

**MINISTRY FOR COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTIONS FOR WRITTEN REPLY**

**QUESTION NUMBER****:** **2021/770**

**QUESTION:**

**770. Mr I M Groenewald (FF Plus) to ask the Minister of Cooperative Governance and Traditional Affairs:**

What steps are being taken by her department to address the negative impact of widespread political infighting at local government level on service delivery to local communities? NW906E

**REPLY:**

The political and administrative levels in municipalities must work together to improve on service delivery. Instability at any of the levels is has a negative impact on the ability of the municipality to perform its functions. All councillors are obliged to abide by the Councillor Code of Conduct (Schedule 1 of the Municipal Systems Act, 2000). The following clauses are pertinent:

2. A councillor must:

1. perform the functions of office in good faith, honestly and a transparent manner; and
2. at all times act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised.

11. A councillor may not, except as provided by law

1. interfere in the management or administration of any department of the municipal council unless mandated by council;
2. give or purport to give any instruction to any employee of the council except when authorised to do so;
3. obstruct or attempt to obstruct the implementation of any decision of the council or a committee by an employee of the council; or
4. encourage or participate in any conduct which would cause or contribute to maladministration in the council.

When the Code is breached, the recourse lies with the Municipal Council and the provincial MEC for Local Government.

1. The municipal council may
	1. investigate and make a finding on any alleged breach of a provision of this Code; or
	2. establish a special committee. to investigate and make a finding on any alleged breach of this Code; and ii. to make appropriate recommendations to the council.

2) If the council or a special committee finds that a councillor has breached a provision of this Code, the council may

* 1. issue a formal warning to the councillor;
	2. reprimand the councillor;
	3. request the MEC for local government in the province to suspend the councillor for a period; d. fine the councillor; and e. request the MEC to remove the councillor from office

3) The MEC for local government may appoint a person or a committee to investigate any alleged breach of a provision of this Code and to make a recommendation on whether the councillor should be suspended or removed from office.

4) If the MEC is of the opinion that the councillor has breached a provision of this Code, and that such contravention warrants a suspension or removal from office, the MEC maya. suspend the councillor for a period and on conditions determined by the MEC; or b. remove the councillor from office.

In terms of the amendments to the Municipal Structures Act, an MEC for local government will be able to remove a councillor from office for a breach of the Code and that councillor will not be eligible to become a councillor for a period of two years.

Political infighting requires all politicians and the intervention of their political parties to resolve their issues. All political office bearers have the responsibility to ensure communities are served effectively, efficiently, and respectfully.