

**MINISTRY**

**COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**QUESTION NUMBER 1406**

**FRIDAY, 3 JULY 2020**

**◙1406. Mr C Brink (DA) to ask the Minister of Cooperative Governance and Traditional Affairs.**

1. What did she mean when she referred to cadres and cadre deployment in respect of her remarks to get the right cadre for the job (details furnished), (b) how does she reconcile such a policy with sections 195(1) and 197(3) of the Constitution of the Republic of South Africa, 1996, and section 6 of Annexure A, Part II of the Local Government: Disciplinary Regulations for Senior Managers of the Municipal Systems Act, Act 32 of 2000, and (c) which (i) policy, (ii) statutory and (iii) constitutional provisions does she rely on for making such appointments in the Public Service? NW1777E

**REPLY:**

1. Appointments of municipal staff are done within the ambit of the law. Section 82 of the Local Government: Municipal Structures Act, 1998 read together with section 56 of the Local Government: Municipal Systems Act, 2000 prescribe that a person appointed as a municipal manager and manager directly accountable to municipal manager must have the relevant skills and expertise to perform the duties associated with that post. My sentiments find expression in these legislative provisions.
2. The appointment of the candidates with the relevant skills and expertise will enable municipalities to build the requisite skills, capacity and capabilities to perform their functions, promote efficient, economic and effective use of resources and accountable local public administration in line with the democratic values and principles governing Public administration as enshrined in section 195(1) of the Constitution of the Republic of South Africa, 1996 (“the Constitution”).
3. The authority to employ personnel in local government vests in the municipal council in terms of section 160(1)(d) of the Constitution of the Republic of South Africa, 1996, but only subject to national and provincial legislation. As regards the appointments, municipalities relies on the following applicable pieces of legislation, statutory frameworks and policies governing local public administration and human resources:
4. The Constitution of the Republic of South Africa, 1996;
5. The Local Government: Municipal Structures Act, 1998;
6. The Local Government: Municipal Systems Act, 2000 (Act (‘‘the Systems Act’’) and the following regulations promulgated in accordance with section 72 of the Systems Act:
   1. The Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers, 2014 (“the Regulations”); and
   2. The Local Government: Disciplinary Regulations for Senior Managers, 2011.
7. Regulations on Minimum Competency Levels made in terms of section 168 of the Local Government: Municipal Finance Management Act, 56 of 2003; and
8. Any other applicable labour laws and legislation.

**End.**