



Wes-Kaapse Provinsiale Parlement
Western Cape Provincial Parliament
IPalamente yePhondo leNtshona Koloni

Ref: 11/4/1/2/5

MINUTES OF PROCEEDINGS

STANDING COMMITTEE ON LOCAL GOVERNMENT

Tuesday, 27 February 2024 (at 14:00), Virtual meeting via MS Teams

PRESENT

Members

Democratic Alliance

Sileku, I (Chairperson)
Murray, C
Maseko, LM

Economic Freedom Fighters

Klaas, T

The following persons were in attendance:

Western Cape Provincial Parliament

Adv R Maasdorp, Legal Advisor
Mr J Coetzee, Procedural Officer
Ms N Mshumpela, Committee Assistant
Ms C Morris, ICT Support

1. Opening and welcome

The Chairperson opened the meeting and welcomed the members of the Committee and the officials.

2. Consideration of comments on the Independent Municipal Authority Demarcation Bill (B 14B-2022) NCOP

The Committee proceeded to the consideration of the comments received and resolved to include the following as recommendations in its draft Negotiating Mandate Report:

Clause 9(2)(e)

It is recommended that clause 9(2)(e) should be amended to include persons that hold positions in a party-political office.

To amend clause 9(2)(e) as follows:

“9(2)(e) a person holding a political office or a position in a political party office; or”

Clause 10(1)(b)

The composition of the selection panel presents potential political influence. According to the clause 10(1)(b) the following positions of the selection panel all present opportunities for political interference:

- (ii) A person with specific knowledge of demarcation designated by the Minister after consultation with the MECs for local government;
- (v) The Chairperson of the Portfolio Committee in the National Assembly responsible for local government, or a member of the Portfolio Committee designated by such Chairperson;
- (vi) The Chairperson of the Select Committee in the National Council of Provinces responsible for local government matters, or a member of the 40 Select Committee designated by such Chairperson;
- (vii) The Chairperson of the National House, or a member of the National House designated by such Chairperson.

The collective inclusion of these positions on the selection panel indicates a potential for political interference in the compiling of a list of suitably qualified persons. This may result in the final list of recommended suitably qualified individuals being filled with people that lean in a given political direction.

It is recommended that an alternative selection process for the Board may be followed which could include a Parliamentary selection process where nominated persons are interviewed by a multi-party committee of the National Assembly with the incorporation of public participation opportunities. It could also be mandated that the positions of the Board be occupied by specific categories of persons who hold specific qualifications as prerequisite requirements.

Clause 10(3)

It is a concern that the selection panel may determine its own procedures.

Clause 10(8)(a)

It is concern that the default position for filling a vacancy on the Board is to require the President to fill the vacancy from the additional names that were submitted to the President in terms of subsection (5).

It is recommended that any vacancy on the Board be readvertised and that the process outlined in this section be followed.

Clause 16(2)(a)

It is a concern that there is no limitation on how many committees the Board can appoint to assist with its performance of its functions. When committees are appointed, careful consideration must be given to budget constraints and available resources.

It is recommended to amend clause 16(2)(a) as follows:

“16(2)(a) To insert before “establish” the following “subject to budget and available resources”.

Clause 32(4)(c)

To omit the following words after “may” “in exceptional cases, including those referred to in section 87 of the Municipal Structures Act,”.

Clause 38(2)

It is suggested that the current appointment process of the Appeals Authority is inadequate. At present the Minister is empowered to draw up a list of names for the President to appoint from in response to a public call for nominations.

It would be recommended That a more comprehensive appointment and interview procedure be preferable.

3. Way Forward

The Committee resolved to meet on Wednesday, 6 March 2024 to adopt the Negotiating Mandate Report on the Independent Municipal Authority Demarcation Bill (B 14B-2022) NCOP.

The meeting adjourned at 15:11.

MR I SILEKU, MPP

CHAIRPERSON: STANDING COMMITTEE ON LOCAL GOVERNMENT