GENERAL NOTICES • ALGEMENE KENNISGEWINGS

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

NOTICE 1712 OF 2023

MS SIVIWE GWARUBE, MP

NOTICE OF INTENTION TO INTRODUCE A PRIVATE MEMBER'S BILL AND INVITATION FOR COMMENT THEREON, NAMELY NAMELY THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES AMENDMENT BILL, 2023

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 Bill is hereby published in accordance with Rule 276(1)*(c)* of the Rules of the National Assembly (9th Edition).

BACKGROUND

South Africa is currently in a transitionary phase where the ruling party no longer holds majorities in a number of metros or councils across South Africa. 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". Parties and Independent Candidates will have to come together and form workable coalitions for the good of South Africa.

However, what we have witnessed at municipal level are continuous political attacks on coalition governments from opposition parties who politick smaller parties to cross the floor in exchange for valuable MEC positions should the current government be successfully removed by way of a motion of no confidence. What we see in practice is motions of no confidence being used as a political tool, rather than for the mechanism it was originally intended, being a process to remove a speaker or mayor from office due to them not fulfilling their duties adequately. In fact, these motions are brought on spurious grounds only due to the fact that the opposition coalition has 50% +1 of the votes to pass the motion. The result is that these motions make cities or municipalities ungovernable as a new Executive is installed every other month, not allowing the current incumbent government enough time to actually make a difference.

There can be no question that this practice will continue, which has, and will continue to have, a disastrous impact on the stability and running of a municipality. What needs to change is simple –

there needs to be a limitation on the number of motions of no confidence that are allowed to be brought in a certain time frame. This will, at the very least, give the respective government an uninterrupted period in which to perform or steady the country.

The draft Bill therefore intends to limit the number of motions of no confidence in Mayors, Deputy Mayors, Speakers and Whips to only one motion per 12-month period from the date of the last motion. However, as a safety net, the draft Bill will propose that additional motions of no confidence may be brought in exceptional circumstances where a person was found to be in violation of the Constitution or law; misconduct or the inability to perform the functions of office.

The purpose of this provision is to safeguard against instances where a motion of no confidence is brought on frivolous political grounds but then shortly thereafter, there is a real and valid ground for their removal.

Interested parties and institutions are invited to submit written representations on the proposed content of the draft Bill to the Speaker of the National Assembly within 30 days of the publication of this notice. Representations can be delivered to the Speaker, New Assembly Building, Parliament Street, Cape Town; mailed to the Speaker, PO Box 15, Cape Town, 8000; or emailed to speaker@parliament.gov.za and copied to legislation@da.org.za.

Copies of the draft Bill, 2023, may, <u>after introduction</u>, be   obtained from:

Democratic Alliance
PO Box 15, Cape Town,
8000
Attention: Ms Siviwe Gwarube
Email: legislation@da.org.za