**MINISTRY FOR COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTIONS FOR WRITTEN REPLY**

**QUESTION NUMBER 2255/2018**

**2255. Mr K J Mileham (DA) to ask the Minister of Cooperative Governance and Traditional Affairs:**

1. (a) Which municipalities are affected by the intention of the Eastern Cape Provincial Government to establish interventions on instruction of his department, (b) on what legal provision will each intended intervention rely on, (c) what will be the timeline and (d) what are the expected outcomes of each intervention;
2. whether all interventions under section 139 of the Constitution of the Republic of South Africa, 1996, have been exhausted; if not, why has the national and/or provincial executive not acted in terms of the specified constitutional obligation? NW2429E

**REPLY:**

1. a) I am not aware of any municipalities affected by the Eastern Cape Provincial Government’s intention to establish interventions in that province, and neither I nor my Department have instructed the provincial government to invoke interventions in the province. I can only become aware of such municipalities, if any, once the provincial government has initiated the interventions and then submitted to me the requisite notices, because interventions are a prerogative of the provincial government. However, I have recently referred to the province a demand from the Legal Resources Centre for an intervention at Makana Local Municipality and a request from Hon. Terri Stander, MP, for an intervention at Enoch Mgijima Local Municipality, for the provincial government’s consideration. I was subsequently notified by the MEC for Cooperative Governance and Traditional Affairs that the Provincial Government has intervened at Enoch Mgijima Local Municipality in terms of sections 139(1)(b) and 139(5) of the Constitution.

For reasons already stated above, I am also not aware as to: (b) on what legal provision will each intended intervention rely on, (c) what will be the timeline and (d) what are the expected outcomes of each intervention.
2. Regarding the second question, I am unable to discern what response or details Hon. Mileham wanted to elicit from me because his question is not easy for me to understand. Assuming that he wants to know whether all interventions in terms of section 139 of the Constitution have ever been implemented in the Eastern Cape, then the answer is “No”, not all interventions in terms of this section have ever been implemented in the Eastern Cape. According to records at my Department’s disposal, the provincial government has in the majority of cases invoked interventions in terms of section 139(1)(b) of the Constitution at its municipalities. I have observed that, sometimes, these interventions have been invoked simultaneously with section 139(5) of the Constitution, as is the case at Enoch Mgijima Local Municipality. However, the provincial government has never invoked an intervention in terms of section 139(4) of the Constitution.

I am also unable to provide a direct answer to the second part of this question, as to why the national and/or provincial executive have not acted in terms of the specified constitutional obligation. This is due to the fact that the constitutional obligation Hon. Mileham is referring to has not been specified in the question.

Ends