



22 January 2010

Hon. Mr DB Feldman, MP
NCOP Permanent Delegate
Parliament of RSA
Cape Town

Dear Honourable Feldman

Re: Legislative Proposal to amend Local Government Municipal Systems Act, 2000, No 32 of 2000

I acknowledge receipt of your memorandum dated 29 October 2009, in respect of the abovementioned issue.

We will ensure that your correspondence is referred to the Select Committee on Members' Legislative Proposal for consideration and report.

Yours sincerely,

Hon. M.J. Mahlangu, MP
Chairperson: National Council of Provinces

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The Chairperson of the National Council of Provinces

SUBMISSION OF THE LEGISLATIVE PROPOSAL

MEMORANDUM IN TERMS OF NATIONAL COUNCIL PROVINCES RULE 178

The purpose of this memorandum is to obtain permission of the National Council of Provinces

In terms of rule 163 (1) to initiate legislation which deals with the following:

(a) Particulars of the proposed legislation

The legislation seeks to amend Chapter 6 of the Local Government: Municipal System Act 2000 (Act 32 of 2000) to make provision for the following:

- i) to establish an investigative forum structure that will serve as an urgent ministerial tool aimed at assisting the NCOP in conducting its oversight work, by performing research and monitoring the 283 Municipalities performances.
- ii) inclusion of the Ward Committee System as a fundamental strategic human capital in the process of Public Participation (the people's voice).

(b) Objects of the proposed legislation

- (i) The Municipal System Act does not provide for an investigative forum or tool that will assist the NCOP by performing its crucial oversight functions on the Municipalities.
- (ii) The Act does not adequately provide direct assistance to the NCOP to fulfil its constitutional obligations of conducting oversight function in all 283 municipalities.
- (iii) The proposed amendments will ensure that the NCOP has an advisory forum that can advise the NCOP about challenges affecting local government and proposed recommendations on appropriate action to be taken. The forum may also initiate programmes in conjunction with local government to address the shortfalls. The introduction of WC as an oversight tool for the NCOP will help test the political social maturity levels of Councilors, officials as well as Municipalities.
- (iv) The amendment will ensure therefore that public participation reflects good public representation and Ward Committees awareness will improve local government functioning by addressing poor performance by councillors.

(v) Bestowing powers on Ward Committees to engage Councils will afford the opportunity fully rights participate in planning service delivery programmes thereby making the lives of the people better.

(c) Financial implication for the State

The proposed legislation will not lead to any additional expenditure by the State.

Yours sincerely,



Hon. DB Feldman, MP
Permanent Delegate: NCOP
29.10.2009