

Report of the Portfolio Committee on Cooperative Governance and Traditional Affairs on activities undertaken during the 6th Parliament (May 2019 – March 2024)

Key highlights

1. Committee's focus areas during the 6th Parliament

1.1. OVERSIGHT

In line with its oversight mandate, the Portfolio Committee undertook activities relating to the following thematic areas:

- 1.1.1. Regulation of harmful religious practices.** This work responded to the spate of bizarre religious practices recently seen in the country that bordered on unlawfulness, degradation of human dignity and abuse of religious freedom. It was also a follow up on the work of the 5th Parliament, in particular a Report tabled in the National Assembly by the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (CRL Rights Commission) – and independent constitutional entity that accounts to the National Assembly under the stewardship of the Department of Traditional Affairs. The Report contained proposals on how Government should address harmful religious practices. As the Report lapsed with the dissolution of the fifth Parliament, it became incumbent upon the Committee to resuscitate it, as to revive the discussion on the proposal contained therein.
- 1.1.2. Implementation of the District Development Model.** The Department of Cooperative Governance champions the District Development Model (DDM), which is one Government's key focus areas over the 2019-2024 Medium Term Strategic Framework (MTSF). During the period under review, the Committee engaged the Department extensively on the DDM. Municipal failure to submit DDM one Plans to provinces, and the misunderstanding of the DDM concept by some stakeholders are some of the key observed hindrances to its effective implementation.
- 1.1.3. Deepening engagement on traditional affairs matters.** The Committee's work on this front placed emphasis on monitoring the implementation of both the Customary Initiation Act (2021), which became effective 01 September 2021 and the Traditional and Khoi-San Leadership Act (2019), which became effective on 01 April 2021. Many Khoi-San leaders and Khoi-San communities have waited a very long time for the Act, which envisages their formal inclusion into in the traditional affairs of South Africa. The Committee successfully engaged around the delayed proclamation of the Act, which amounted to making unfulfilled promises to the people. During its oversight activities, the Committee observed that there was insufficient awareness of the Act and its implications for the Standing Rules and Orders of municipal councils. The Customary Initiation Act on the other hand was seen to hold great promise in the context of ineffective regulation of initiation schools, which has facilitated abuse of the customary practice of initiation - resulting in needless death and serious bodily harm to the initiates. As part of addressing the challenges associated with the practice, the Committee conducted oversight visit to the most problematic cultural initiation sites in the Eastern Cape province.
- 1.1.4. Constitutional interventions.** The Committee's priority in this area related to ensuring that the Department Cooperative Governance eventually follows up on its long-standing commitment to table the Monitoring, Support, and Interventions Bill. The Bill seeks to respond to

the advent constitutional interventions by one sphere of government into another, which have been subject to successful Constitutional Court challenges. This trend was a manifestation of the long-standing problems around the incorrect application of these interventions. Since the fourth Parliament, the Department has been working on the Bill to address these problems. However, the Bill is yet to be tabled in Parliament due to the extensive consultations required.

- 1.1.5. Municipal amalgamations.** The Committee's work in this area responded to the practice of amalgamating financially non-viable municipalities in the hope of creating financial viability, which, in most instances, has produced diametrically opposite results to those intended. In this regard, the Committee called in all the municipalities that had been subjected to amalgamation in run-up to the 2016 local government elections as to assess the extent of amalgamation failures. The Committee subsequently advocated for amendments to the *Local Government: Municipal Demarcation Act (2003)* to correct the demarcation failures. The necessary amendment Bill, the Independent Municipal Demarcation Authority Bill, has been processed and tabled in the National Assembly.
- 1.1.6. Community Work Programme.** The Community Work Programme (CWP) seeks to target areas of high unemployment to create income security and work experience for participants. The Programme's operating model involves the appointment of Non-Profit Organisation to administer the Programme on behalf of the national Department of Cooperative Governance. Over the years, this operating model has experienced serious accountability deficits, culminating in severe auditing problems that have seen the Department obtaining disclaimed audit opinions for consecutive years. The Committee of the 5th Parliament recommended a comprehensive review of the Programme, including identifying key problem areas and devising mechanisms to deal effectively with the identified challenges. The Committee's work in this regard revolved around following up on this recommendation, with the main observation being that large sums of money (in billions) are being allocated to the CWP with little to no tangible return on the investment. Overall, the CWP appeared to be money wasted and there needed to be an evaluation of whether it is serving the intended purpose.
- 1.1.7. Poor municipal audit outcomes and dysfunctional municipalities.** Over the years, municipal audit outcomes have portrayed a dismal picture of the state of local government in the country. At the heart of this are catastrophic governance failures arising from a series of interconnected issues, namely amalgamation of financially unviable municipalities, questionable application of constitutional interventions in terms of Section 139, poor consequences management arising from non-functional Municipal Public Account Committees (MPACs) and Municipal Disciplinary Boards and political in-fighting, among other things. Against this backdrop, the Committee intensified oversight visits to the affected municipalities, as well as the relevant organs of state tasked with supporting them. This involved undertaking oversight visits to eight provinces.
- 1.1.8. Disaster management.** Changing weather conditions linked to climate change have rendered many parts of South Africa vulnerable to natural disasters, including droughts and floods – as seen in disaster crises that has befallen several provinces during the period under review. While Parliament established two consecutive Ad Hoc Joint Committees on Flood Disasters and Recovery towards the latter part of the 6th of the Parliament, the Portfolio Committee remained seized with its mandate of exercising custodianship over the Disaster Management Act (2002). With the outbreak of the corona virus in the country, the Act also became the key instrument for regulating the national response to the pandemic. Public complaints around the implementation of the Disaster Management Regulations compelled the Committee to intensify its scrutiny over this executive action. This culminated in a series of meetings with the Department of Cooperative Governance, which is responsible for the Act's implementation, to clarify some of the matters. Following the declaration of certain Provincial and Metropolitan Councils as COVID-19 hotspots, the Committee held a series of meetings with the nine Provincial

Governments and eight metros to ascertain their COVID-19 response readiness, as well to extract accountability for use of COVID-19 funds. The latter was a response to increasing instances of abuse of COVID-19 funds for private gain.

1.2. LAW-MAKING

The following key pieces of legislation were part of the Portfolio Committee's law-making process during the period under review:

- 1.2.1. **Municipal Systems Amendment Bill (2021).** The Committee revived and finalised the long outstanding *Local Government: Municipal Systems Amendment Bill*, which had lapsed with the dissolution of the 5th Parliament. The Bill's most important provision relates to the prohibition of all staff in the employ of a municipality from holding political office as to ensure professionalisation of local government. However, on 17 November 2023 the Labour Court of South Africa delivered a judgment ruling that the limitation of political rights in respect of employees outside a municipality's senior management echelon is inconsistent with Section 19 of the Constitution.
- 1.2.2. **Municipal Structures Amendment Bill (2018).** The Committee considered and approved the National of Council of Provinces (NCOP) amendments to the *Local Government: Municipal Structures Amendment Bill [B19D-2018]*. In the main, the amendments sought to address the challenges experienced in the management and administration of local government elections.
- 1.2.3. **Independent Municipal Demarcation Authority Bill [B14- 2022].** The Bill presents a series of amendments to the provisions of the current Municipal Demarcation Act (1998), as to address several demarcation related problems, including the well-known issue of non-viable municipal amalgamations, which the Portfolio Committee has previously deliberated on in much detail. The National Assembly has passed the Bill and referred it to the National Council of Provinces for concurrence.
- 1.2.4. **Disaster Management Amendment Bill (2021).** This was a Private Member's Bill sponsored by Dr PJ Groenewald of the Freedom Front Plus. The Bill sought to remove the power to extend the state of national and provisional disasters from the Minister and the Premier to Parliament and Provincial Legislatures respectively, as well as improve Executive accountability. The Bill did not pass the motion of desirability as the Portfolio Committee was of the view that the current principal Act provides adequately for the involvement of the Legislatures in disaster management.
- 1.2.5. **Customary Initiation Bill (2019).** The Committee considered and approved the National of Council of Provinces (NCOP) amendments to the *Customary Initiation Bill [B7D-2019]*. The Bill responded to the ineffective regulation of initiation schools including, including the lack of a national statute that comprehensively deals with the customary practice of initiation. This lacuna facilitated the abuse of the practice resulting in needless death and bodily harm to the initiates. The Bill has since been enacted and came to effect in September 2021.

1.3. PUBLIC INVOLVEMENT

During the period under review, the Committee resolved to give practical expression to Parliament's vision of being activist and responsive to South Africans, as to improve the quality of their lives and ensure enduring equality in our society. To this end, the Committee deemed it imperative to consider the submissions of petitioners as to satisfy itself that citizens' concerns receive the attention they deserve. In this regard, the Committee considered a total of 24 petitions pertaining to:

Power outages; the role of the religious community in the COVID-19 crisis and the lifting of the associated Regulations; lack of housing and illegal occupation of housing stands; lack of drinking water, water supply interruptions and inadequate water infrastructure; allegations of corruption and maladministration; public participation and legislative compliance in certain proposed housing developments; raw sewerage flowing into wetlands due to failing sewer infrastructure; lack of service delivery; unjustified treatment by municipal officials; non-compliance with municipal by-laws and regulations; and placing of some municipalities under Section 139(1)(c) of the Constitution on account of failure to fulfil constitutional obligations. In line with its resolve to not only consider the submissions of petitioners but to also undertake follow up visits with the responsible Organs of State, the Portfolio Committee followed-up on some of these petitions by conducting oversight visits to the relevant provincial governments and municipalities.

1.4. INTERNATIONAL ENGAGEMENT

The envisaged international engagement activities did not come to fruition during the period under review due to a busy local Committee schedule, including the processing of urgent legislation.

2 Key areas for future work

- 2.1** On 31 May 2023, the Constitutional Court delivered a judgement that declared the Traditional Leadership and Khoisan Act invalid because Parliament and the provincial legislatures adopted the Act in an unconstitutional manner by failing to fulfil their constitutional obligations. The Court suspended the order of invalidity for a period of 24 months until 29 May 2025. The introduction of a new Bill to remedy the deficiencies identified by the Court is due for urgent consideration by the 7th Parliament.
- 2.2** Processing of the Support, Monitoring, and Interventions Management Bill once tabled in Parliament.
- 2.3** Responding to the Labour Court judgement on the Municipal Systems Amendment Act (2022) ruling that the limitation of political rights in respect of employees outside a municipality's senior management echelon is inconsistent with Section 19 of the Constitution.
- 2.4** Oversight over the 66 municipalities categorised as dysfunctional by the Department of Cooperative Governance's 2021 State of Local Government Report, including monitoring progress on the implementation of the Municipal Support and Intervention Plans.
- 2.5** Slow expenditure by municipalities on post-disaster rehabilitation funding.
- 2.6** Remodelling of the Community Work Programme and ensuring value for money and follow up on the outcomes of the forensic investigations into the irregularities that had been identified.

3 Key challenges emerging

- 3.1.** Municipal failure to submit DDM one Plans to provinces, and the misunderstanding of the DDM concept by some stakeholders are some of the key observed hindrances to its effective implementation.

- 3.2. The Department of Cooperative Governance has remained stagnated on disclaimed and subsequently qualified audit opinions during the period under review mainly due to ineffective management of the Community Work Programme.
- 3.3. Lack of adequate resources hampers the CRL Rights Commission and the Municipal Demarcation Board from establishing provincial offices. The absence of a provincial footprint limits community access to these institutions' critical services.
- 3.4. The advent of coalition municipal governments seen in the aftermath of the recent local government elections has ushered in a new era of municipal political instability in some localities, which has negatively affected service delivery.

4 Recommendations

- 4.1. The Committee through its oversight processes should stress the need for Parliament to have sufficient time to consider the Bill that will address the concerns of the Constitutional Court regarding the Traditional and Khoisan Leadership Act (2019). In this regard it is recommended that the Committee regularly review progress made by the executive regarding the new Bill.
- 4.2. The Committee should continue following up with the Department of Cooperative Governance regarding recovery of the R98m Municipal Infrastructure Grant paid to an incorrect beneficiary.
- 4.3. The Committee should follow up on a previous recommendation relating to engaging the National Treasury on funding provisions to enable the Municipal Demarcation Board and the CRL Rights Commission to decentralise and have at the very least, satellite offices in the provinces as this is where the services of these Constitutional Institutions are most needed.
- 4.4. The Committee should follow up with the Department of Cooperative Governance regarding the tabling of the Interventions Support and Monitoring Bill as this legislation has been outstanding since the fourth Parliament.
- 4.5. The Committee should sustain its oversight programme over the 66 municipalities identified as dysfunctional in terms of the Department of Cooperative Governance's 2021 State of Local Government Report.
- 4.6. The Committee should follow up on the Municipal Disaster Response Grant expenditure by those municipalities affected by flood disasters.
- 4.7. The Committee should follow up on the outcome of the forensic investigation into irregularities in the administration of the Community Work Programme.

1. Introduction

1.1 Department/s and Entities falling within the committee’s portfolio.

a) Departments

Name of Department	Role of Department
<i>Department of Cooperative Governance</i>	<p>The Department’s mandate primarily derives from Chapters 3, 5, 6, 7 and 9 of the Constitution. Chapter 3 deals with cooperative government and intergovernmental relations and the Department strives to observe and adhere to the principles in this chapter and conducts its activities within its parameters. Chapter 5 deals with national intervention in provincial administration when a province cannot or does not fulfil an executive obligation in terms of the Constitution or legislation. Chapter 6 deals with provincial intervention in local government when municipalities are unable to fulfil their executive obligations. Chapter 6 is also relevant when a municipality, due to financial crisis, breaches its obligations to provide basic services to meet its financial requirements. Chapter 7 deals with, among other things, municipalities in cooperative governance. The Department, by legislation, must support and strengthen the capacity of municipalities to manage their own affairs, exercise their powers and perform their functions. Chapter 9 deals with those institutions whose role involves strengthening the constitutional democracy of the country. The Department must comply with all legislative frameworks in this chapter to conform to rules made under the auspices of institutions such as the Auditor-General and the Public Protector.</p>
<i>Department of Traditional Affairs</i>	<p>The Department’s mandate primarily derives from Section 211 of the Constitution, which states that “the institution, status, and role of traditional leadership, according to customary law, are recognized, subject to the Constitution. A traditional authority that observes a system of customary law may function subject to any applicable legislation and customs, which includes amendments to, or repeal of, that legislation or those customs. The courts must apply customary law when that law is applicable, subject to the Constitution and any legislation that specifically deals with customary law”.</p> <p>The Department’s mandate is also derived from Section 212 of the Constitution which stipulates that “national legislation may provide for a role for traditional leadership as an institution at local level on matters affecting local communities. To deal with matters relating to traditional leadership, the role of traditional leaders, customary law and the customs of communities observing a system of customary law. National or provincial legislation may provide for the establishment of houses of traditional leaders; and national legislation may establish a council of traditional leaders”. The Department’s mandate is also informed by Part A of Schedule 4 of the Constitution, which states “indigenous law, customary law and traditional leadership are both functional areas of concurrent national and provincial legislative competence, subject to the provisions of Chapter 12 of the Constitution”.</p> <p>Furthermore, the Department’s mandate is informed by Section 30 of the Constitution- Language and Culture and it states that “everyone has the right to use the language and participate in the cultural life of their choice, but no-one exercising these rights may do so in a manner inconsistent with any provision of the Bill of Rights”. In addition, the Department’s mandate is informed by Section 31 of the Constitution on Cultural, Religious and Linguistic Communities, which states that “persons belonging to a cultural, religious, or linguistic community may not be denied the right, with other members of that</p>

Name of Department	Role of Department
	community to enjoy their culture, practice their religion and use their language; to form, join or maintain cultural, religious, and linguistic associations and other organs of civil society. It further states that the rights in this section may not be exercised in a manner inconsistent with any provision of the Bill of Rights.”

b) Entities:

Name of Entity	Role of Entity
<i>Municipal Infrastructure Support Agent (MISA)</i>	MISA derives its mandate from section 154(1) of the Constitution, which places the responsibility on both national and provincial governments to support and strengthen, by legislative and other measures, the capacity of municipalities to manage their own affairs, exercise their powers and perform their functions. MISA was established to serve as an agent of Department of Cooperative Governance to drive the provision of technical support to municipalities with the view to strengthening their capacity for planning, delivery, as well as operation and maintenance of infrastructure for municipal services provision.
<i>South African Local Government Association (SALGA)</i>	SALGA was established in terms of the Organised Local Government Act, 1998 to serve as a representative voice of member municipalities on matters such as legislative processes affecting member municipalities. It is listed in Schedule 3A of the Public Finance Management Act, 1999. The mandate and functions of SALGA are divided into advice and support, representation, employer body and strategic profiling of municipalities.
<i>Municipal Demarcation Board (MDB)</i>	The Municipal Demarcation Act, 1998 (Act 27 of 1998) establishes the MDB as an independent authority to determine and re-determine municipal boundaries and to render advisory services on matters provided for in the Act, and other legislation enacted in terms of Chapter 7 of the Constitution when so requested.
<i>Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities</i>	<p>The Commission is a constitutional institution established in terms of Section 181(1)(c) of the Constitution to strengthen the country's constitutional democracy. It was established with a view to protecting and promoting the rights of cultural, religious, and linguistic communities. In terms of section 185 (1) the CRL Rights Commission must:</p> <ul style="list-style-type: none"> - Promote and develop peace, friendship, humanity, tolerance, and national unity among cultural, religious, and linguistic communities, based on equality, non-discrimination, and free association. - Promote respect for and further the protection of the rights of cultural, religious, and linguistic communities; and - Recommend the establishment or recognition of community councils in accordance with national legislation of cultural or other councils for communities in South Africa

1.2 Functions of committee:

Parliamentary committees are mandated to:

- Monitor the financial and non-financial performance of government departments and their entities to ensure that national objectives are met.
- Process and pass legislation.
- Facilitate public participation in Parliament relating to issues of oversight and legislation.

1.3 Purpose of the report

The purpose of this report is to provide an account of the Portfolio Committee on Cooperative Governance and Traditional Affairs' work during the 6th Parliament and to inform the members of the new Parliament of key outstanding issues pertaining to the oversight and legislative programme of the Departments of Cooperative Governance and Traditional Affairs and their entities.

The report provides an overview of the activities the committee undertook during the 6th Parliament, the outcome of key activities, as well as any challenges that emerged during the period under review and issues that should be considered for follow up during the 7th Parliament. It summarises the key issues for follow-up and concludes with recommendations to strengthen operational and procedural processes to enhance the committee's oversight and legislative roles in future.

2. Key statistics

The table below provides an overview of the number of meetings held, legislation and international agreements processed, and the number of oversight trips and study tours undertaken by the committee during the 6th Parliament:

Activity	2019/20	2020/21	2021/22	2022/23	2023/24	Total
Meetings held	20	66	53	40		
Legislation processed	None	None	3	3	1	7
Oversight trips undertaken	1	1	1	4	3	10
Study tours undertaken	None	None	None	None	None	
International agreements processed	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	
Statutory appointments made	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	
Interventions considered	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	
Petitions considered	None	9	4	None	5	18

3. Legislation

The following pieces of legislation were referred to the committee and processed during the 6th Parliament:

Year	Name of Legislation	Tagging	Objectives	Completed/Not Completed
2020/21	Local Government: Municipal Systems Amendment Bill [B2-2019]	S76	To amend the Local Government: Municipal Systems Act, 2000, so as to insert and amend certain definitions; to make further provision for the appointment of municipal managers and managers directly accountable to municipal managers; to provide for procedures and competency criteria for such appointments, and for the consequences of appointments made otherwise than in accordance with such procedures and criteria; to determine timeframes within which performance agreements of municipal managers and managers directly accountable to municipal managers must be concluded; to make further provision for the evaluation of the performance of municipal managers and managers directly accountable to municipal managers; to require employment contracts and performance agreements of municipal managers and managers directly accountable to municipal managers to be consistent with the Act and any regulations made by the Minister; to require all staff systems and procedures of a municipality to be consistent with uniform standards determined by the Minister by regulation; to bar municipal managers and managers directly accountable to municipal managers from holding political office in political parties; to regulate the employment of municipal employees who have been dismissed; to provide for the Minister to make regulations relating to the duties, remuneration, benefits and other terms and conditions of employment of municipal managers and managers directly accountable to municipal managers; to provide for the approval of staff establishments of municipalities by the respective municipal councils; to prohibit the employment of a person in a municipality if the post to which he or she is appointed is not provided for in the staff establishment of that municipality; to enable the Minister to prescribe frameworks to regulate human resource management systems for local government and mandates for organised local government; to extend the Minister's powers to make regulations relating to municipal staff matters; to make a consequential amendment to the Local Government: Municipal Structures Act, 1998, by deleting the provision dealing with the appointment of municipal managers; and to provide for matters connected therewith.	Completed
2021/22	Local Government:	S76	To amend the Local Government: Municipal Structures Act, 1998, so as to	Completed

	Municipal Structures Amendment Bill [B19D – 2018]		insert, delete and amend certain definitions; to remove all references to district management areas; to remove all references to plenary executive system as a type of municipality; to provide for a minimum of 10 councillors per municipality; to amend the deviation threshold; to provide for the prohibition of a councillor who was found guilty of a breach of the Code of Conduct for Councillors for a period of two years; to clarify the date of assumption of office by a councillor; to allow for extension on the declaration of the result of an election; to require the municipal manager to inform the MEC for local government in the province in addition to the Electoral Commission of ward vacancies; to provide that the MEC call and set the date for by-elections; to clarify who can inform the municipal manager of a specific vacancy; to allow the MEC to designate a person to call and chair a meeting of the municipal council when the speaker, acting speaker or municipal manager refuses to call the meeting; to provide for additional functions of the speaker; to provide for a whip of municipal council; to clarify the formula for the composition of an executive committee; to provide for the establishment of a municipal public accounts committee; to provide for the resolution of a situation where excessive seats may arise from the seat calculation in local municipalities; to amend the timeframe for the municipal manager to inform the chief electoral officer of vacancies; to allow for the MEC to inform the chief electoral officer of vacancies if the municipal manager fails to do so; to clarify the supplementation of party lists for local municipalities; to provide for the resolution of multiple seats which may arise where a candidate qualifies to be elected to more than one seat; to clarify the supplementation of party lists for district municipalities; to provide for a Code of Conduct for Councillors.	
2021/22	Customary Initiation Bill [B7D-2018]	S76	To provide for the effective regulation of customary initiation practices; to provide for the establishment of a National Initiation Oversight Committee and Provincial Initiation Coordinating Committees and their functions; to provide for the responsibilities, roles and functions of the various role-players involved in initiation practices as such or in the governance aspects thereof; to provide for the effective regulation of initiation schools; to provide for regulatory powers of the Minister and Premiers; to provide for the monitoring of the implementation of this Act; to provide for provincial peculiarities; and to provide for matters connected therewith.	Completed
2022/23	Disaster Management Amendment Bill [B2-2021]	S76	To amend the Disaster Management Act, 2002, so as to amend the duration of a state of disaster; to provide that any action taken as a result of a declaration of a state of disaster is only effective prospectively; to further provide that only	The bill did not pass desirability

			the National Assembly, a provincial legislature or a council of a municipality may resolve to extend a national, provincial or local state of disaster respectively, and to provide for the duration of the extension; to further provide for the requisite majorities required in the National Assembly, provincial legislature and council of a municipality in order to extend a national, provincial or local state of disaster respectively; to provide that a resolution to extend a national, provincial or local state of disaster, as the case may be, may only be adopted after a public debate in the respective legislatures; to provide for oversight by the National Assembly and provincial legislature over a national or provincial state of disaster, respectively; to amend the provisions dealing with the lapsing of a national, provincial or local state of disaster and the termination of the regulations and by-laws made in terms of it, as the case may be; and to provide for matters connected therewith	motion
2022/23	Traditional Affairs General Amendment Bill [B16-2022]	S76	To amend the Local Government: Municipal Structures Act, 1998, so as to correct certain references to the Code of Conduct; to amend the Traditional and Khoi-San Leadership Act, 2019, so as to provide clarity on a forum to be consulted; to repeal section of the Local Government: Municipal Structures Amendment Act, 2021; and to provide for matters connected therewith.	The Executive withdrew the Bill following Constitutional Court Judgement on the TKLA
2023/24	Independent Municipal Demarcation Authority Bill [B14-2022]	S76	To provide for the establishment, functions, and powers of the Independent Municipal Demarcation Authority; to provide for the criteria and procedures for the determination and redetermination of municipal boundaries; to provide for the delimitation of wards; to provide for the establishment of the Demarcation Appeals Authority; to provide for municipal capacity assessments; and to provide for matters incidental thereto.	Completed

a) Challenges emerging

The following challenges emerged during the processing of legislation:

- There were instances of insufficient public education prior to the public hearings on the Independent Municipal Demarcation Authority Bill.

b) Issues for follow-up

The 7th Parliament should consider following up on the following concerns that arose:

- Labour Court invalidation of the Municipal Systems Amendment Act (2022) as it relates to the prohibition of all municipal employees from holding a political office.
- Correction of the public participation deficit identified by the Constitutional in relation to the Traditional and Khoi-San Leadership Act (2019) within the deadline of 29 May 2025.

4. Oversight trips undertaken

The following oversight trips were undertaken:

Date	Area Visited	Objective	Responses to Recommendations	Status of Report
10 – 16 October 2019	Limpopo Province – Capricorn, Waterberg, Sekhukhune, Mopani and Vhembe Districts	To visit municipalities that invested in the VBS Mutual Bank as well as municipalities that received consecutive disclaimed audit findings.	The Committee had follow-up meetings with the Provincial Department of Cooperative Governance, Human Settlements and Traditional Affairs and all municipalities to get progress report on implementation of the recommendations	Report adopted by the National Assembly
6 – 9 October 2020	KZN – Ugu District, Umgungundlovu District and Ethekwini Metropolitan Municipality	Evaluate the current state of the identified municipalities which have either been placed under administrative intervention in terms of section 139 of the Constitution or deemed in distress in terms of the Back to Basics methodology, and those that had received negative findings by the AGSA	Follow up meetings were convened to pursue matters raised in the recommendations.	Report adopted by the National Assembly
12 – 16 October 2020	Gauteng Province – City of Tshwane Metro and Emfuleni Local Municipality	Same of objective as the above.	Follow up meetings were convened to pursue matters raised in the recommendations.	Report adopted by the National Assembly

Date	Area Visited	Objective	Responses to Recommendations	Status of Report
2 – 7 May 2021	North West Province – Bojanala Platinum District, Ngaka Modiri Molema District, Dr Ruth Segomotsi Mompoti District and Dr Kenneth Kaunda District	The oversight visit to the Northwest was in part a follow up on matters arising from previous engagements. The Committee also felt that it needed further engagement with all the municipalities under these districts, as it found the state of financial management and service delivery performance in these municipalities very concerning.	Follow up meetings were convened to pursue matters raised in the recommendations.	Report adopted by the National Assembly
19 – 22 April 2022	Free State - Lejweleputswa, Thabo Mofutsanyana and Fezile Dabi Districts	Same objective as above	Follow up meetings to pursue matters raised in the recommendations have not yet been convened.	Report adopted by the National Assembly
3 – 8 July 2022	Eastern Cape – Alfred Nzo, OR Tambo and Amathole Districts	To monitor the implementation of the Cultural Initiation Act (2021).	Follow up meetings were convened to pursue matters raised in the recommendations.	Report adopted by the National Assembly
16 – 19 September 2022	Eastern Cape- Makana Local Municipality	To follow-up on the 64 municipalities that have been identified as dysfunctional by the Department of Cooperative Governance's 2021 State of Local Government Report	Follow up meetings were convened to pursue matters raised in the recommendations.	Report adopted by the National Assembly
12 – 13 October 2022	Mpumalanga - Lekwa Local Municipality	Same objective as above	Follow up meetings were convened to pursue matters raised in the recommendations.	Report adopted by the National Assembly
31 January – 3 February 2023	Western Cape - Kannaland Local Municipality	Same objective as above	A follow up meeting was convened to pursue matters raised in the	Report adopted by the National Assembly

Date	Area Visited	Objective	Responses to Recommendations	Status of Report
			recommendations.	
28 March – 1 April 2023	Northern Cape - Sol Plaatjie and Phokwane Local Municipalities	Same objective as above	A follow up meeting was convened to pursue matters raised in the recommendations	Report adopted by the National Assembly

a) Issues for follow-up

The 7th Parliament should consider following up:

- On the recommendations made in connection with the oversight to the Free State Province
- With the Kannaland Local Municipality as a follow up meeting with the municipality had to be aborted due to unavailability of the political leadership to respond on matters raised.

5. Study tours undertaken

No study tours were undertaken during the period under review.

6. Petitions

The following petitions were referred to and considered by the committee:

Title	Date referred	Status
A petition from the residents of Mpame and surrounding areas, Eastern Cape province, calling on the Assembly to investigate lack of electricity in their area.		Petition report still to be considered
A petition from the Freedom of Religion South Africa (FORSA) pertaining to the role of religious community in the COVID-19 crisis.	8 June 2020	Report on Petition adopted by National

Title	Date referred	Status
A petition from the Spekboom Community in Mpumalanga calling for the Portfolio Committee's assistance in relation to lack of housing, drinking water and electricity since the dawn of democracy; lack of assistance from the Thaba Chweu Local Municipality and from the Office of the MEC responsible for Cooperative Governance and Traditional Affairs; and possible corruption.		Assembly Petition report still to be considered
A petition by the residents of Knysna Local Municipality calling on the Assembly to investigate allegations of corruption and maladministration at the municipality.	29 April 2020	Report on Petition adopted by National Assembly
A petition from the residents of Alberton, Gauteng, calling on the Assembly to investigate public participation and legislative compliance in the proposed housing development in their area.	21 August 2019	Report on Petition adopted by National Assembly
A petition from business owners in Alrode industrial area, Ekurhuleni, calling on the Assembly to investigate the provision of electricity in their industrial area.		Report on Petition adopted by National Assembly
Petition from the residents of Bredell, Pomona, Brentwood Park, and Glen Marais (ward 25), City of Ekurhuleni, calling on the Assembly to investigate the collapse of the reliable supply of electricity in their areas.		Petition report still to be considered
A petition from the residents of Benoni (wards 23, 24, 27 and 28), calling on the Assembly to investigate the continuous power and water interruptions.		Petition report still to be considered
A petition from the residents of the City of Ekurhuleni, calling on the Assembly to investigate the chronic inadequate refuse removal services in their area.		Petition report still to be considered
A petition from the residents of Banaero Park, Kempton Park, calling on the Assembly to urgently intervene and address the serious health risks residents of Ekurhuleni are forced to endure on a daily basis due to raw sewage flowing into the wetlands, and that urgent infrastructure upgrades are needed to address the current inadequate water infrastructure.		Petition report still to be considered

Title	Date referred	Status
A petition from a Member of Parliament regarding a fire at the Glen Marais sub-station, situated within the City of Ekurhuleni's boundaries, that resulted in many residents not having electricity for six days.	26 August 2019	Report on Petition adopted by National Assembly
A petition from a Member of Parliament calling on the Assembly to investigate numerous power outages in the Boksburg and Germiston areas in the City of Ekurhuleni.	19 September 2019	Report on Petition adopted by National Assembly
A petition from the residents of Alphen Park Farrarmere and surrounding suburbs in the City of Ekurhuleni calling on the Assembly to investigate the failing sewer infrastructure that is causing spillage into the wetland which feeds Benoni lakes and dams.		Petition report still to be considered
A petition from the residents of Nelmapius Extension 22 calling on the Gauteng MEC for Cooperative Governance, Human Settlements, and Traditional Affairs, to attend to their service delivery grievances against the City of Tshwane.	4 June 2020	Report on Petition adopted by National Assembly
A petition from the uThukela Tourism, Hospitality, and the associated industries sector, calling on the National Assembly to assist the sector in having all COVID-19 regulations affecting its operations lifted.		Report on Petition adopted by National Assembly
A petition from the residents of Ward 52 in eThekweni Metropolitan Municipality pertaining to lack of service delivery in the Ward.	11 June 2020	Report on Petition adopted by National Assembly
A petition from the Masingita Group of Companies calling on the National Assembly to investigate the unjustified treatment the Group received from the Municipal Manager of Greater Giyani Local Municipality.		Provincial Government tasked to resolve the matter
A petition from the farmers and community of Tzaneen, Limpopo, (represented by AGRI Letaba) calling on the Assembly, calling on the Assembly to investigate severe electricity outages, power dips, low voltage, and poor to no maintenance since 2016 as result of the failure by the Tzaneen Local Municipality.		Petition report still to be

Title	Date referred	Status
		considered
A petition from the residents of Letsitele calling on the National Assembly to assist them to compel the Tzaneen Local Municipality to adhere to abide by all laws, by-laws ,and Regulations.	4 March 2020	Report on Petition adopted by National Assembly
A petition from the Mokopane Task Team, Mogalakwena Concerned and Affected Communities, and the South African National Civics Organisation calling on the Assembly to consider facilitating the placing of Mogalakwena Local Municipality under Section 139(1)(c) of the Constitution on account of its lack of capacity and political will to fulfil its constitutional obligations.		Report on Petition adopted by National Assembly
A petition from the residents of eMalahleni Local Municipality calling on the Assembly to investigate the persistent water shortage in the municipality, resulting in some areas not having water up to six days at a time.	31 March 2021	Petition report still to be considered
A petition from the residents of Marikana informal settlement in the JB Marks Local Municipality calling on the Assembly to investigate the failure of local and provincial government to provide basic services to the residents.	8 March 2023	Petition report still to be considered

a) Issues for follow-up

The 7th Parliament should consider following up on:

- Consideration of the Committee Reports on the petitions relating to Emalahleni, JB Marks Local Municipality, Mpame residents (Eastern Cape), the residents of Bredell, Pomona, Brentwood Park, and Glen Marais (ward 25) (City of Ekurhuleni), Benoni (wards 23, 24, 27 and 28), farmers and community of Tzaneen, Limpopo, (represented by AGRI Letaba), residents of Alphen Park Farrarmere and surrounding suburbs in the City of Ekurhuleni, the residents of Banaero Park, Kempton Park, and Spekboom Community in Mpumalanga.