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**NATIONAL ASSEMBLY**

**QUESTIONS FOR WRITTEN REPLY**

**QUESTION NUMBER: 723**

**723. Ms E R J Spies (DA) to ask the Minister of Cooperative Governance and Traditional Affairs:**

Whether she has any powers to take any measures against municipalities to deal with concerns around the appointment of officials under investigation and/or whose disciplinary processes have not yet been finalised by a previous municipal employer; if not, what is the position in this regard; if so, what are (a) her powers and (b) steps has she taken? NO806E

**REPLY:**

Yes. If the Minister receives concerns about the appointment of municipal officials, section 106 of the Municipal Systems Act, 2000, as amended, (the Act) empowers the Minister to refer the concerns to the MEC for local government under whose jurisdiction the municipality falls for investigation and to make appropriate recommendations to the relevant municipal council.

1. Notwithstanding the above, section 57A of the Act empowers the Minister to maintain a record of all staff members dismissed for misconduct and to make such record available to municipalities before they finalise their recruitment and selection proceses. Candidates shortlisted by municipalities are screened against the record kept by the Minister.

Sections 54A(8) and 56(6) of the Act prescribe that if a person is appointed as municipal manager or manager directly accountable to municipal manager in contravention of the Act, the MEC must within 14 days of receiving the appointment report take appropriate steps to enforce compliance by the municipal council with the Act, which steps may include an application to a court for a declaratory order on the validity of the contract, or any other legal action against the municipal council.The Act empowers the Minister upon becoming aware to take such appropriate steps if the MEC fails to take appropriate steps.

1. N/A.

**End.**