

**MINISTRY FOR COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTIONS FOR WRITTEN REPLY**

**QUESTION NUMBER PQ2019/465.**

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**465. Mr K J Mileham (DA) to ask the Minister of Cooperative Governance**

**and Traditional Affairs:**

Whether he intends to introduce amending legislation in the National Assembly to ensure openness and transparency in local government in respect of provisions that permit an executive committee and mayoral committee to close any or all of its meetings to the public and media; if not, why not; if so, by what date? NW529E:

**REPLY:**

1. No, the Minister will not be introducing any amendment to legislation in respect of provisions that permits an executive committee and mayoral committee to close any or all of councils meeting and its committees. This is already provided for in Chapter 4, section 20 of the Local Government: Municipal Systems Act, 2000. Section 20 (1) provides that meetings of municipal councils and those of its committees are open to the public, including the media and the council or such a committee may not exclude the public including the media from a meeting, except when:
2. It is reasonable to do so having regard to the nature of the business being transacted; and
3. A by-law or a resolution of the council specifying the circumstances in which the council or such committee may close a meeting.
4. Furthermore, section 20 (2) of the Local Government: Municipal Systems Act, 2000. provides that a municipal council, or a committee of the council, may not exclude the public, including the media, when considering or voting on any of the following matters:
5. A draft by-law tabled in the council;
6. A budget tabled in the council;
7. The municipality’s draft integrated Development Plan on any amendments to the

plan;

1. A municipality’s draft performance management systems; or any amendment to the system; and
2. The decision to enter into a service delivery agreement.
3. Section 20 (4)(b) of the Municipal Systems Act, 2000 further provides for a municipal council to take reasonable steps to regulate public access to and public conduct at meeting of councils and its committees often referred to as Standing Rules and Orders for the Meeting of Councils and its Committees (see attached).

Chapter 7, section 152 (e) of the Constitution of the Republic of South Africa, Act 108 of 1996 provides for the objects of local government which includes the encouragement of the involvement of communities and community organisations in the matters of local government.

Further to that, Chapter 4 section 16 (1) of the Local Government: Municipal Systems Act, 2000 requires of municipalities to develop a culture of community participation that complements formal representative government with a system of participatory governance and must for this purpose-

1. Encourage, and create conditions for, the local community to participate in the

affairs of the municipality, including in—

1. the preparation implementation and review of its integrated development plan in terms of Chapter 5;
2. the establishment, implementation and review of its performance management system in terms of Chapter 6:
3. the monitoring and review of its performance, including the outcomes and impact of such performance,
4. the preparation of its budget; and
5. strategic decisions relating to the provision of municipal services.

Section 20(1) of the Local Government: Municipal Systems Act, 2000 makes provision for the admission of the public in meeting of council and its committees. Section 20 (4)(b) further provides that a municipal council take reasonable steps to regulate public access to and public conduct at meeting of council and its committees often referred to as Standing Rules and Orders for the Meeting of Councils and its Committees (see attached).

Ends…