**NATIONAL ASSEMBLY QUESTIONS FOR WRITTEN REPLY**

**QUESTION NUMBER 2170**

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# 2170. Ms R N Komane (EFF) to ask the Minister of Cooperative Governance and Traditional Affairs:

QUESTION:

(1) What other forms of redress are being sought following the implementation of section 100 of the Constitution of the Republic of South Africa, 1996, to place certain North-West provincial departments under administration? NW2462E

# REPLY:

The IMTT intends to conduct and conclude the intervention in strict accordance to the mandate given by Cabinet. Section 100 of the Constitution provides that when a province cannot or does not fulfil an executive obligation in terms of the Constitution or legislation, the national executive may intervene by taking any appropriate steps to ensure fulfilment of that obligation, including issuing a directive to the provincial executive, describing the extent of the failure to fulfil its obligations and stating any steps required to meet its obligations; an assuming responsibility for the relevant obligation in that province.

All the provincial departments in the North-West are subject to interventions, five of them being under section 100(1)(a) of the Constitution in terms of the issuing of directives; and the other five being under section 100(1)(b) of the Constitution under which there was assumption of responsibility of the provincial administration by the national government. The prerogative to intervene in the provincial departments is that of the national executive (Cabinet). Any Minister responsible for the corresponding portfolio in the provinces may request the national executive to intervene in terms of the provisions of section 100 of the Constitution.

The national departments, as part of their actions in the implementation of section 100 of the Constitution, are implementing various measures informed by the root causes to problems that led to the invocation of interventions in terms of section 100 of the Constitution. These measures are currently implemented by the national departments on concurrent functions in the corresponding provincial departments. Each national department has a responsibility to determine what type of intervention to invoke after the current intervention in terms of section 100 of the Constitution.

The IMTT will present a progress report on the matters that were outstanding from the briefing of the NCOP in September 2021. This includes the appointments of senior officials in the departments. The IMTT will outline lessons learned from this intervention as part of the presentation.