

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO**

**LOCAL GOVERNMENT:
MUNICIPAL SYSTEMS
AMENDMENT BILL**

[B 2—2019]

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

[B 2A—2019]

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AMENDMENTS AGREED TO

LOCAL GOVERNMENT: MUNICIPAL SYSTEMS AMENDMENT BILL [B 2—2019]

CLAUSE 1

1. On page 3, in line 14, after “secretary”, to omit “or treasurer of the party”, and to insert “, treasurer or an elected or appointed decision-making position of a political party”.

CLAUSE 2

1. On page 3, in line 27, after “manager”, to insert “or acting municipal manager”.
2. On page 4, after line 15, to insert the following new subsection:

“(10) If the MEC for local government fails to respond to the appointment process and outcome within the timeframes, as contemplated in subsection (7)(b) or the Minister fails to respond as contemplated in subsection (9), the appointment of the senior manager will be deemed to be in compliance with this Act: Provided the municipality submitted all relevant documents, as prescribed.”.

3. On page 4, in line 16, to omit “(10)”, and to substitute with “(11)”.
4. On page 4, in line 20, to omit “(11)”, and to substitute with “(12)”.
5. On page 4, in line 23, to omit “(12)”, and to substitute with “(13)”.

CLAUSE 3

1. On page 4, in line 36, after “(i)”, to insert “or (ii)”.

CLAUSE 5

1. On page 5, from line 31, to omit clause 5.

CLAUSE 6

1. On page 6, after line 24, to insert the following new paragraph:

“(f) by the substitution for subsection (6) of the following subsection:
 “(6) The employment contract for a municipal manager must be signed within one month of his or her date of appointment and must—
 (a) be for a fixed term of employment up to a maximum of five years, not exceeding a period ending one year after the election of the next council of the municipality;

- (b) include a provision for cancellation of the contract, in the case of non-compliance with the employment contract or, where applicable, the performance agreement; and
 - [(c) stipulate the terms of the renewal of the employment contract, but only by agreement between the parties; and]**
 - (d) reflect the values and principles referred to in section 50, the Code of Conduct set out in Schedule 2, and the management standards and practices contained in section 51.”.
- 2. On page 6, in line 25, to omit paragraph (f) and to substitute with the following paragraph:

“(g)by the substitution for subsection (7) of the following subsection:

“(7)(a) Subject to paragraph (b), a municipal council must make a decision on whether the employment contract of a manager directly accountable to the municipal manager must be for a fixed term, in accordance with subsection (6), or on a permanent basis.

(b) A decision in terms of paragraph (a) must be made by the municipal council, in consultation with the mayor or the executive committee, as the case may be, after recommendation by the municipal manager.”.

- 3. On page 6, from line 26, to omit subclause (2).

NEW CLAUSE

- 1. That the following be a new clause:

Insertion of section 71B in Act 32 of 2000

10. The following section is hereby inserted in the principal Act after section 71A:

“Staff members prohibited from holding political office

71B. (1)A staff member may not hold political office in a political party, whether in a permanent, temporary or acting capacity.

(2) A person who has been appointed as a staff member before subsection (1) takes effect, must comply with subsection (1) within one year of the commencement of subsection (1).”.

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