

REPUBLIC OF SOUTH AFRICA

**SELECT COMMITTEE AMENDMENTS
TO**

**LOCAL GOVERNMENT:
MUNICIPAL SYSTEMS
AMENDMENT BILL**

[B 2B—2019]

*(As proposed by the Select Committee on Cooperative Governance and
Traditional Affairs, Water and Sanitation and Human Settlements
(National Assembly))*

[B 2C—2019]

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PROPOSED AMENDMENTS

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

CLAUSE 1

1. On page 3, in line 19, to insert (c) “**secondment**’ means an employee who perform duties in terms of an agreement between their employer and the relevant official in organ of state receiving the employee.”

CLAUSE 2

1. On page 4, in line 20, after “subsection” to delete “(7)(b)” and to substitute with “(8)”.
2. On page 4, in line 21, to delete “senior manager” and to substitute with “municipal manager or acting municipal manager”.
3. On page 4, in line 22, to delete “municipality” and to substitute with “municipal council”.
4. On page 4, in line 23, after “prescribed.” to delete the inverted comas and full stop.

CLAUSE 3

1. On page 4, in line 52, after “(1)(a)” to insert “(i) or”.
2. On page 5, in line 9, to omit “(4A)”, and to substitute with “(5)”.
3. On page 5, in line 15, to omit “(5)”, and to substitute with “(6)”.
4. On page 5, in line 21, to omit “(6)”, and to substitute with “(7)”.
5. On page 5, in line 24, to omit “(7)”, and to substitute with “(8)”.
6. On page 5, in line 27, to omit “(8)”, and to substitute with “(9)”.
7. On page 5, in line 31, to omit “(9)”, and to substitute with “(10)”.

CLAUSE 4

1. On page 5, from line 35, to delete clause 4 entirely.

CLAUSE 5

1. On page 5, in line 41, to omit (1).
2. On page 5, in line 44 to 46, to omit “after a person has been appointed as the municipal manager or as a manager directly accountable to the municipal manager” and to substitute with “after commencement of service”.

3. On page 5, in line 48, to omit “municipality” and to substitute with “municipal council”.
4. On page 6, in line 26 to 27, to delete “be signed within one month of his or her date of appointment and must”.
5. On page 6, in line 28, to insert “non-renewable” before “fixed term”.
6. On page 6, in line 40 to 43, to substitute the subsection with “(7) The contract of employment of a manager directly accountable to the municipal manager must be on a permanent basis.”
7. On page 6, from line 44 to 47, to delete the subsection.

CLAUSE 6

1. On page 7, in line 11, after “misconduct”, before the full stop, to insert “and who resigned prior to finalisation of the disciplinary proceedings”.

CLAUSE 10

1. On page 8, in line 23, to omit the heading “**Staff members prohibited from holding political office**” and to substitute with “**Limitation of political rights**”.

CLAUSE 12

1. On page 9, in line 19, after “amended” to delete “by the substitution for subsection (5) of the following subsection”.
2. On page 9, in line 20, to insert “(a) by the insertion of the following subsection:”.
3. On page 9, after the colon, to insert the following subsection:

“(1A) The MEC must table a report detailing the outcome of the investigation in the relevant provincial legislature within 90 days from the date on which the MEC designated a person or persons to investigate the matter and must simultaneously send a copy of such report to the Minister, the Minister of Finance and the National Council of Provinces”.

4. On page 9, in line 21, before subsection (5), to insert “(b) by the substitution for subsection (5) of the following subsection:”.
5. On page 9, in line 25, to omit the fullstop and substitute with “; and”.
6. On page 9, after line 25, to insert “(c) by the insertion of the following subsection:”

“(6) If an investigation warrants such a step, the municipality must institute disciplinary proceedings against the person or persons implicated in the report in accordance with the systems and procedures referred to in section 67, read with Schedule 2, and report the outcome to the MEC or the Minister, as the case may be, within 14 days of finalisation.”

CLAUSE 13

1. On page 9, from line 28 to 30, to omit the paragraph and to substitute with:

“**13.** Section 120 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph (a) of the following paragraph:

“(a) the matters listed in sections 22, 37, 49, 57(3)(a)(ii), 54A(2), 54A(3)(a), 54A(4)(b), 54A(6), 54A(7)(a), 56(1)(b), 56(4A)(a), 57A(1), 57A(6), 57A(9)(b), 67(1), 71(1)(c), 72, 86A and 104;”.

CLAUSE 16

1. On page 9, in line 43, to omit “**Repeal of Act 7 of 2011**” and to substitute with “**Repeal of laws**”.
2. On page 9, in line 44, after “**16.**” to omit “Act No. 7 of 2011 is hereby repealed” and to substitute with:

“The following laws are hereby repealed:

(a) Act No. 7 of 2011; and

(b) section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).”