

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO**

**LOCAL GOVERNMENT:
MUNICIPAL STRUCTURES
AMENDMENT BILL**

[B 19—2018]

*(As agreed to by the Portfolio Committee on Cooperative Governance and
Traditional Affairs (National Assembly))*

[B 19A—2018]

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AMENDMENTS AGREED TO

Local Government: Municipal Structures Amendment Bill [B 19—2018]

CLAUSE 1

1. On page 3, in line 6, to omit “and”.
2. On page 3, after line 6, to insert the following definition:
 - (d) by the insertion after the definition “municipality” of the following definition:

“ ‘Municipal Public Accounts Committee’ means a committee established in terms of section 79A; and”.

CLAUSE 6

1. On page 3, in line 47, to omit “; and” and to substitute “.”.
2. On page 3, in line 48, to omit paragraph (b).

CLAUSE 7

Clause rejected.

CLAUSE 8

1. On page 4, in line 10, to omit “15” and to substitute “10”.
2. On page 4, from line 12, to omit paragraph (b) and to substitute:

“(b) by the insertion in subsection (4) after paragraph (b) of the following paragraphs:

 - (c) 20 per cent if the geographical size of the local municipality is greater than 20 000 square kilometres and if less than 35 councillors have been determined for the municipality in terms of the formula; and
 - (d) Any deviation in terms of section 20(4)(a), (b) or (c) must be done with the concurrence of the Minister.”.

CLAUSE 9

1. On page 4, in line 22, to omit “16(6)(b)” and to substitute “16(7)(b)”.

CLAUSE 12

1. On page 5, from line 22, to omit subsection (6) and to substitute:

“(6) The MEC for local government in the province may not call a by-election in terms of subsection (1) if—

 - (a) the next election of all municipal councils must be held within nine calendar months of the applicable dates mentioned in subsection (3); or

- (b) the MEC for local government in the province in consultation with the Minister decides that the by-election must stand over until the next election of all municipal councils.”.

CLAUSE 13

1. On page 5, in line 41, to omit “and”.
2. On page 5, after line 41, to insert the following:
 - (b) by the substitution for paragraph (e) of the following paragraph:

“(e) is a representative of a local council in a district council and ceases to be a member of the local council which appointed that councillor to the district council or is replaced in terms of Item 23 of Schedule 2 to this Act by the local council as its representative in the district council; or”; and”.

CLAUSE 14

1. On page 5, from line 51, to omit subsection (1A) and to substitute:

“(1A) If the speaker or acting speaker refuses to call a meeting of the council as requested in terms of subsection (1), the municipal manager of the municipality or, in the absence or refusal by the municipal manager, a person designated by the MEC for local government in the province may, on good cause shown, designate a person to call and chair the meeting.”.

CLAUSE 15

Clause rejected

NEW CLAUSE

1. That the following be a new clause:

“Public notice of meetings of municipal councils

29A. The municipal manager of a municipality must give notice to the public, in a manner determined by the municipal council, of the time, date and venue of every—

 - (a) ordinary and special meeting of the council or a meeting of a committee of a council;
 - (b) ordinary or special meeting of the council or a meeting of a committee of a council that was postponed; and
 - (c) urgent meeting of the council or meeting of a committee of a council, except when time constraints make this impossible.”.

CLAUSE 16

1. On page 6, from line 15, to omit subsection (1) and to substitute:

“(1) A majority of the number of councillors determined in terms of section 20 must be present at a meeting of the council when a vote is taken on any matter.”; and

CLAUSE 17

1. On page 6, in line 26, after “as” to insert “whip”.
2. On page 6, in line 26, to omit “and” and to substitute „

CLAUSE 18

1. On page, 6, in line 46, to omit “and”.
2. On page 6, in line 48, to omit ”.” and to substitute ”; and”.
3. On page 6, after line 48, to insert:

“(k) must ensure the effectiveness and functionality of ward committees and the public participation processes.”.

CLAUSE 19

1. On page 7, in line 6, to omit “, who has more than 40 councillors”.
2. On page 7, in line 7, after “whip” to insert “for the council who is also a municipal office bearer as set out in Schedule 3”.

CLAUSE 20:

1. On page 8, in line 23, to omit, “nominate” and to substitute “appoint”.
2. On page 8, in line 30 to omit, “nominate” and to substitute “appoint”.

CLAUSE 23

1. On page 8, in line 55 to omit, subsection (1A) and to substitute the following:

“(1A) (a) If a metropolitan or local council is unable to establish a ward committee or ward committees in accordance with subsection (1), the speaker must, prior to the expiry of the 120 days after the elections, in writing and on good cause shown, request the MEC, responsible for local government in the province concerned, for an extension.

(b) The MEC must respond to the request referred to in subsection (1)(a) within 14 days of receipt detailing the reasons for granting or refusing the extension.”.

CLAUSE 26

Clause rejected.

CLAUSE 29

1. On page 11, in line 27, after “vacancy” to insert “within 14 days where the municipal manager does not”.
2. On page 11, in line 30, after “until” to omit “the date of the declaration of the results for that election” and to substitute “a day after the date of the first council meeting”.

CLAUSE 30

1. On page 12, in line 51, after “until” to omit “the date of the declaration of the results for that election” and to substitute “a day after the date of the first council meeting”.

CLAUSE 32

1. On page 16, in line 36 to omit “**Intervention**” and to substitute “**Interference**”.
2. On page 16, in line 46, to omit “**Council**” and to substitute “**Municipal**”.
3. On page 17, after line 19, to insert the following:

“(5) If the speaker of council is the alleged perpetrator, or the speaker refuses to authorise an investigation, the council must establish a special committee, as contemplated in Item 16(1)(b), to investigate and make a finding on any alleged breach of this Code.”.

4. On, page 17, after line 35, to insert the following:

“(3) The speaker must inform the MEC for local government in the province concerned within 14 days of the finding and sanction decided on by the council.”.

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