemeester en Onderburgemeester van die ontbinde Stadsraad van Heidelberg betaal is.

Uitvoerende Komitee

7. (1) Die Heidelberg Stadsraad verkies, ondanks die bepalings van die Ordonnansie op Plaaslike Bestuur (Administrasie en Verkiesings), 1960 (Ordonnansie No. 40 van 1960), ingevolge artikel 16 (6) van die Oorgangswet op Plaaslike Regering, 1993, uit sy lede 'n Uitvoerende Komitee.

(2) Die Heidelberg Stadsraad wys uit die lede van die statutêre komponent van die Uitvoerende Komitee 'n Voorsitter vir die Uitvoerende Komitee aan en uit die lede van die nie-statutêre komponent van die Uitvoerende Komitee twee Ondervoorsitters vir sodanige Komitee aan.

(3) Die bepalings van artikels 1 en 55 tot 61 van die Ordonnansie op Plaaslike Bestuur (Administrasie en Verkiesings), 1960, is, by die toepassing van hierdie Proklamasie, *mutatis mutandis* op die Uitvoerende Komitee in subartikel (1) bedoel van toepassing.

Oordra van bates, laste, regte, verpligtinge en regsopvolger

8. (1) Alle bates, laste, regte en verpligtinge van die ontbinde plaaslike owerheidsliggame in artikel 2 vermeld word vanaf die effektiewe datum, en behoudens die bepalings van subartikel (3), aan die Heidelberg Stadsraad oorgedra.

(2) Die Heidelberg Stadsraad word vir die doeleindes van hierdie Proklamssie vanaf die effektiewe datum, en behoudens die bepalings van subartikel (3), die regsopvolger van die ontbinde plaaslike owerheidsliggame in artikel 2 vermeld.

(3) Enige las, skuld of verpligting wat deur die ontbinde swart plaaslike owerheidsliggaam vermeld in artikel 2, naamlik die ontbinde Dorpsraad van Ratanda, aangegaan is tot op en insluitend die dag wat die effektiewe datum voorafgegaan, behalwe 'n las, skuld of verpligting wat aangegaan is ten opsigte van enige infrastruktuur wat inkomste genereer of infrastruktuur wat deur die Heidelberg Stadsraad aangewend word of kan word, gaan op die Heidelberg Stadsraad oor onderhewig aan die reg van die nasionale regering om diesulke laste, skulde of verpligtinge te aanvaar kragtens versekerings gemaak deur die nasionale regering dat geen oorgangsraad enige eksterne skulde van die genoemde swart plaaslike owerheidsliggaam tot op die effektiewe datum sal erf nie.

By-laws, regulations, statutory notices, resolutions, delegations, standing orders, control measurements and procedures

9. (1) Subject to the provisions of this Proclamation, all by-laws, regulations, statutory notices, resolutions, delegations, standing orders, control measurements and procedures of the dissolved Town Council of Heidelberg which immediately before the effective date were in force in the area of the said dissolved Town Council of Heidelberg, shall continue in force in the area of Heidelberg Town Council, subject to any repeal or amendment of such by-laws, regulations, statutory notices, resolutions, delegations, standing orders, control measurements and procedures by the Heidelberg Town Council.

(2) All by-laws, regulations, statutory notices, resolutions, delegations, standing orders, control measurements and procedures of the dissolved Town Committee of Rantanda and the dissolved Management Committee of Shalimar Ridge are hereby repealed as from the effective date.

Budget

10. The 1994/95-budget of the local government bodies mentioned in section 2 shall, notwithstanding the provisions of section 58 of the Local Government Ordinance, 1939, be deemed to be the 1994/95-budget of the Heidelberg Town Council until a single consolidated budget is approved.

Representation on Regional Services Council

11. Representation of the dissolved local government bodies mentioned in section 2 before the effective date in terms of the Regional Services Councils Act, 1985 (Act No. 109 of 1985), on the East Rand Regional Services Council, shall be terminated on the effective date.

Authorized local authority

12. (1) The Heidelberg Town Council is, under the provisions of section 2 of the Town-planning and Townships Ordinance, 1986 (Ordinance No. 15 of 1986), as from the effective date, deemed to be an authorized local authority for the purposes of Chapters II, III and IV of the said Ordinance.

(2) The Heidelberg Town Council is, under the provisions of section 3 of the Division of Land Ordinance, 1986 (Ordinance No. 20 of 1986), as from the effective date, deemed to be an authorized local authority for the purposes of Chapter IV of the said Ordinance.

Local authority contemplated in Sixth Schedule to Local Government Ordinance, 1939

13. The Heidelberg Town Council is hereby, as from the effective date, deemed to be a local authority as contemplated in Part III of the Sixth Schedule to the Local Government Ordinance, 1939.

Verordeninge, regulasies, wetlike kennisgewings, besluite, delegasies, staande orders, beheermaatreëls en prosedures

9. (1) Behoudens die bepalings van hierdie Proklamasie bly alle verordeninge, regulasies, wetlike kennisgewings, besluite, delegasies, staande orders, beheermaatreëls en prosedures van die ontbinde Stadsraad van Heidelberg wat onmiddellik voor die effektiewe datum van krag was in die gebied van die gemelde ontbinde Stadsraad van Heidelberg, van krag in die gebied van die Heidelberg Stadsraad, behoudens enige herroeping of wysiging van sodanige verordeninge, regulasies, wetlike kennisgewings, besluite, delegasies, staande orders, beheermaatreëls en prosedures deur die Heidelberg Stadsraad.

(2) Alle verordeninge regulasies, wetlike kennisgewings, besluite, delegasies, staande orders, beheermaatreëls en prosedures van die ontbinde Dorpskomitee van Ratanda en die ontbinde Bestuurskomitee van Shalimar Ridge word hierby vanaf die effektiewe datum herroep.

Begroting

10. Die 1994/95-begroting van die plaaslike owerheidsliggame in artikel 2 vermeld word, ondanks die bepalings van artikel 58 van die Ordonnansie op Plaaslike Bestuur, 1939, geag die 1994/95-begroting van die Heidelberg Stadsraad te wees, totdat 'n enkele gesamentlike begroting goedgekeur word.

Verteenwoordiging op Streeksdiensteraad

11. Verteenwoordiging wat die ontbinde plaaslike owerheidsliggame in artikel 2 vermeld kragtens die Wet op Streeksdiensterade, 1985 (Wet No. 109 van 1985), voor die effektiewe datum op die Oosrand Streeksdiensteraad gehad het, word op die effektiewe datum beëindig.

Gemagtigde plaaslike bestuur

12. (1) Die Heidelberg Stadsraad word, kragtens die bepalings van artikel 2 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie No. 15 van 1986), vanaf die effektiewe datum geag 'n gemagtigde plaaslike bestuur vir doeleindes van Hoofstukke II, III en IV van genoemde Ordonnansie te wees.

(2) Die Heidelberg Stadsraad word, kragtens die bepalings van artikel 3 van die Ordonnansie op die Verdeling van Grond, 1986 (Ordonnansie No. 20 van 1986), vanaf die effektiewe datum geag 'n gemagtigde plaaslike bestuur vir doeleindes van Hoofstuk IV van genoemde Ordonnansie te wees.

Plaaslike bestuur in Sesde Bylae by Ordonnansie op Plaaslike Bestuur, 1939, bedoel

13. Die Heidelberg Stadsraad word hierby, vanaf die effektiewe datum, geag 'n plaaslike bestuur soos bedoel in Deel III van die Sesde Bylae by die Ordonnansie op Plaaslike Bestuur, 1939, te wees.

Single Local Administration of Heidelberg Town Council

14. (1) A single Local Administration is hereby established for the Heidelberg Town Council.

(2) A permanent organisational structure for the Single Administration shall be constituted by the Heidelberg Town Council as soon as possible after the effective date.

Chief Executive Officer/Town Clerk

15. (1) The Chief Executive Officer/Town Clerk of the dissolved Town Council of Heidelberg shall, for the purposes of this Proclamation, and subject to the provisions of the Remuneration of Town Clerks Act, 1984 (Act No. 115 of 1984), and the Profession of Town Clerks Act, 1988 (Act No. 75 of 1988), be deemed to be the Chief Executive Officer/Town Clerk of the Heidelberg Town Council as contemplated in section 62 of the Local Government Ordinance, 1939.

(2) The Chief Executive Officer/Town Clerk shall, for the purposes of this Proclamation perform all the functions, powers and duties assigned to a Chief Executive Officer/Town Clerk in terms of the Local Government Ordinance, 1939, the Local Government (Administration and Elections) Ordinance, 1960, the Municipal Elections Ordinance, 1970, or any other law, or resolution of the Heidelberg Town Council.

Employees and officers of Heidelberg Town Council

16. (1) After a permanent organisational structure as contemplated in section 14 (2) has been constituted, all employees and officers in the service of the dissolved local government bodies mentioned in section 2, and those employees and officers employed by the Heidelberg Town Council prior to the constitution of such permanent organisational structure, shall be transferred to the Single Local Administration contemplated in section 14 (1) in accordance with the provisions of section 10 (3) (f), (i) and (j) of the Local Government Transition Act, 1993.

(2) Until the employees and officers contemplated in subsection (1) have been transferred to the Single Local Administration, the employees and officers concerned shall, for the purposes of this Proclamation, be deemed to be in the service of the Heidelberg Town Council

Effective date

17. This Proclamation shall come into operation on **15 December 1994.**

Enkele Plaaslike Administrasie vir Heidelberg Stadsraad

14. (1) 'n Enkele Plaaslike Administrasie word hierby vir die Heidelberg Stadsraad ingestel.

(2) 'n Permanente organisatoriese struktuur vir die Enkele Administrasie moet deur die Heidelberg Stadsraad so spoedig moontlik na die effektiewe datum saamgestel word.

Hoof Uitvoerende Beampte/Stadsklerk

15. (1) Die Hoof Uitvoerende Beampte/Stadsklerk van die ontbinde Stadsraad van Heidelberg word by die toepassing van hierdie Proklamasie, behoudens die bepalings van die Wet op die Besoldiging van Stadsklerke, 1984 (Wet No. 115 van 1984), en die Wet op die Beroep van Stadsklerke; 1988 (Wet No. 75 van 1988), geag die Hoof Uitvoerende Beampte/Stadsklerk van Heidelberg Stadsraad te wees, soos bedoel in artikel 62 van die Ordonnansie op Plaaslike Bestuur, 1939.

(2) Die Hoof Uitvoerende Beampte/Stadsklerk oefen by die toepassing van hierdie Proklamasie al die funksies, bevoegdhede en pligte uit wat aan 'n Hoof Uitvoerende Beampte/Stadsklerk kragtens die Ordonnansie op Plaaslike Bestuur, 1939, die Ordonnansie op Plaaslike Bestuur (Administrasie en Verkiesings), 1960, die Ordonnansie op Munisipale Verkiesings, 1970, of enige ander wet, of besluit van die Heidelberg Stadsraad opgedra is.

Werknemers en beamptes van Heidelberg Stadsraad

16. (1) Nadat 'n permanente organisatoriese struktuur soos in artikel 14 (2) bedoel saamgestel is, moet alle werknemers en beamptes in diens van die ontbinde plaaslike owerheidsliggame in artikel 2 vermeld, en daardie werknemers en beamptes wat deur die Heidelberg Stadsraad in diens geneem is voordat sodanige permanente organisatoriese struktuur saamgestel is, na die Enkele Plaaslike Administrasie in artikel 14 (1) bedoel, oorgeplaas word ooreenkomstig die bepalings van artikel 10 (3) (f), (i) en (j) van die Oorgangswet op Plaaslike Regering, 1993.

(2) Todat die werknemers en beamptes in subartikel (1) bedoel na die Enkele Plaaslike Administrasie oorgeplaas is, word die betrokke werknemers en beamptes vir doeleindes van hierdie Proklamasie geag in diens van die Enkele Plaaslike Administrasie van die Heidelberg Stadsraad te wees.

Effektiewe datum

17. Hierdie Proklamasie tree in werking op **15 Desember 1994.**

ANNEXURE A

Nominated persons of the Heidelberg Town Council mentioned in section 4 (3):

STATUTORY COMPONENT

1. Adv. S. J. Roos.
2. Dr P. J. Snyman.
3. Mr J. C. Jonck.
4. Mr P. J. Fourie.
5. Mr M. M. H. Mokonane.
6. Mr A. Motsepé.
7. Mr N. S. Nyembe.
8. Mr G. Padiachy.

NON-STATUTORY COMPONENT

1. M. S. K. Abba (ANC).
2. Mr M. Nyawane (ANC).
3. Mr O. J. Nkosi (ANC).
4. Mr M. Matlala (ANC).
5. Mr R. A. Moeketsi (PAC).
6. Ms M. M. Motloung (PAC).
7. Mr G. T. Biyela (IFP).
8. Mr E. Gumede (IFP).

AANHANGSEL A

Genomineerde persone van die Heidelberg Stadsraad in artikel 4 (3) vermeld:

STATUTÊRE KOMPONENT

1. Adv. S. J. Roos.
2. Dr. P. J. Snyman.
3. Mnr. J. C. Jonck.
4. Mnr. P. J. Fourie.
5. Mnr. M. M. H. Mokonane.
6. Mnr. A. Motsepé.
7. Mnr. N. S. Nyembe.
8. Mnr. G. Padiachy.

NIE-STATUTÊRE KOMPONENT

1. M. S. K. Abba (ANC).
2. Mnr. M. Nyawane (ANC).
3. Mnr. O. J. Nkosi (ANC).
4. Mnr. M. Matlala (ANC).
5. Mnr. R. A. Moeketsi (PAC).
6. Me. M. M. Motloung (PAC).
7. Mnr. G. T. Biyela (IFP).
8. Mnr. E. Gumede (IFP).

ANNEXURE B

Additional candidates of the Heidelberg Town Council mentioned in section 4 (4):

STATUTORY COMPONENT

Ds L. N. J. de Jager.
Mr J. A. Strauss.
Mr E. du Preez.
Mr I. Ismail.
Mr V. Mashanini.
Ms M. Storm.

NON-STATUTORY COMPONENT

1. Mr E. Macu (ANC).
2. Ms B. Ngwenya (ANC).
3. Mr J. Mbhele (ANC).
4. Mr G. M. D. Sithole (PAC).
5. Mr A. Kunene (IFP).

AANHANGSEL B

Addisionele kandidate van die Heidelberg Stadsraad in artikel 4 (4) vermeld:

STATUTÊRE KOMPONENT

Ds. L. N. J. de Jager.
Mnr. J. A. Strauss.
Mnr. E. du Preez.
Mnr. I. Ismail.
Mnr. V. Mashanini.
Me. M. Storm.

NIE-STATUTÊRE KOMPONENT

1. Mnr. E. Macu (ANC).
2. Me. B. Ngwenya (ANC).
3. Mnr. J. Mbhele (ANC).
4. Mnr. G. M. D. Sithole (PAC).
5. Mnr. A. Kunene (IFP).

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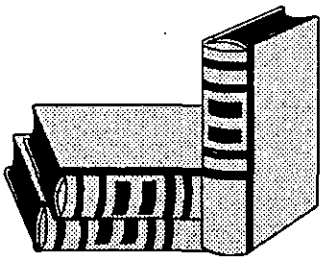

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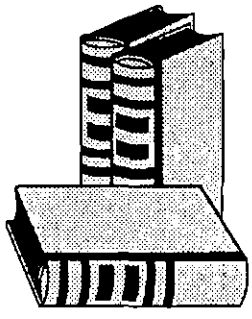

Waar is die meeste weerkundige inligting in die hele Suid-Afrika beskikbaar?

Department of Environmental Affairs and Tourism
Departement van Omgewingsake en Toerisme

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