

Amendments Proposed by the Portfolio Committee on Provincial
and Local Government

Local Government: Municipal Systems Amendment Bill [B22-2010]

Clause 2

1. On page 3 –

- (a) in line 17, to omit “of a municipality”;
- (b) from line 22, to omit “or acting municipal manager”;
- (c) after line 24, before line 25, insert the following new subsection:

“(2A) (a) A person appointed in terms of subsection (1)(b) may not be appointed to act for a period exceeding three months.

(b) Where the period of appointment contemplated in paragraph (a), exceeds three months, the municipal council may, in special circumstances and on good cause shown, apply in writing to the MEC for local government to ratify the appointment.”;

- (d) in line 25, to omit “or acting municipal manager”;
- (e) in line 26, to omit “municipality” and to substitute “municipal council”;
- (f) in line 31, to omit “municipality” and to substitute “municipal council”;
- (g) in line 37, to omit “municipality” and to substitute “municipal council”;
- (h) in line 39, to omit “municipality” and to substitute “municipal council”;
- (i) in line 40, after “person” to insert “on such conditions as prescribed”;
- (j) in line 44, to omit “municipality” and to substitute “municipal council”;
- (k) in line 45, after “person” to insert “on such conditions as prescribed”;
- (l) in line 46, to omit “municipality” and to substitute “municipal council”;
- (m) in line 53, to omit “municipality” and to substitute “municipal council”; and
- (n) in line 55, to omit “municipality” and to substitute “municipal council”.

2. On page 4, in line 1, to omit “municipality” and to substitute “municipal council”.

Clause 3

3. On page 4 –

- (a) in line 19, after “(a)” to insert “(i)”;
- (b) after line 20, before line 21, to insert the following new paragraph:

“(c) A person appointed in terms of paragraph (a)(ii) may not be appointed to act for a period that exceeding three months: Provided that where the period of appointment exceeds three months, the municipal council may,

in special circumstances and on good cause shown, apply in writing to the MEC for local government to ratify the appointment.”;

- (c) in line 20, to omit “relevant”;
- (d) in line 21, to omit “to a post” ;
- (e) in line 22, after “(1) (a)” to insert “(i)”;
- (f) in line 22, to omit “municipality” and to substitute “municipal council”;
- (g) in line 29, after “(1) (a)” to insert “(i)”;
- (h) in line 37, insert a new subsection (before subsection (5)), as follows:

“(a) The municipal council must inform the MEC for local government of the appointment process and outcome, as may be prescribed.

(b) The MEC for local government must, on receipt of the information referred to in paragraph (a), submit a copy thereof to the Minister.”;

- (i) in line 40, to omit “municipality” and to substitute “municipal council”;
- (j) in line 42, to omit “municipality” and to substitute “municipal council”; and
- (k) in line 43, to omit “municipality” and to substitute “municipal council”;

Clause 6

4. On page 6, from line 3, to omit clause 6 and to substitute:

“Employment of dismissed staff

57A (1) Any staff member dismissed for misconduct may only be re-employed in any municipality after the expiration of a prescribed period.

(2) The Minister must prescribe different periods of expiry, as contemplated in subsection (1), for different categories of misconduct.

(3) Notwithstanding subsection (1) and (2), a staff member dismissed for financial misconduct contemplated in section 171 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), corruption or fraud, may not be re-employed in any municipality for a period of five years.

(4) Notwithstanding subsection (1), the Minister may prescribe acts of misconduct in respect of which no period need expire before a person may again be employed in any municipality.

(5) Subject to subsection (1), a decision whether or not to employ a person dismissed for misconduct must be taken with due regard to the nature of the misconduct concerned.

(6) A municipality must maintain a record, as prescribed, of every staff member that has been dismissed for misconduct.

Clause 11

5. In line 29, to delete clause 11(c) that amends paragraph (g);
6. In line 29, to insert a new clause 11(c) that inserts a new paragraph in subsection (1) of section 72, after paragraph (g), which reads *as follows*:

“(gA) subject to the Labour Relations Act, 1995 (Act No. 66 of 1995), the regulation of medical aid and pension, after consultation with the Minister of Health and the Minister of Finance”;

7. In line 34, to replace “(gA)” with “(gB)”;

8. In line 37, to replace “(gB)” with “(gC)”;

New Clauses

9. On page 7, before line 5, to insert the following clause:

“Amendment of section 71 of Act 32 of 2000

9A. The following section is hereby substituted for section 71 of the principal Act:

“Bargaining council agreements

(1) Organised local government must, before embarking on any negotiations with parties in the bargaining council established for municipalities, consult the Minister.

(2) Municipalities must comply with any collective agreements concluded by organised local government within its mandate on behalf of local government in the bargaining council established for municipalities.”

10. On page 8, before line 1, to insert the following clause:

Amendment of section 120 of Act 32 of 2000

13. Section 120 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph (a) of the following paragraph:

“(a) the matters listed in sections 22, 37, 49, 54A, 56, 71B, 72, 86A and 104.”.