

**MINISTRY**

**COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTIONS FOR WRITTEN RESPONSE**

**QUESTION NUMBER 2019/71**

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**QUESTION: 71**

**71. Mr T J Brauteseth (DA) to ask the Minister of Cooperative Governance and Traditional Affairs:**

Whether he has found that the political party representation on the Executive Committee of the Okhahlamba Local Municipality in KwaZulu-Natal relies on the provisions of the Constitution of the Republic of South Africa, 1996, and all relevant legislation;

if not, (a) what provisions are relied on for the correct political party representation, (b) what action will be taken to ensure that the political party representation of the Executive Committee is determined in line with the Constitution of the Republic of South Africa, 1996, and all relevant legislation and (c) what is the position of all resolutions taken by the Executive Committee since it was constituted after the 2016 Local Government Elections; if so, what are the details of how the political party representation was calculated?    NW76E

**REPLY:**

The Department of Cooperative Governance and Traditional Affairs in the Province, was requested to provide a response to the question posed by the Honourable Member.

The Province subsequently reported that the Council of the Okhahlamba Local Municipality comprises of 29 councillors, and that the EXCO, which was established in terms of section 43 of the Structures Act, consists of five (5) members. Further, based on a political party representation in the Council, the EXCO is composed as follows:

3 members from the ANC;

1 member from COPE and

1 member from the IFP.

With regards to the above, the establishment of the EXCO in the Okhahlamba Local Municipality was done in compliance with the provisions of the Constitution and the Structures Act.

(a)Section 160 (8) of the Constitution of the Republic of South Africa, 1996, provides that councillors are entitled to participate in proceedings of its Council and those of its committees in a manner that allows parties and interests reflected within the Council to be fairly represented, is consistent with democracy, and may be regulated by national legislation.

Section 43 of the Local Government: Municipal Structures Act No. 117 of 1998 (“the Structures Act”), further provides that if a Council establishes an Executive Committee (“EXCO”), it must elect a number of councillors necessary for effective and efficient government, provided that no more than 20 per cent of the councillors, or 10 councillors, whichever is the least, are elected. This section further requires that an EXCO must be composed in such a way that parties and interests represented in the municipal council are represented in the EXCO in substantially the same proportion as they are represented in the council.

(b)Falls away.

(c)Falls away.

**BACKGROUND**

The attached response was received from the Province

This Parliamentary question relates to the political party representation on the Executive Committee of the Okhahlamba Local Municipality in KwaZulu-Natal.

This response relies on the provisions of the Constitution of the Republic of South Africa, 1996, and the Structures Act.

However, it must also be noted that there is no uniformity when it comes to the composition of EXCOs across the country.

The Structures Amendment Bill addresses this shortcoming by amending Section 43 and prescribing a uniform formula to be applied by all the municipalities. The Bill was adopted by the Portfolio Committee on 12 February 2019.

Ends…