



MINISTRY
COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS
REPUBLIC OF SOUTH AFRICA

**NATIONAL COUNCIL OF PROVINCES
QUESTIONS FOR WRITTEN REPLY
QUESTION NUMBER 354
PUBLICATION DATE: 12 MAY 2023**

Close-out reports by administrators

354. Mr S F Du Toit (North West: FF-Plus) to ask the Minister of Cooperative Governance and Traditional Affairs:

- 1) Whether she will provide the close-out reports by administrators for municipalities that were placed under section 139 administration in (a) the North West, (b) Gauteng and (c) Mpumalanga since 2017; if not, why not; if so, what are the relevant details;
- 2) what are the responsibilities of (a) Mayors, (b) Provincial Legislators and (c) Premiers with regard to the distribution of such close-out reports, indicating when the administrators are supposed to provide such reports, especially in terms of (i) timelines and (ii) circumstances?

CW456E

REPLY:

NORTH WEST PROVINCE

According to information received from the province, post Local Government Elections 2022 Municipalities were placed under section 139 intervention. Ditsobotla municipality was dissolved through section 139(1)(c), By Elections were held and Council was reconstituted on the 9 January 2023. **Yes, a close-out report was submitted to the Province.**

Kagisano Molopo municipality was the second municipality to be placed under section 139(1)(b) for a period of 6 months. The intervention ended in February 2023. **Yes a hand over report was submitted to the province.**

GAUTENG PROVINCE

One intervention was terminated by Gauteng province, in respect of Emfuleni local municipality Section 139(1)(b). The close-out report is being processed by the Provincial Executive Committee for approval and submission.

MPUMALANGA PROVINCE

Two municipalities in Mpumalanga Province namely: Dr JS Moroka Local Municipality and Lekwa Local Municipality were placed under section 139 administration from 2017 to date.

- The response by COGTA Mpumalanga indicated that only one municipality namely Dr JS Moroka Local Municipality was placed by the Province under intervention in terms of section 139(1)(b) of the Constitution of the Republic of South Africa for the period in question. The intervention in Dr JS Moroka was undertaken in January 2020 to 31 March 2021. **Yes, the Close out report can be made available.**
- Lekwa Local Municipality was placed under national intervention in accordance with a Court Order issued by the Pretoria Division of the High Court of South Africa on 12 April 2021 directing national government to intervene in Lekwa Local Municipality, in terms of section 139(7) of the Constitution and that the Minister of Finance prepare a Financial Recovery Plan (FRP) in line with sections 141 and 142 of the Municipal Finance Management Act (MFMA). Municipal council was dissolved and Administrator for the municipality was appointed by the Minister of Finance to oversee the implementation of the Financial Recovery Plan until a newly elected Council was declared elected. An Administrator was appointed with effect from 01 June 2021 and released on 31 August 2022. Lekwa LM is no longer under Administration, but the national intervention in terms of S139(7) of the Constitution is continuing. Yes, a close out report submitted to the National Treasury by the Administrator can be made available.

End.