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**QUESTIONS FOR WRITTEN REPLY**

**QUESTION NUMBER: PQ 643**

**DATE OF PUBLICATION: 4/3/2022**

**QUESTION:**

**643: Mr C Brink (DA) to ask the Minister of Cooperative Governance and Traditional Affairs:**

1. Whether (a) she and/or (b) her department have kept a record of all staff members of municipalities who have been dismissed and/or resigned prior to the finalisation of disciplinary proceedings against them as contemplated in section 57A(9) of the Municipal Systems Act, Act 32 of 2000; if not, why not; if so, (i) what are the relevant details of each entry in the record, including the name of the person concerned, the municipality where they were last employed and the reason for their entry on the record and (ii) what period were they employed;

(2) what are the details of the manner in which the record is shared among municipalities?

**REPLY:**

1(a) and (b) Yes, the Minister established and maintained a record of staff members of municipalities dismissed for misconduct or staff that resigned prior to finalisation of the disciplinary proceedings against them in terms of the Municipal Systems Amendment Act, 2011 (Act No. 7 of 2011).

1. The Municipal Systems Amendment Act, 2011 was invalidated by the Constitutional Court on 9 March 2019. In terms of the principle of constitutional legality, the authority of the Minister to maintain and disseminate the record has taken away. Therefore, the Minister cannot legally continue to exercise this authority.
2. As regards details of employment of staff, the information information is kept by municipalities in their capacity as employers. The Honouarable Member is advised to direct his question to municipalities.

2. The record is moot.