

**MINISTRY FOR COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTIONS FOR WRITTEN REPLY**

**QUESTION NUMBER 2015/3455**

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**2015/3455 Mr K J Mileham (DA) to ask the Minister of Cooperative Governance and Traditional Affairs:**

(1) Whether he is aware of the secondment of a certain person (name and details furnished) by the Department of Cooperative Governance and Traditional Affairs of KwaZulu-Natal; if not, what is the position in this regard; if so, what is the specified person’s permanent position within the Department of Cooperative Governance and Traditional Affairs;

(2) whether the specified person meets the minimum competency requirements for a certain position (details furnished);

(3) whether the specified person is eligible to be employed in positions of fiduciary responsibility in any municipality or within the department, given the specified person’s disciplinary record at a certain entity (name furnished); if so, why;

(4) whether it is the policy of his department that the appointment or secondment of certain positions (details furnished) by the provincial and local government spheres are reported to his department; if not, whether he will consider making it policy; if so, (a) which details are reported and (b) what is the timeframe of such reporting?

**NW4116E**

**Reply:**

The following response is based on information received from the KwaZulu-Natal Provincial Department of Cooperative Governance and Traditional Affairs:

1. Ms. Gabi Gumbi- Masilela was not seconded by Cogta KZN. She was appointed by Umngeni Local Municipality as an Acting Municipal Manager for an initial period of three months. Ms Gabi Gumbi-Masilela is not an employee of Cogta KZN.

2. The MEC responsible for local government in the KwaZulu-Natal Province is currently assessing whether Ms. Gabi Gumbi- Masilela meets the minimum competency requirements for the position of municipal manager.

3. The assessment in (2) above includes whether Ms Gabi Gumbi-Masilela meets the minimum academic and work related experience requirements (b) within 28 days of her appointment as Acting Municipal Manager. As far as could be ascertained, Ms Gabi Gumbi-Masilela resigned her position from the MDB.

4. Yes.

*Appointment of municipal managers and managers directly accountable to municipal managers*

Municipal councils are required in terms of section 54A and 56(4A)(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (“Systems Act”) to inform the MEC for local government about the appointment process and outcome of municipal managers and managers directly accountable to a municipal managers within 14 days of the date of appointment as prescribed. The Systems Act further obliges the MEC to submit the information referred to herein to the Minister within 14 days from the date of receipt of the report thereof.

Regulation 17(4) of the Regulation on Appointment and Conditions of Employment of Senior Managers (the “Regulations”) prescribes a written report regarding the appointment process and outcome which must be submitted to the MEC by the municipality. The report referred to herein must contain the following:

1. details of the advertisement, including date of issue and the name of newspapers in which the advert was published, and proof of the advertisement or a copy thereof;
2. a list of all applicants;
3. a report contemplated in regulation 14(2) on the screening process and the outcome thereof;
4. the municipal council’s resolution approving the selection panel and the shortlisted candidates;
5. competency assessment results;
6. the minutes of the shortlisting meeting;
7. the minutes of interviews, including scoring;
8. the recommendations of the selection panel submitted to the municipal council;
9. the details of executive committee members and recommendations, if the selection panel comprised of all members of the executive committee;
10. the recommendation of the executive committee or executive mayor to the municipal council, if any;
11. the municipal council resolution approving the appointment of the successful candidate;
12. the application form, curriculum vitae, proof of qualifications and other supporting documentation of the successful candidate;
13. a written confirmation by the successful candidate that he or she does not hold political office as contemplated in section 56A of the Act, as at the date of appointment;
14. the letter of appointment, outlining the term of contract, remuneration and conditions of employment of the senior manager; and any other information relevant to the appointment.

*Secondment of municipal managers*

Section 54A(6) of the Systems Act provides that municipal council may request the MEC for local government to second a suitable person, on such conditions as prescribed, to act in the advertised position until such time as a suitable candidate has been appointed. The section also permits the municipal council to request the Minister to second a suitable person, on such conditions as prescribed, until such time as a suitable candidate has been appointed if the MEC for local government has not seconded a suitable person within a period of 60 days after receipt of the request.

In terms of Regulation 20, a person seconded by the MEC or the Minister must report monthly to the MEC or the Minister on the following:

1. steps taken to fill the vacant post to which he or she is seconded;
2. the development and implementation of any municipal institutional recovery plan for which the seconded official is responsible;
3. monitor and assess the adherence to policy, principles and frameworks applicable to the municipality;
4. develop a turnaround strategy for the municipality including a strategy to promote good governance;
5. ensure implementation of municipal council resolutions by the administration;
6. implement a system to control and approve all expenditure;
7. implement all governance systems and procedures; and
8. ensure implementation of financial systems, policies and procedures.