

REPUBLIC OF SOUTH AFRICA

**SELECT COMMITTEE AMENDMENTS
TO**

**ORGANISED LOCAL
GOVERNMENT BILL**

[B 61—97]

1997-05-25

*(As agreed to by the Select Committee on Constitutional Affairs and Public Administration
(National Council of Provinces))*

[B 61A—97]

REPUBLIEK VAN SUID-AFRIKA

**GEKOSE KOMITEE-AMENDEMENTE
OP**

**WETSONTWERP OP
GEORGANISEERDE
PLAASLIKE REGERING**

[W 61—97]

*(Soos goedgekeur deur die Gekose Komitee oor Staatkundige Aangeleenthede en Publieke
Administrasie (Nasionale Raad van Provinsies))*

[W 61A—97]

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AMENDMENTS AGREED TO

ORGANISED LOCAL GOVERNMENT BILL [B 61-97]

CLAUSE I

1. On page 2, from line 7, to omit the definition of “municipality”.
2. On page 2, after line 14, to add the following subsection:
 - (2) For the purposes of this Act and for as long as item 26(1)(a) of Schedule 6 to the Constitution applies, the following are the categories of municipalities:
 - (a) Municipalities established for a metropolitan area as defined in section 1 of the Local Government Transition Act, 1993 (Act No. 209 of 1993);
 - (b) municipalities as defined in section 9A of the Local Government Transition Act, 1993 (Act No. 209 of 1993);
 - (c) any local council as defined in section 10B of the Local Government Transition Act, 1993 (Act No. 209 of 1993).

CLAUSE 3

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause to follow Clause 2:

Designation of representatives to National Council of Provinces

3. (1) The designation of representatives as contemplated in section 67 of the Constitution takes place at an executive committee meeting of the national organisation,
- (2) The head of the national organisation must at least 14 days before the executive committee meeting request every member of the national organisation to nominate in writing persons for designation as representatives.
- (3) If the number of nominations are not greater than the number of representatives to be designated, the head of the national organisation declares the nominated persons to be duly designated.
- (4) If the number of persons nominated is greater than the number of representatives to be designated, a secret ballot must be held.
- (5) The designation of any representative may be withdrawn by the executive committee, and any vacancy filled in accordance with subsections (1), (2), (3) and (4).
- (6) The head of the administration of the national organisation must inform the Secretary of the National Council of provinces in writing of any designation made or withdrawn.

NEW CLAUSE

1. That the following be a new Clause to follow Clause 3:

Consultation procedure

4. (1) Consultation between the national organisation and the national and a provincial government takes place at a meeting convened by the Minister.

(2) The Minister may invite any of the provincial organisations to the meeting contemplated in subsection (1).

(3) Despite subsection (1), the national organisation may at any time approach any Minister to consult with the national government,

(4) A provincial organisation may only consult the national government after consultation with the national organisation.

(5) Consultation between a provincial organisation and the provincial government in question takes place at a meeting convened by the responsible member.

(6) The responsible member may invite the national organisation or any other provincial organisation to the meeting contemplated in subsection (5).

(7) Despite subsection (5), a provincial organisation may at any time approach any member of the executive council of the province in question to consult with the provincial government.

(8) This section does not preclude consultation by organised local government with any other organ of state as defined in the Constitution.

CLAUSE 4

1. On page 4, from line 13, to omit all the words after “must” up to and including “organisation” in line 14.
2. On page 4, after line 15, to add the following subsection:

(2) The procedure set out in section 3 applies with the necessary changes to the nomination of the two persons contemplated in subsection (1).

CLAUSE 5

1. On page 4, in line 21, to omit “criteria contemplated in subsection (1) may include” and to substitute:

Minister must, in determining the criteria contemplated in subsection (1), take into account all relevant factors, including

NEW PREAMBLE

1. That the following be a new Preamble:

PREAMBLE

SINCE the Constitution requires an Act of Parliament to provide for the recognition of national and provincial organisations representing municipalities;

AND SINCE the legislation must determine procedures by which local government may consult with national and provincial government, designate representatives to participate in the National Council of Provinces and nominate persons to the Financial and Fiscal Commission,

LONG TITLE

1. On page 2, in the fourth line, after "Provinces" to insert:

; to determine procedures by which local government may consult with national and provincial government