



LIMPOPO LEGISLATURE

REPORT OF THE PORTFOLIO COMMITTEE ON COGHSTA ON INDEPENDENT MUNICIPAL DEMARCATION AUTHORITY [B14B-2022]

1. INTRODUCTION

The Independent Municipal Demarcation Authority (IMDA) Bill is an Ordinary Bill affecting provinces, namely/ that is, section 76. The National Council of Provinces (NCOP) escalated it to Limpopo province amongst the nine /other provinces. The Limpopo Legislature referred the Bill to the Portfolio Committee on Cooperative Governance, Human Settlement and Traditional Affairs (CHOGHSTA) for consideration and further processing.

The House of traditional leaders and the public from all the municipalities of the province were invited to the Public Hearing on 20 March 2024. And 03 April 2024.

The Portfolio Committee conducted the Public Hearing, and the official from Cooperative Governance, and Traditional Affairs, Water and Sanitation and Human Settlements (GOGTA), Mr. N. Mathye and Mr S. Khotso of Limpopo Legislature, Legal Section, presented the Bill.

2. THE IMDA BILL [B14B-2022]

BACKGROUND

This Bill seeks to repeal Municipal Demarcation Act No. 27 of 1998 and be replaced with a new Act. The process was informed by many proposed amendments as follows:

- Inputs from the present and previous Boards;
- Lessons learnt from previous municipal boundary and ward delimitation processes;
- Litigation; and
- Inputs from various stakeholders.

The Bill has since been considered and approved by the National Assembly, and then referred to NCOP for consideration on 30 November 2023.

3.2 PURPOSE OF THE BILL

The Independent Municipal Demarcation Bill seeks to establish the criteria and determination of municipal boundaries by an independent authority as aligned to section 155(3)(b) of the Constitution.

- Composition of the Board must broadly reflect the composition of the South African society
- A member of the Board must also have the necessary relevant qualifications
- The names of the members of a committee must be published on the website of the Authority to ensure transparency.
- Authority must determine boundaries in accordance with the objects of local government as set out in section 152 of municipal services. The authority must take into cognizance additional factors that facilitates and supports geographical hierarchy, nature of local government, functional reorganisation of local government and views of the people and communities living in the area.
- Authority may establish appropriate mechanisms, processes and procedures as stipulated in section 17 of the Municipal Systems Act to enable members of the public to participate in the demarcation processes of the Authority.
- Authority must, at least nine months instead of six months prior to the commencement of the municipal financial year in which a determination or redetermination of municipal boundary is to take effect, inform the Minister and the Minister of Finance of such determination or redetermination.
- Minister must submit regulations to be made to Parliament for parliamentary scrutiny at least 30 days before their promulgation.
- Minister may request Authority to conduct assessment when authorising municipalities to perform functions such as portable water, bulk supply of electricity, domestic water and sewage disposal systems and municipal health services.

4. INPUTS BY STAKEHOLDERS

- It was proposed that the composition of the Board must broadly reflect the composition of South African society, and also reflect regional diversity because South Africa is very broad.
- With regards to qualifications of the Board members, there must be a standard procedure that all traditional leaders should be part of the selection panel and become Board members irrespective of qualifications. The representatives should

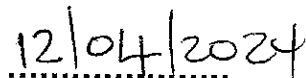
be nominated by traditional leadership to represent **Royal houses'** interest mainly in the rural areas.

- Provincial SPLUMA should not be aligned to this ACT as matters connected therewith are still pending.
- It should be considered to demarcate the wards in line with each traditional **chief's** land. That means, each ward in rural areas will be governed by chief.
- The Independent Demarcation Authority Bill should not divide the land wherein one Chief's **territory** expands to different municipalities.
- Clause- 10 on appointment of Board members, selection committee must be transparent to avoid conflict of interest.
- Majority of stakeholders appreciate amendment on the Bill.

5.NEGOTIATING MANDATE

The Portfolio Committee on Cooperative Governance, Human Settlement and Traditional Affairs met for consideration and adoption of the report. The Bill was considered and a resolution to confer negotiating mandate to the NCOP Permanent Delegate to vote in favor of the Bill with the proposed inputs was made.





HON. LEBEA K M
CHAIRPERSON: PORTFOLIO COMMITTEE ON GOGHSTA

DATE