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080513 R LOCAL (Israil)

National Council of Provinces

1. Report of the Select Committee on Local Government and Administration on the Local Government Laws Amendment Bill [B 28B – 2007] (National Assembly – sec 75), dated 4 March 2008, as follows:

The Select Committee on Local Government and Administration, having considered the subject of the *Local Government Laws Amendment Bill [B 28B – 2007]* (National Assembly – sec 75), referred to it, agrees to the Bill with proposed amendments as follows:

CLAUSE 2

1. On page 3, after line 21, to add the following paragraph:

(c) The MEC may, after consultation with the Minister of Finance, in exceptional cases, including those referred to in section 87 of the Municipal Structures Act, 1998 (Act No. 117 of 1998) decide on a different or shorter period than the period referred to in paragraph (a) and (b).

CLAUSE 6

1. On page 4, in line 15, to omit "and".
2. On page 4, after line 15, to insert the following paragraphs:

(b) by the substitution in subsection (2) for paragraph (a) of the following paragraph:

"(a) the councillor representing that ward in the council [, **who must also be the chairperson of the committee; and**];";

(c) by the insertion in subsection (2) of the word "and" at the end of paragraph (b) and the addition to that subsection of the following paragraph:

"(c) a chairperson elected from among the ten persons referred to in paragraph (b).";

(d) by the substitution in subsection (3)(a) for the words preceding subparagraph (i) of the following words:

"the procedure to elect the subsection (2)(b) members of a ward committee and the chairperson contemplated in subsection 2(c), taking into account the need—";

(e) by the substitution in subsection (3) for paragraph (b) of the following paragraph:

"(b) the circumstances under which those members and the chairperson must vacate office; and"; and

3. On page 4, in line 19, after "must" to insert "develop a policy and".
4. On page 4, in line 19, after "determine" to omit "the".
5. On page 4, in line 19, after "criteria" to omit "for".

6. On page 4, in line 20, after "(c)" to insert the following "based on the provincial framework and criteria determined by the MEC in terms of paragraph (e)."

7. On page 4, after line 27, to insert the following paragraph:

(e) The MEC must determine a provincial framework and criteria in order to monitor the policy, criteria and calculation of the out of pocket expenses referred to in paragraph (b).

NEW CLAUSE

1. That the following be a new Clause:

Amendment of section 75 of Act 117 of 1998

8. Section 75 of the Structures Act is hereby amended by the addition of the following subsection, the existing section becoming subsection (1): The section 73(2) (b) members of a ward committee are elected for a term [determined by metro or local council.] that corresponds with the term referred to in section 24 of this Act.

"(2) The Minister may by notice in the Gazette prescribe regulations for the implementation of subsection (1).".

CLAUSE 9

1. On page 5, in line 11, after "least" to omit "six" and to substitute "four"

2. On page 5, after line 15, to insert the following paragraph:

"(d) The MEC may, after consultation with the Minister of Finance, in exceptional cases, including those referred to in section 87 of Municipal Structures Act, 1998 (Act No. 117 of 1998), decide on a different or shorter period than the period referred to in paragraph (a) and (b)."

CLAUSE 10

1. On page 5, in line 22, to omit "amended" and to substitute:

amended—

- (a) by the insertion after the definition of "citizen" of the following definition:

" 'close family member', in relation to any person, means his or her—

(a) child; or

(b) parent; or

(c) spouse, including a partner in a civil, religious or customary marriage or union, whether or not the union is registered; or

(d) a person living with that person as if they are married to each other.";

(b)

CLAUSE 11

1. On page 5, in line 31, to omit "one year" and to substitute "six months".

CLAUSE 13

1. On page 5, from line 45, to omit subsection (1) and to substitute:

"(1) A staff member may be a candidate for election to the National Assembly or a provincial legislature or may be nominated as a permanent delegate to the National Council of Provinces subject to the Code of Conduct for the municipal staff members contemplated in Schedule 2, and any other prescribed limits and conditions as may be regulated by the Minister.

2. On page 6, from line 6, to omit subsection 3 and to substitute:

(3) A staff member may be a candidate for election to a municipal council subject to the Code of Conduct for Municipal staff members contemplated in Schedule 2 and any other prescribed limits and conditions as may be regulated by the Minister.

CLAUSE 17

1. On page 7, in line 25, after "Minister" to insert "or the National Council of Provinces".
2. On page 7, in line 27, after "Minister" to insert "and in the opinion of the National Council of Provinces".
3. On page 7, from line 29, to omit paragraph (b) and to substitute:

(b) The MEC must table a report detailing the outcome of the investigation in the relevant provincial legislature within 90 days from the date on which the Minister requested the investigation and must simultaneously send a copy of such report to the Minister, the Minister of Finance and the National Council of Provinces.

CLAUSE 19

1. On page 7, in line 40, after "councillor" to insert "or close family member".
2. On page 7, in line 41, to omit "and" and to substitute "or".

CLAUSE 21

1. On page 8, in line 6, after "member" to insert "or close family member of a staff member".
2. On page 8, in line 7, to omit "and" and to substitute "or".