

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

NOTICE 1745 OF 2023

MS SIVIWE GWARUBE, MP

NOTICE OF INTENTION TO INTRODUCE A PRIVATE MEMBER'S BILL AND INVITATION FOR COMMENT ON THE DRAFT LOCAL GOVERNMENT: MUNICIPAL STRUCTURES AMENDMENT BILL, 2023, WHICH AIMS TO, *INTER ALIA*, INSERT AN ELECTORAL THRESHOLD

Ms Siviwe Gwarube, MP, acting in accordance with section 73(2) of the Constitution of the Republic of South Africa, 1996, intends to introduce the Local Government: Municipal Structures Amendment Bill, 2023, (“the draft Bill”) in Parliament. An explanatory summary of the draft Bill is hereby published in accordance with Rule 276(1)(c) of the Rules of the National Assembly (9th Edition).

South Africa is currently in a transitionary phase where the ruling party no longer holds majorities in a number of metropolitan, district or local councils across South Africa. This has resulted in many coalition governments being formed at local government level. With the 2024 National elections around the corner, these elections are poised to be the first instance where the ruling party will slip below 50% of the votes. What this means for South Africa is that coalition governments will now be the “new norm”, at a national, provincial and local government level. Parties and Independent Candidates will have to come together and form workable coalitions for the good of the Republic of South Africa.

However, the current issue with coalition governments at local government level is that a high number of political parties are needed to join together in order to gain a majority in the council. What this means is that coalition governments are sometimes made up of up to 10 or more political parties, the majority of these parties having obtained only one seat each in the council. Often, in practice, some of these parties gain a seat without even first obtaining the requisite votes needed for such seat (namely, the seat quota). Instead, such seat is obtained through the next highest remainder calculations. The effect of this is that opposition parties continuously lobby these smaller parties to retract from coalitions in exchange for positions or favour. These “one person” parties who obtain a fraction of the votes of a municipality, now become “king makers”, which can destabilise entire governments which in turn affects service delivery to the very people who voted these parties in.

The draft Bill thus aims to prevent these circumstances from occurring by seeking to amend the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) (“the Act”), so as to insert an electoral threshold into the calculation and allocation of seats in councils so that parties must first obtain the number of the votes equal to the seat quota +1 before they are even entitled to be considered for seat calculations and allocations. This will ensure that smaller parties, who do not enjoy the confidence of the voters, are not let into council through “the