**MEDIA STATEMENT**

**JOINT CONSTITUTIONAL REVIEW COMMITTEE HEARS CONCERNS ABOUT PROVINCIAL DEPARTMENTS BEING PLACED UNDER ADMINISTRATION**

**Parliament, Wednesday, 11 November 2020 –** The Joint Constitutional Review Committee today received briefings for the amendment of Section 100 of the Constitution that deals with provincial departments being placed under administration by national government.

The committee was briefed by the education lobby group Equal Education and the Equal Education Law Centre. They cited examples of national government intervening in 2011 to place the Eastern Cape Education Department under administration, along with several provincial departments in North West, which were placed under administration in 2018.

The committee heard that currently no clarity exists on the roles and responsibilities once such an intervention is made by national government. Some of the concerns raised by presenters included the lack of clear rules and poor reporting to the National Council of Provinces (NCOP) on such matters; the lack of oversight by the NCOP and the lack of clarity on when the intervention will end or whether it was effective.

A legal opinion on the matter from Parliament Legal Services noted that a Section 100 intervention is a crucial mechanism to ensure service delivery and uniformity. Whilst it may be perceived as interfering with provincial autonomy, the purpose is not to empower national government to frivolously interfere with provinces.

The legal opinion further states that enacting legislation would provide the safeguards to prevent the possible abuse of a Section 100 intervention on frivolous grounds. The intervention is remedial in nature, as it is intended to assist the provincial administration to carry out its obligations in terms of the law. It further states that setting out strong rules, such as legislation, would be beneficial in making government more efficient, within clearly defined rules. Parliament Legal Services therefore supported the amendment of Section 100(3) of the Constitution.

Committee Co-Chairpersons Dr Mathole Motshekga and Mr Enock Mthethwa agreed the committee should digest the information and meet soon to finalised the matter before it reports to the two Houses of Parliament.

Committee Co-Chairpersons Dr Mathole Motshekga and Mr Enock Mthethwa thanked the presenters and said the committee will apply its mind and find a suitable date as soon as possible for a follow-up meeting to take the matter forward.

**ISSUED BY THE PARLIAMENTARY COMMUNICATION SERVICES ON BEHALF OF THE CO-CHAIRPERSONS OF THE JOINT CONSTITUTIONAL REVIEW COMMITTEE, DR MATHOLE MOTSHEKGA AND MR ENOCK MTHETHWA.**

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