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2nd Floor, Bram Fischer Building, De Villiers Street, Bloemfontein

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Your Ref:

Our Ref: Council Item -acting CFO and Head SS

Room 201, Bram Fischer Building

Date: 02 February 2023

**THE COUNCIL SPEAKER
CLLR STEFANI LOCKMAN-NAIDOO**

COUNCIL ITEM:

**EXTENSION OF ACTING CHIEF FINANCIAL OFFICER (CFO) AND
APPOINTMENT OF ACTING HEAD OF DEPARTMENT SOCIAL SERVICES**

1. PURPOSE

- 1.1 The purpose of this submission is to seek Council approval for the extension of period of an acting Chief Financial Officer (CFO) and appointment of acting Head of Department Social Services.

2. BACKGROUND AND DISCUSSION

- 2.1 On 19 December 2022, the Municipal Council appointed Mr Lutanyani Denge as the acting Chief Financial Officer for the period 01 December 2022 until 31 January 2023 as recommended by the acting City Manager upon request from National Treasury that the former acting Chief Financial Officer is unavailable to continue acting in the position due to family commitments. The acting appointment was on the basis that the position of the Chief Financial Officer would have been filled by end January 2022. Copy of Council resolution attached at Annexure "A".

- 2.2 Subsequent thereto, the approval of the macro-organisational by council paved a way for the advertisement of the position the Chief Financial Officer in the City Press Edition published on 10 November 2022 with closing date 09 December 2022 together with the positions of Heads Corporate Services and Technical Services. Copy of the advertisement is attached at Annexure "B".

- 2.3 The recruitment, selection and appointment of senior managers accountable to the municipal manager is regulated in terms of the Municipal Systems Amendment Act, Act. of 2022 and Regulations on Appointment and Conditions of Employment of Senior Managers mandates council to appoint selection panel to furtherance the appointment of senior managers. To be precises the Regulations provide that:

Section 12 (4) of the Regulations provides that council must appoint selection panel(s) for the

appointment of a manager directly accountable to a municipal manager consisting of at least three and not more than five members constituted as follows:

- (a) *The Municipal Manager, who will be the Chairperson.*
- (b) *A member of the Mayoral Committee or a Councillor who is the portfolio head of the relevant portfolio; and*
- (c) *At least one other person, who is not Councillor or a staff member of the municipality, and who has expertise or experience in the area of the advertised post.*

- 2.4 A report titled "***Appointment of Selection Panels for the Recruitment, Selection and Appointment of Managers Accountable to the Municipal Manager in Accordance with the Local Government Municipal Systems Act as amended and Regulations***" was withdrawn and deferred by the Executive Mayor to allow process of consultation with multiparty in council on the composition of the selection panels of which such consultation and meeting took place on 21 December 2022. The said meeting agreed that each political party will submit proposed names of persons from government institutions for consideration for appointment as panel members by council. However to date, no formal submissions from multi party have been submitted.
- 2.5 The implication of failure to appoint the selection panels for appointment of managers directly accountable to the municipal manager had direct bearing infurtherance of the recruitment process as provided in the regulation 13 that:
- (1) *A mayor in the case of the municipal manager, or the municipal manager in the case of the manager directly accountable to the municipal manager, in consultation with the selection panel must compile*
 - (a) *A list of all applicants who applied for an advertised post, and*
 - (b) *A shortlist consisting of all applicants received for a specific post evaluated against the relevant competency requirements, as set out in Annexures A and B to these regulations*
 - (2) *The shortlisting must be finalized within 30 days of the closing date of the advertisement.*
- 2.6 The 30 days period for shortlisting purpose has since lapsed on 10 January 2023, therefore the recruitment, and selection and appointment process must be restarted from advertisement of the positions meaning that by 31 January 2023, the position of Chief Financial Officer remains vacant.
- 2.7 Council of 07 November 2022, extended acting period of the other Heads of Departments until 28 February 2023, it is against this background that it is recommended to extend the acting period of Mr Lutanyani Denge to be in line with the rest of the acting Heads of Departments until 28 February 2023.
- 2.8 With regard to the position of Head of Department Social Services and Metropolice, Mr Israael Kgamanyane, the former Head for Metropolice was appointed to also act in the Directorate Social Services and his contract of employment has since come to an end on 31 December 2022 leaving vacant position in the two Directorates. The Municipal Systems Act mandate council to appoint a divisional manager (serving General Manager in our instances) to act in a higher post for a maximum period of three months, which period can be extended by a further three months, subject to concurrence by the MEC. An

acting appointment does not guarantee a permanent appointment by the incumbent acting in such position.

- 2.9 appoint Ms Mahoholi Alina Mafisa as the acting Head Social Services and Public Safety for the period of three months or until the position has been filled whichever comes first and that should act period exceed six months, concurrence must be sought from MEC CoGTA in line with Municipal System Act.
- 2.10 Ms Mahoholi Alina Mafisa have a BA degree (Public and Municipal Administration) and currently studying LLB at the University of the Free State. She therefore meets the prescribed minimum requirements for acting in a vacant post of Head of Department as provided in Annexure A of the regulations. It is against this background that council is recommended to appoint Ms Mahoholi Alina Mafisa to act as Head of Departments Social Services and Metropolice for period of three months and not longer than six months. Once again, the appointment of selection panels is very critical infurtherance the appointments of Heads of Departments in the metro.

4. RECOMMENDATIONS

It is recommended that Council:

- 4.1 extend acting period of Mr Lutanyani Denge, current acting Chief Financial Officer until 28 February 2023 to be in line with the acting period of the rest of the seconded Heads of Department.
- 4.2 Appoint Ms Mahoholi Alina Mafisa as the acting Head Social Services and Public Safety for the period of three months or until the position has been filled whichever comes first and that should acting period exceed six months, concurrence must be sought from MEC for CoGTA in line with Municipal Systems Act.

SUBMITTED BY:

ADV N MPANGANE (MS)
ACTING HOD: CORPORATE SERVICES

DATE: 01/02/2023

APPROVED / NOT APPROVED

TEBOGO MOTLASHUPING (MR)
ACTING CITY MANAGER

DATE: 01/02/2023

4 RECOMMENDATIONS

It is recommended that Council:

- 4.1 extend acting period of Mr Lutanyani Denge, current acting Chief Financial Officer until 28 February 2023 to be in line with the acting period of the rest of the seconded Heads of Department.
- 4.2 Appoint Ms Mahoholi Alina Mafisa as the acting Head Social Services and Public Safety for the period of three months or until the position has been filled whichever comes first and that should acting period exceed six months, concurrence must be sought from MEC for CoGTA in line with Municipal Systems Act.

RATIFIED / NOT RATIFIED

Mafisa G MALAZA (MS)

NATIONAL CABINET REPRESENTATIVE

DATE:

4.2 Amended recommendation for
ratification: Maximum of 3 months or
the earlier of position being filled.

DATE: 5/2/2023

APPROVED / NOT APPROVED


COUNCILLOR MXOLISI SIYONZANA
EXECUTIVE MAYOR

DATE: 05/02/23



MANGAUNG

METRO MUNICIPALITY

MÉTRO MUNISIPALITÉ

LEKGOTLA LA MOTSE

ADMINISTRATIVE
CORPORATE SERVICES

Committee Services

Ref: Mr M Mothekhe
Ext: 8095/8543
Date: December 20, 2022

COUNCIL 196.2 – 19/12/2022

THE ACTING HOD: CORPORATE SERVICES

APPOINTMENT OF ACTING CHIEF FINANCIAL OFFICER (CFO)

I wish to inform you that the abovementioned report was considered and approved with amendment by Council at the meeting held on Monday, December 19, 2022 as follows:

RELISHED that Council note the letter from National Treasury and appoints Mr Lutanyani Denge as an Acting Chief Financial Officer (CFO) of the Mangaung Metropolitan Municipality with effect from 19 December 2022 until 31 January 2023.

The matter is therefore conveyed for your urgent attention and execution.

ACTING CITY MANAGER
MR T MOTLASHUPING

DATE: 20/12/2022

NATIONAL CABINET REPRESENTATIVE
Ms G MALAZA

DATE: 20/12/2022

COPIES:

- SENIOR ADMINISTRATIVE OFFICER: COUNCIL
- RECORDS MANAGEMENT UNIT

APPOINTMENT OF ACTING CHIEF FINANCIAL OFFICER (CFO)



VACANCIES X 3 Head: Corporate Services | Chief Financial Officer | Head: Technical Services

Closing date: 09 December 2022



The Mangaung Metropolitan Municipality hereby invites suitably qualified applicants from experienced, qualified, innovative, committed and energetic individuals with vision, for appointment to the following positions, which will be based in Bloemfontein (Head Office):

Vacancy: Head Corporate Services
 (Ref. No. E06/01) -
 Director: Corporate Services
 (Permanent Position)

REMUNERATION: The annual total remuneration package of the incumbent will be in terms of the Municipal Systems Act: Category 7 Municipality annual remuneration package will be payable, R 1 354 200 (minimum), R 1 596 747 (mid-point), R 1 876 176 (maximum)

PURPOSE: Directs and controls key performance areas of the directorate through implementation of policies, procedures, systems, and controls, guiding critical interventions, applications, and outcomes by providing advice and support with respect to specific functional requirements and controlling the operational dimensions related to key departmental priorities.

DUTIES & RESPONSIBILITIES: The Head: Corporate Services shall: Oversee optimal functioning of Human Resources and Development systems, policies, procedures, and controls | Ensure adequate provision of digital and technological solutions to the organisation | Lead and initiate opportunities to enhance internal relationships between management, unions and employees, and support processes to maximise a collaborative working relationship | Ensure efficient and effective support is rendered to the offices of Public Office Bearers and the Municipal Manager | Ensure an effective provision of a facilities and fleet services to the municipality.

AUTHORITY: The incumbent is required to operate within bylaws, resolutions and policies of Council, as well as any other legislative requirements | The incumbent has to perform functions as delegated in the delegation of powers and functions | The incumbent has to develop and ensure implementation of policies and strategies and recommend those for Council approval.

QUALIFICATIONS: At least NQF level 7 in the fields of Law/ Public Administration or equivalent | Required Minimum Competency Level In prescribed Unit Standards (CPMD) (as per Government Gazette No. 29967 of 15 June 2007 Municipal Regulations on Minimum Competency Levels).

EXPERIENCE: A minimum of seven (07) years at senior and middle management level, of which at least four (04) years must be at senior management level | Knowledge of the local government/public sector environment or sound business experience in a corporate environment.

CORE MANAGERIAL AND OCCUPATIONAL COMPETENCIES: Strategic Leadership and Management | Operational Financial Management | Governance, ethics and values In Financial Management | Risk and Change Management | Project Management | Legislation, Policy and Implementation | Supply Chain Management | Audit and Assurance.

VACANCY – CHIEF FINANCIAL OFFICER
 (Ref.No. E06/02)
 DIRECTORATE: FINANCE
 (PERMANENT POSITION)

REMUNERATION: The annual total remuneration

package of the incumbent will be in terms of the Municipal Systems Act: Category 7 Municipality annual remuneration package will be payable, R 1 354 200 (minimum), R 1 596 747 (mid-point), R 1 876 176 (maximum)

PURPOSE: Contribute to the municipal financial planning processes to give effect to the long term operational and strategic goals of the municipality.

DUTIES & RESPONSIBILITIES: The Chief Financial Officer shall: Develop, manage and control the short- and medium-term capital and operating budgets of the municipality | Monitor expenditure and recommend and implement corrective measures to rectify deviations to budgetary provisions and audit requirements | Consolidate and provide financial accounting-related information for the annual report in compliance with relevant financial reporting standards | Comply with Municipal Finance Management Act (MFMA), Supply Chain Management and all other municipal finance regulations.

AUTHORITY: The incumbent is required to operate within bylaws, resolutions and policies of Council, as well as any other legislative requirements | The incumbent is required to advise Council and the City Manager on all financial matters in the Municipality so that well-informed decisions can be made | The incumbent has to perform function as delegated in the delegation of powers and functions | The incumbent recommends for approval to Council appropriate tariffs, budgets, new loans, debt write-offs etc.

KEY PERFORMANCE AREAS: The successful incumbent will be accountable to the Accounting Officer and will be responsible for the following: Advise and assist the Accounting Officer and Senior Managers in the exercise of the powers and functions assigned and delegated in terms of the MFMA and other relevant legislation | Ensure the effective implementation of the Municipal Finance Management Act and relevant regulations | Monitor compliance with the Municipal Finance Management Act and relevant regulations | Ensure compliance with best practice accounting norms and standards | Foster a good working relationship with the Auditor General's Office and other stakeholders | Contribute to policy development

AREAS OF RESPONSIBILITY: The Chief Financial Officer is the administrative head of the Budget and Treasury Office that has the following delegated core functions: Budget preparation, monitoring and reporting | Accounting | Analysis and financial reporting | Cash Management | Debt Management | Supply Chain Management | Financial Management | Asset Management

QUALIFICATIONS: At least NQF level 7 in the fields of Engineering/ Bachelor's Degree or B Tech; Engineering or equivalent and Pr. Eng. registered with ECSA | Required Minimum Competency Level In prescribed Unit Standards (CPMD) (as per Government Gazette No. 29967 of 15 June 2007 Municipal Regulations on Minimum Competency Levels).

EXPERIENCE: A minimum of seven (07) years at senior and middle management level, of which at least four (04) years must be at senior management level | Knowledge of the local government/public sector environment or sound business experience in the environment and engineering environment.

ADDED ADVANTAGE: Registered as a Chartered Accountant (SA) | Required Minimum Competency Level in prescribed Unit Standards (CPMD) (as per Government Gazette No. 29967 of 15 June 2007 Municipal Regulations on Minimum Competency Levels).

EXPERIENCE: A minimum of seven (07) years at senior and middle management level, of which at least four (04) years must be at senior management level | Knowledge of the local government environment or sound business experience in a corporate environment.

CORE MANAGERIAL AND OCCUPATIONAL COMPETENCIES: Strategic Leadership and Management | Operational Financial Management | Governance, ethics and values In Financial Management | Risk and Change Management | Project Management | Legislation, Policy and Implementation | Supply Chain Management | Audit and Assurance.

commercial environment.
CORE MANAGERIAL AND OCCUPATIONAL COMPETENCIES: Strategic leadership and management People Management | Program and Project Management | Strategic Financial Management | Operational Financial Management | Risk Management | Legislation, policy and implementation | Change Leadership | Governance Leadership | Audit and Assurance Supply Chain Management | Leading the team Information seeking and sharing

VACANCY – HEAD: TECHNICAL SERVICES
 (Ref.No. E06/03)

DIRECTORATE: TECHNICAL SERVICES
 (PERMANENT POSITION)

REMUNERATION: The annual total remuneration package of the incumbent will be in terms of the Municipal Systems Act: Category 7 Municipality annual remuneration package will be payable, R 1 354 200 (minimum), R 1 596 747 (mid-point), R 1 876 176 (maximum)

PURPOSE: Develop, deliver and sustain key infrastructure for the provision of essential engineering solutions and services.

DUTIES & RESPONSIBILITIES: The Head: Technical Services shall: Drive energy demand management, operate and maintain transmission networks and retail operations | Deliver on the assigned mandate for Technical Services pertaining to Water Services Authority and Water Provider | Deliver on revenue commitments by driving the minimisation of losses | Provide oversight of the construction, maintenance, and control of accessible municipal road networks and infrastructure | Expedite capital projects to agreed quality, budget and timelines.

AUTHORITY: The incumbent is required to operate within the laid down policies and procedures of Council, as well as bylaws and any other legislative requirements | The incumbent has to develop and ensure implementation of policies and strategies and recommend those for Council approval | The incumbent has to perform function as delegated in the delegation of powers and functions.

QUALIFICATIONS: At least NQF level 7 in the fields of Engineering/ Bachelor's Degree or B Tech; Engineering or equivalent and Pr. Eng. registered with ECSA | Required Minimum Competency Level In prescribed Unit Standards (CPMD) (as per Government Gazette No. 29967 of 15 June 2007 Municipal Regulations on Minimum Competency Levels).

EXPERIENCE: A minimum of seven (07) years at senior and middle management level, of which at least four (04) years must be at senior management level | Knowledge of the local government/public sector environment or sound business experience in the environment and engineering environment.

ADDED ADVANTAGE: Certificate of competency as required in terms of the General Machinery Regulations, 1998 | or Registration with a recognized relevant engineering professional body.

CORE MANAGERIAL AND OCCUPATIONAL COMPETENCIES: Strategic Leadership and Management | Operational Financial Management | Governance, ethics and values In Financial

Management | Risk and Change Management | Project Management | Legislation, Policy and Implementation | Supply Chain Management | Audit and Assurance

• The appointments will be made in compliance with the provisions of section 56 of the Local Government: Municipal Systems Act, No. 32 of 2000 (as amended).

• Camassing for appointment to the position and corroborating proof thereof will result in the automatic disqualification of a candidate.

• The municipality will not take responsibility for information not mentioned in applications.

• The successful candidate(s) will have to sign an employment contract and performance agreement and disclose financial interests. Shortlisted candidates will undergo security vetting. All potential candidates recommended for appointment will undergo competency assessments.

• The Council reserves the right to appoint or not to appoint any candidate if in its view no suitable candidate could be found.

• If no reply to your application has been received within 90 days of the closing date, you should consider your application as being unsuccessful.

SUBMISSION OF APPLICATIONS:

• Applications must be made on a prescribed Application Form for Employment which may be downloaded from the Municipal Website www.mangaung.co.za

• Completed Application Forms must be accompanied by the following documents: comprehensive CV, certified copies of Certificates, Qualifications, Identity Document and Driver's Licence. It is the applicant's responsibility to have foreign qualifications evaluated by the South African Qualifications Authority (SAQA) and to attach proof thereof.

• Applications should be submitted through any of the following channels:

Via email to the relevant address:

For HOD: Corporate Services: HOD_CS@mangaung.co.za

For Chief Financial Officer: HOD_CFO@mangaung.co.za

For HOD: Technical Services: HOD_TS@mangaung.co.za

Post sealed applications to: City Manager, Mangaung Metropolitan Municipality, P.O. Box 3704, Bloemfontein, 9301

Hand-deliver in sealed envelopes to: Room 510, Bram Fischer Building, Cnr Nelson Mandela Drive & Markgraaf Str, Bloemfontein

Contact person: All enquiries may be directed to the Manager: Employment at thabang.mpef@mangaung.co.za or Tel: 051 405 8282

The closing date in respect of the positions is 09 December 2022 at 15:30.

ACTING CITY MANAGER
TEBOGO MOTLASHUPING

Ons Wil Vry Week ingeperkte Chine

Die byenkoms in Shanghai het stil gevalle van betogings in die strate en die vroue teen. In die rewe is om op die nuis te dyl, is vande week ingelig hy moet terugker werk toe.

Volgens Rapport se bronre was die eintlike rede vir genl.maj. Noel Ndhlovu se skorsing die feit dat hy hom in 2020 sterk uitgespreek het oor die weermag se besluit om medisyne van Kuba te koop.

Die korupsie en bedrog in sy kantoor die handelshof in Pretoria ver-skyn het. Dié saak het verdediging. 'n Tekort aan aptekers kort-wiek ook die SAMGD.

Daar is in Maart laas enige voorraadopnames gedoen of ou medikasie ageskryf omdat nie genoeg senior aptekers bereid is om verniet oortyd te werk nie.

The Department of Communications and Digital Technologies is inviting applications from persons who are suitably qualified to join the Department as it strives to be the employer of choice in the Public Service and the preferred place in the ICT sector for intellectual stimulation, leadership growth and national contribution.

POST/SALARY LEVEL: 16

DIRECTOR GENERAL: COMMUNICATIONS AND DIGITAL TECHNOLOGIES (YEAR CONTRACT) REF NO: DG

SALARY: An all-inclusive package of R2 088 458 per annum (Salary Level 16), comprising of basic salary (70% of employee's employee's contribution to the Government Employees Pension Fund (15% of basic salary) and a flexible person. A non-pensionable allowance equal to 10% of the annual all-inclusive remuneration package is also payable.

CHIEF DIRECTOR LEVEL (SALARY LEVEL: 14):

SALARY: An all-inclusive package of R1 308 051 per annum

1. CHIEF DIRECTOR: INTEGRATED STRATEGIC PLANNING AND MONITORING (REF NO: CDSPM)
2. CHIEF DIRECTOR: COMMUNICATIONS AND MARKETING (REF NO: CCOM)
3. CHIEF FINANCIAL OFFICER (REF NO: CFO)

Vader van land se metriek Stelsel Sterf

Pro derda 'n val aan s Pre die m wat if bruik uitein vasgel al in 1 spopers uitgetroon het die kans om sy and liefde te geniet, deur die wêreld plat te re. Meihuizen vertel hy het in Februarie ha skudding opgedoen, wat sy besluit om sy wels op te hang, verhaas het.

"Ek het teen Connacht gespeel, 'n kopsi daardie wedstryd opgedoen en toe 'n wee besef my rugbyloopbaan is verby.

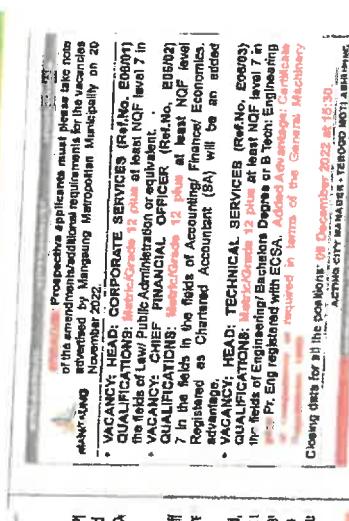
"So in die bestek van 50 minute het my om net vir my spannaats, vir my vriende, milie te moet vertel . . . dit was uiters hart rend."

Meihuizen moes 'n lang pad stap om 'n rugbyspeler te word. Hy het op skool eers sewende span uitgedraf by Boishaai, voordie eerstespan kon haal. Hy het sy Superrbuut vir die Stormers in 2019 gemaak.

"Die Dingdag voor die Sunwolves-wedstryd ek'n oproep van Robbie Fleck gekry en hy gesê: 'Luister, Eben (Etzebeth) is beseer, of slot nodig. Jy is in vir Saterdag.' Ek het nog eens saam met die Stormers geoefen nie!"

Ná sy uitrede het hy besluit om sy paspoete stof en het vanjaar reeds 14 lande besoek het onder meer die woud in Guatemala gaan, langs die vulkane in Nicaragua gaan sta skubaduk in Honduras, in Nice, Frankryk, afgegê, die Camino-staptotg in Spanje gedoel Alpe in Albanië gesien.

"Ek wou iets vind wat my siel regtig aan brand stek - en reis was nog altyd dit. Ek besin nie al is meer ion... . . .



CURRICULUM VITAE OF DENG E LUTANYANI ARNOLD

PERSONAL INFORMATION

Surname	:	Denge
First Names	:	Lutanyani Arnold
Date of Birth	:	1963-02-18
Identity Number	:	630218 5168 089
Gender	:	Male
Marital Status	:	Married
Nationality	:	South African
Driver's License	:	Code 10(EC1)
Home Language	:	Tshivenda
Other Languages	:	English, Afrikaans, Tsonga, Sepedi, Zulu

CONTACT DETAILS

Postal Address	:	P.O.Box 2378 Thohoyandou 0950
Residential address	:	741Tshisaulu Posaito Thohoyandou 0950
Contact Number	:	083 4564 427
Email Address	:	lutadenge@gmail.com

EDUCATION QUALIFICATIONS

Last School Attended	:	Mbilwi Secondary school
Highest Grade Passed	:	Grade 12
Year	:	1981

TERTIARY EDUCATION

1. Institution : University of Venda for Science and Technology
Qualification : Bcom (Accounting)
Course : Accounting 300
: Business Economics 300
: Cost Accounting 300
: Auditing 200
: Commercial Law 200
: English 101
: Statistical Method 100
Year : 1985

2.	Institution	:	University of Venda for Science and Technology
	Qualification	:	Bcom (Honors)-Cost and Management Accounting
	Course	:	Advance Auditing
		:	Control and Audit theory 3
		:	Advanced Taxation
		:	Financial Management
		:	Decision Making
	Year	:	1987
3.	Institution	:	Wits University
	Qualification	:	Higher Diploma in Computer Auditing
	Course	:	System Analysis design, Control and audit
		:	Computer Security reviews
		:	Computer assisted audit techniques
		:	System Software
		:	Research Report (Not completed)
	Year	:	1994
4.	Institution	:	University of Pretoria
	Qualification	:	ELMDP
			(Executive Leadership Municipal Development Programme)
	Modules Completed	:	
	:Module 1	:	How South African Government Functions
	Module 2	:	Theory & Practice Municipal Policy
	Module 3	:	IDP and Municipal services Provision
	Module 4	:	Public Management and Techniques
	Module 5	:	Managing Municipal Finance
	Module 6	:	Municipal Budgeting and Development
	Module 7	:	Human Resource Management, Personal Management

OTHER CERTIFICATES

Local Government and Education Training Board (Project Viability)/ Financial Management Training

1. Operation Budget
2. Capital Budget
3. Cash Management
4. Debtor General
5. Debtor- Meter Reading
6. Financial- Setting tariffs and Taxation

Institution	:	Venda Development Corporation
Training Division	:	Business Letters Report Writing
	:	Performance appraisal
	:	Planning
Computer Skills	:	Microsoft word, Excel, PowerPoint
Municipal Billing system	:	Venus
	:	Promis
	:	Promun
	:	Munsoft
	:	Pastel
Membership of professional Bodies	:	Institute of Municipal Finance Officers (Membership lapsed)
	:	Institute of internal Auditors South Africa (Membership lapsed)

KEY AREAS OF EXPERTISE AND EXPERIENCE

- **Financial management**
- **Financial modeling in engineering services and operations**
- **External and Internal audit**
- **Project management**
- **Human resources management**
- **Project oversight**

EMPLOYMENT RECORD

1. Name of Company	:	National Treasury
Position	:	Financial Advisor
Year	:	March 2018 to date
Responsibilities	:	<p>-Prepare and ensure implementation of Municipal Financial Recovery Plans for all municipalities with financial challenges and are unable to meet their financial commitments in accordance with Section 139 of both the Constitution of the Republic of South Africa, 1996 and Municipal Finance Management Act No. 56 Of 2003 and are therefore under provincial interventions</p> <p>-Recommend appropriate changes to the municipality's budget and revenue raising measures that will give effect to the financial recovery plan;</p> <p>-Provide financial technical on-site support to the municipality employees in the implementation of the financial recovery plan</p> <p>-Develop guidelines and clarifications on the implementation of Municipal Finance Management Act (MFMA)</p> <p>-Provide regular reports in the financial recovery plans implementation progress status for municipality's who are under provincial interventions</p>
2.Name of Company	:	Vhembe and Thulamela Municipalities
Position	:	PR Councillor
Year	:	May 2011 to December 2014

Responsibilities	<ul style="list-style-type: none"> : Chairperson Special Programme Portfolio Committee May 2011- June 2012 (Thulamela Municipality) : MPAC (Municipal Public Accounts Committee) member: July 2011-December 2014 (Thulamela Municipality) : Chairperson of Municipal Public Accounts Committee (July 2011-December 2014(Vhembe District Municipality) : Provincial Secretary of Provincial Municipal public-Accounts Committees (July 2011-December 2014) Critical Workshop Attended : <p>SALGA induction workshop to councilors SALGA Local Economic Development Workshop Thulamela Municipality Strategic planning workshop Various MPAC workshops</p>
3.Name of Company	Khuvutlu ,Water ,Consulting ,Roads and Services Engineering (KWCRScc)
Position	Finance/ Financial Support Manager
Year	January 2003-June 2010
Responsibilities	<ul style="list-style-type: none"> : 1. Project Manager & Limpopo Champion for the DWA Free Basic Water (FBW) and One Stop Shop (OSS) Project from 2003 to 2009 and the following were key responsibilities:- ➤ establishment of free basic services structures within all municipalities, ➤ review and development of relevant supporting policies for all municipalities, ➤ review and development of financial models for all water services authorities(WSAs), ➤ FBW status information gathering and update in the web for all municipalities, ➤ workshops and awareness campaigns for all municipalities, ➤ compile and present FBW and OSS progress report at DWA National forums, ➤ spearheaded and implementation of Regulator Performance Measuring System(RPMS)supporting DWA in monitoring and evaluating the performance of Water Authorities (WSA's), ➤ support all municipalities with FBW provision and management, ➤ support Water Services One Stop Shop (OSS) facilitating response to all water related queries by communities and various stakeholders to DWA and municipalities in Limpopo, ➤ facilitate workshops and training of councilors and officials with regard to implementation of FBW, <p>2.Overall project manager for the following cost recovery and water turnaround projects:</p> <ul style="list-style-type: none"> ➤ Mopani District Municipality (Greater Giyani , Phalaborwa and Greater Letaba Local Municipalities) 2005-2009, ➤ Greater Sekhukhune District Municipality(All Local Municipalities within GSDM) 2006-2009, ➤ Vhembe District Municipality(All Local Municipalities within VDM) 2009-2010, ➤ Bushbuckridge Municipality : 2005-2007 <p>3.operation and maintenance support.</p> <p>4.Establishment and Maintenance of effective and efficient financial system.</p> <p>5.Ensure that all income is collected within appropriate time</p>

6. Ensure that all contractual obligations are settled and all money owing are paid within the prescribed or agreed period,
7. Effective and economic management of working capital
8. Prepare and complete all financial statements,
9. Provide all financial expertise to clients,
10. Provide customer management to clients,
11. General project management of all projects,
12. Financial modeling on all client's projects e.g FBW, tariff setting etc,
13. Propose and develop financial policies to clients e.g indigent, FBW,etc,
14. Determination of tariffs of Greater Sekhukhune and Greater Capricorn District Municipalities
15. Project manager for SALGA water services viability assessment for all WSAs in Limpopo.

4. Name of Company	:	Johannesburg Roads Agency (PTY) LTD
Position	:	Manager –Corporate Finance
Year	:	2000 July –December 2002
Responsibilities	:	<ul style="list-style-type: none"> ➤ Financial and performance reporting to Johannesburg City as per SLA template, ➤ Billing of customers for services rendered, ▪ Collection of revenue, ▪ Preparation of monthly, quarterly, and annual management reports. ▪ Proper management of asset register, ▪ General administration of the department and supervision of subordinates, ▪ Project manager for the SALGA Water Services Viability Assessment for all WSA's in Limpopo, ▪ Risk Management for the entire budget.
5. Name of Company	:	Greater Thohoyandou TLC
Position	:	Town Treasurer
Year	:	1996 April- June 2000
		<p>Spearheaded the establishment of Greater Thohoyandou Transitional Local Council (TLC),</p> <ul style="list-style-type: none"> ➤ Creation of customer database and introduce billing for + 80 000 customers. ➤ Spearhead community participation in the determination of the first consumer tariff for the whole municipality's area of jurisdiction, ➤ Implementation of credit control of defaulting consumers, ➤ Creation of new customers in the database, ➤ Establishment and maintenance of effective and efficient financial systems ➤ Determine potential revenue sources and collection thereof within appropriate times, ➤ Compilation of the budget, ➤ Preparation of management report and financial statements, ➤ Ensure that all contractual obligations and moneys owing are settled within the prescribed or agreed times, ➤ General treasury and cash flow management, ➤ Preparation of reports and make recommendations to Council, ➤ Risk management of the Department, ➤ Development of Council Financial Policies viz: credit control, indigent, procurement.

6.Name of Company	:	University of Venda
Position	:	Chief internal Auditor
Year	:	1992-March 1996
Responsibilities	:	
		<ul style="list-style-type: none"> ➤ Evaluation of the internal control in various departments and divisions, ➤ Development of work schedule and Audit Programmes, ➤ General Administration and supervision of subordinates, ➤ Verification of financial and accounting reports and all underlying books of records, ➤ Determination and prevention of misappropriation of resources, ➤ Evaluation of the activities and system of various departments in terms of the procedure manual and financial instructions, ➤ Monitor implementation of management and Council decisions, ➤ Establish and maintain adequate systems of internal control, ➤ Reduction of the probability of innocent as well fraudulent errors, ➤ Avail information and guidance regarding effective internal control to all departments and sections, ➤ Compile reports and recommendations to the Vice Chancellor and Principal
7.Name of Company	:	University of Venda
Position	:	Part time Lecturer
Year	:	1992-1994
Responsibilities	:	<ul style="list-style-type: none"> Lecturing State Finance 100 Lecturing State Finance 200
8.Name of Company	:	Venda National Development Corporation
Position	:	Manager – Internal Audit
Year	:	1989 July – 1992
Responsibilities	:	<ul style="list-style-type: none"> ➤ Evaluation of the internal control in various departments and divisions, ➤ Development of work schedule and Audit Programmes, ➤ General Administration and supervision of subordinates, ➤ Verification of financial and accounting reports and all underlying books of records, ➤ Determination and prevention of misappropriation of resources, ➤ Evaluation of the activities and system of various departments in terms of the procedure manual and financial instructions, ➤ Monitor implementation and management of Board decisions, ➤ Establish and maintain adequate systems of internal control, ➤ Reduction of the probability of innocent as well fraudulent errors, ➤ Avail information and guidance regarding effective internal control to all departments and sections, ➤ Review all data collected and submitted for audit purpose and opinions on collected facts and submitting reports and recommendations to the Chief Executive Officer or Audit Committee of the Board of Directors.
9.Name of Company	:	Office of the Auditor General

Position	:	Audit Assistant
Year	:	1984 – 1989
Responsibilities	:	<ul style="list-style-type: none"> Check Government expenditure vouchers for compliance with Tender Boards, Treasury, and departments approvals, ➤ Check expenditures against appropriations and necessary approvals, ➤ Conduct various forms of inspections to Government Departments e.g. Cash, stores, Human Resource, vehicles Machinery, Capital Project etc. ➤ Conducting year end periodical stock taking and closing of Financial Books at the end of financial year, ➤ Audit reporting and making necessary follow -ups.

Board Membership

1. 2013- 2020 Member of Tshilidzini Hospital Board responsible for financial and technical aspects

REFERENCES

Name or person	:	Mr. Nevhutalu M.L
Company	:	Office of the Auditor General Polokwane
Tel	:	015 295 5724
Cell	:	082 460 6447
Name or person	:	Mr. Nemutudi T.C
Company	:	DWA Water Sector Support Polokwane
Tel	:	015 290 1200
Cell	:	082 8095 130
Name or person	:	Mr Matibe T.B
Company	:	Regional Chairperson ANC Vhembe
Cell	:	083 757 4431

CURRICULUM VITAE

OF

• MAHOHOLI ALINA
MAFISA

1. PERSONAL INFORMATION

SURNAME	:	Mafisa
NAMES	:	Mahoholi Alina
ID Nr.	:	5904290249083
CONTACT INFORMATION		
Address	:	9 Ben de Koker Street Universitas Ridge Bloemfontein, 9301 051-4127000/6 [Work] 051-4462248 [Home] 0824299246 [Cell Phone] e-mail: mahoholi.mafisa@mangaun.co.za
Languages	:	Sesotho, English, Afrikaans Speak, Read, and Write
DRIVERS LICENCE	:	Code 08
DEPENDANTS	:	2

2. ACADEMIC ACHIEVEMENTS

INSTITUTION	:	UNIVERSITY OF THE FREE STATE
Degree	:	LLB
Modules successfully completed	:	Legal Practice Introduction to Legal Science Criminal Law Roman Law
INSTITUTION	:	VISTA UNIVERSITY
QUALIFICATION	:	BA Degree [Public and Municipal Administration]
OBTAINED	:	1999
Modules successfully completed	:	Public Administration III Municipal Administration III Psychology II Political Science I Business Management I Industrial Psychology I
Duration	:	Three [3] Years

3. OTHER COURSES ATTENDED

CERTIFICATES AND SHORT COURSES

Women in Leadership

Effective and Efficient Management Leadership

Accelerated Service Delivery [A woman perspective]

4. MEMBERSHIP OF PROFESSIONAL AND OTHER BODIES

Full Member of the Institute of Local Government Managers [ILGM]

5. EMPLOYMENT HISTORY

ACTING

I have acted in the position of Executive Director:
Community and Social Development for a year, since 2008
until December 2009

CURRENT POSITION

General Manager: Parks and Cemeteries

Key Responsibilities

Management of Parks and Cemeteries
Stakeholder Relations
Budget compilation, prioritization, and implementation
Monitoring of performance
Personnel Management

DURATION

Since October 2007

POSITION

Senior Administration Officer

DURATION

1997 – October 2007

Key Responsibilities

As a Divisional Head of Administration, I was responsible for the compilation of the sub-directorate's budget and ADBIP, monthly and quarterly reports

Oversee the general administration of the Division with emphasis on planning, organizing, control and the supervision of subordinates.

REASON FOR VACATING POST

Promotion

PREVIOUS EMPLOYER

Bloemfontein Transitional Local Council

POSITION	:	Assistant Personnel Officer
DURATION	:	1991 – 1997
Key Responsibilities		Responsible for the employment of personnel and keeping of records
REASON FOR VACATING POST	:	Promotion
PREVIOUS EMPLOYER	:	Mangaung Town Council
 POSITION	:	 Senior Clerk
DURATION	:	1987 – 1990
Key Responsibilities		Responsible for recruitment, selection, and placement of personnel Labour relation and keeping of personnel records
POSITION	:	Welfare Officer
DURATION	:	1982 – 1987
Key Responsibilities		General Administration work [Applications for pensions, maintenance] Resolving of disputes from claims
REASON FOR VACATING POST	:	Promotion

6. REFERENCES

- | | | |
|----------------|---|--|
| 1. NAME | : | Mr GMM Mohlakoana |
| OCCUPATION | : | Executive Director: Strategic Projects and Service Delivery Monitoring |
| COMPANY | : | Mangaung Metro Municipality |
| CONTACT NUMBER | : | 082 850 9803 |
| | | |
| 2. NAME | : | Mr TL Mkaza |
| OCCUPATION | : | City Manager |
| COMPANY | : | Sedibeng Municipality |
| CONTACT NUMBER | : | 083 657 0915 |



This is to certify that the three-year degree

**BACCALAUREUS ARTIUM
(BA)**

was conferred this day at a
congregation of the University
to

MAFISA MAHOKHO ALINA

after complying with the provisions of the Act,
Statutes and Regulations of the University.

H.P. Africa

VICE-CHANCELLOR
PRETORIA

Republic of South Africa

06 APRIL 2000

Document Number
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R.J.Mbuti

REGISTRAR



VISTA
UNIVERSITY



This is to certify that the three-year degree

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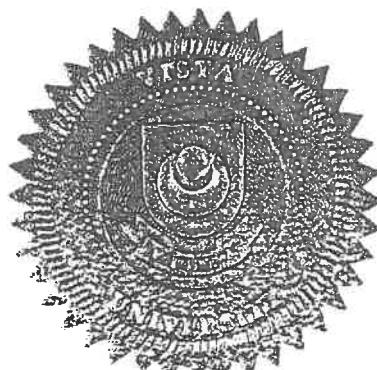
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PRETORIA
Republic of South Africa

08 APRIL 2000

Document Number
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Government Gazette

REPUBLIC OF SOUTH AFRICA

Vol. 686

Cape Town
Kaapstad

17 August 2022

No. 46740

THE PRESIDENCY

No. 1233

17 August 2022

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

Act No. 3 of 2022: Local Government: Municipal Systems Amendment Act, 2022

DIE PRESIDENSIE

No. 1233

17 Augustus 2022

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

Wet No. 3 van 2022: Wysigingswet op Plaaslike Regering: Munisipale Stelsels, 2022

ISSN 1682-5845



9 771682 584003



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

GENERAL EXPLANATORY NOTE:

- | Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

*(English text signed by the President)
(Assented to 16 August 2022)*

ACT

To amend the Local Government: Municipal Systems Act, 2000, so as to insert and amend certain definitions; to make further provision for the appointment of municipal managers and managers directly accountable to municipal managers; to provide for procedures and competency criteria for such appointments, and for the consequences of appointments made otherwise than in accordance with such procedures and criteria; to determine timeframes within which performance agreements of municipal managers and managers directly accountable to municipal managers must be concluded; to make further provision for the evaluation of the performance of municipal managers and managers directly accountable to municipal managers; to require employment contracts and performance agreements of municipal managers and managers directly accountable to municipal managers to be consistent with the Act and any regulations made by the Minister; to require all staff systems and procedures of a municipality to be consistent with uniform standards determined by the Minister by regulation; to bar municipal managers and managers directly accountable to municipal managers from holding political office in political parties; to regulate the employment of municipal employees who have been dismissed; to provide for the Minister to make regulations relating to the duties, remuneration, benefits and other terms and conditions of employment of municipal managers and managers directly accountable to municipal managers; to provide for the approval of staff establishments of municipalities by the respective municipal councils; to prohibit the employment of a person in a municipality if the post to which he or she is appointed is not provided for in the staff establishment of that municipality; to enable the Minister to prescribe frameworks to regulate human resource management systems for local government and mandates for organised local government; to extend the Minister's powers to make regulations relating to municipal staff matters; to make a consequential amendment to the Local Government: Municipal Structures Act, 1998, by deleting the provision dealing with the appointment of municipal managers; and to provide for matters connected therewith.

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woerde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordeninge aan.
- _____
- Woerde met 'n volstreep daaronder dui invloegings in bestaande verordeninge aan.
- _____

(Engelse teks deur die President geteken)
(Goedgekeur op 16 Augustus 2022)

WET

Tot wysiging van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000, ten einde sekere omskrywings in te voeg en te wysig; verder voorsiening te maak vir die aanstelling van munisipale bestuurders en bestuurders wat regstreeks aan munisipale bestuurders verantwoordbaar is; voorsiening te maak vir procedures en bevoegdheidmaatstawwe vir sodanige aanstellings, en vir die gevolge van aanstellings gemaak wat nie in lyn is met sodanige procedures en maatstawwe nie; tydsbestekke te bepaal waarbinne prestasie-ooreenkomste van munisipale bestuurders en bestuurders wat regstreeks aan munisipale bestuurders verantwoordbaar is, aangegaan moet word; verder voorsiening te maak vir die evaluasie van die prestasie van munisipale bestuurders en bestuurders wat regstreeks aan munisipale bestuurders verantwoordbaar is; te vereis dat dienskontrakte en prestasie-ooreenkomste van munisipale bestuurders en bestuurders wat regstreeks aan die munisipale bestuurder verantwoordbaar is, bestaanbaar is met die Wet en enige regulasies deur die Minister gemaak; te vereis dat alle personeelstelsels en -procedures van 'n munisipaliteit bestaanbaar is met die eenvorminge standaarde by regulasie deur die Minister bepaal; munisipale bestuurders en bestuurders wat regstreeks aan munisipale bestuurders aanspreeklik is, te belet om politieke ampte in politieke partye te beklee; die aanstelling van munisipale werknemers wat afgedank is, te reguleer; voorsiening te maak vir die Minister om regulasies te maak oor die pligte, vergoeding, voordele en ander bepalings en voorwaardes van indiensneming van munisipale bestuurders en bestuurders wat regstreeks aan munisipale bestuurders verantwoordbaar is; voorsiening te maak vir die goedkeuring van diensstate van munisipaliteit deur die onderskeie munisipale rade; die indiensneming van 'n persoon in 'n munisipaliteit te belet as die diensstaat van daardie munisipaliteit nie voorsiening maak vir die pos waarin hy of sy aangestel word nie; die Minister in staat te stel om tydsbestekke voor te skryf om menslikehulpbronbestuurstelsels vir plaaslike regering en opdragte vir georganiseerde plaaslike regering te reguleer; die Minister se bevoegdhede om regulasies oor munisipale personeelaangeleenthede te maak, uit te brei; 'n gevolglike wysiging aan die Wet op Plaaslike Regering: Munisipale Strukture, 1998, aan te bring deur die bepaling te skrap wat oor die aanstelling van munisipale bestuurders handel; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 32 of 2000, as amended by section 1 of Act 44 of 2003, section 35 of Act 51 of 2002 and section 1 of Act 7 of 2011

1. Section 1 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (hereinafter referred to as the “principal Act”), is hereby amended— 5

(a) by the substitution for the definition of “municipal manager” of the following definition:

“**municipal manager**” means a person appointed in terms of section 10
54A;”;

(b) by the substitution for the definition of “political office” of the following definition:

“**political office**”, in relation to a political party or structure thereof, means— 15

(a) the position of chairperson, deputy chairperson, secretary, deputy secretary, treasurer or an elected or appointed decision-making position of a political party nationally or in any province, region or other area in which the party operates; or

(b) any position in the party equivalent to a position referred to in paragraph (a), irrespective of the title designated to the position;”; 20
and

(c) by the insertion after the definition of “resident” of the following definition:

“**secondment**” means an employee who perform duties in terms of an agreement between their employer and the relevant official in organ of state receiving the employee;”. 25

Substitution of section 54A of Act 32 of 2000, as inserted by section 2 of Act 7 of 2011 and amended by section 4 of Act 7 of 2011

2. The following section is hereby substituted for section 54A of the principal Act:

“Appointment of municipal managers and acting municipal managers

54A. (1) The municipal council must appoint— 30

(a) a municipal manager as head of the administration of the municipal council; or

(b) an acting municipal manager under circumstances and for a period as prescribed.

(2) A person appointed as municipal manager or acting municipal manager in terms of subsection (1) must at least have the skills, expertise, competencies and qualifications as prescribed.

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

(b) A municipal council may, in special circumstances and on good cause shown, apply in writing to the MEC for local government to extend the period of appointment contemplated in paragraph (a), for a further period that does not exceed three months.

(3) A decision to appoint a person as municipal manager, and any contract concluded between the municipal council and that person in consequence of the decision, is null and void if— 45

(a) the person appointed does not have the prescribed skills, expertise, competencies or qualifications; or

(b) the appointment was otherwise made in contravention of this Act.

(4) If the post of municipal manager becomes vacant, the municipal council must—

(a) advertise the post nationally to attract a pool of candidates nationwide; and

(b) select from the pool of candidates a suitable person who complies with the prescribed requirements for appointment to the post. 50
55

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:

Wysiging van artikel 1 van Wet 32 van 2000, soos gewysig deur artikel 1 van Wet 44 van 2003, artikel 35 van Wet 51 van 2002 en artikel 1 van Wet 7 van 2011

1. Artikel 1 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000) (hierna die "Hoofwet" genoem), word hierby gewysig—

(a) deur die omskrywing van munisipale bestuurder" deur die volgende omskrywing te vervang:

"munisipale bestuurder" 'n persoon ingevolge artikel 54A aangestel;";

(b) deur die omskrywing van "politieke amp" deur die volgende omskrywing te vervang:

"**'politieke amp'**, ten opsigte van 'n politieke party of struktuur daarvan—

(a) die amp van voorzitter, ondervoorsitter, sekretaris, ondersekretaris, tesourier of 'n verkose of aangestelde besluitnemende amp van die party op nasionalevlak of in enige provinsie, streek of ander area waarin die party werkzaam is; of

(b) enige amp in die party gelykstaande aan 'n amp in paragraaf (a) bedoel, ongeag die titel wat aan die amp toegeken is;" en

(c) deur die volgende omskrywing na die omskrywing van "registrator van aktes" in te voeg:

"**'sekondering'** 'n werknemer wat pligte verrig ingevolge 'n ooreenkoms tussen hulle werknemer en die tersaaklike beampete in die staatsorgaan wat die werknemer ontvang;".

Vervanging van artikel 54A van Wet 32 van 2000, soos ingevoeg deur artikel 2 van Wet 7 van 2011 en gewysig deur artikel 4 van Wet 7 van 2011

2. Artikel 54A van die Hoofwet word hierby deur die volgende artikel vervang:

"Aanstelling van munisipale bestuurders en waarnemende munisipale bestuurders"

54A. (1) Die munisipale raad moet—

(a) 'n munisipale bestuurder as hoof van die administrasie van die munisipale raad aanstel; of

(b) 'n waarnemende munisipale bestuurder onder die voorgeskrewe omstandighede en vir 'n voorgeskrewe tydperk aanstel.

(2) 'n Persoon ingevolge subartikel (1)(b) as munisipale bestuurder of waarnemende munisipale bestuurder aangestel, moet ten minste die voorgeskrewe vaardighede, kundigheid, bevoegdhede en kwalifikasies hê.

(2A) (a) 'n Persoon ingevolge subartikel (1)(b) aangestel, mag nie aangestel word om vir 'n tydperk van langer as drie maande waar te neem nie.

(b) 'n Munisipale raad kan, in spesiale omstandighede en by die aanvoer van goetic gronde, skriftelik by die LUR vir plaaslike regering aansoek doen om die tydperk van aanstelling in paragraaf (a) beoog, vir 'n verdere tydperk van hoogstens drie maande te verleng.

(3) 'n Besluit om 'n persoon as 'n munisipale bestuurder aan te stel, en enige kontrak tussen die munisipale raad en daardie persoon aangegaan as gevolg van die besluit, is van nul en gener waarde indien—

(a) die aangestelde persoon nie die voorgeskrewe vaardighede, kundigheid, bevoegdhede of kwalifikasies het nie; of

(b) die aanstelling andersins in stryd met hierdie Wet gemaak is.

(4) Indien die pos van munisipale bestuurder vakant word, moet die munisipale raad—

(a) die pos landwyd adverteer om 'n pool van kandidate van regoor die land te trek; en

(b) 'n geskikte kandidaat uit die pool kandidate kies wat aan die voorgeskrewe vereistes vir aanstelling in die pos voldoen.

(5) The municipal council must re-advertise the post if there is no suitable candidate who complies with the prescribed requirements.

(6) (a) The municipal council may request the MEC for local government to second a suitable person, on such conditions as prescribed, to act in the advertised position until such time as a suitable candidate has been appointed.

(b) If the MEC for local government has not seconded a suitable person within a period of 60 days after receipt of the request referred to in paragraph (a), the municipal council may request the Minister to second a suitable person, on such conditions as prescribed, until such time as a suitable candidate has been appointed.

(7) (a) The municipal council must, within 14 days, inform the MEC for local government of the appointment process and outcome, as may be prescribed.

(b) The MEC for local government must, within 14 days of receipt of the information referred to in paragraph (a), submit a copy thereof to the Minister.

(8) If a person is appointed as municipal manager in contravention of this section, the MEC for local government must, within 14 days of receiving the information provided for in subsection (7), take appropriate steps to enforce compliance by the municipal council with this section, which may include an application to a court for a declaratory order on the validity of the appointment, or any other legal action against the municipal council.

(9) Where an MEC for local government fails to take appropriate steps referred to in subsection (8), the Minister may take the steps contemplated in that subsection.

(10) If the MEC for local government fails to respond to the appointment process and outcome within the timeframes, as contemplated in subsection (8), or the Minister fails to respond as contemplated in subsection (9), the appointment of the municipal manager or acting municipal manager will be deemed to be in compliance with this Act: Provided the municipal council submitted all relevant documents, as prescribed.

(11) A municipal council may, in special circumstances and on good cause shown, apply in writing to the Minister to waive any of the requirements listed in subsection (2) if it is unable to attract suitable candidates.

(12) A person who has been appointed as acting municipal manager before this section took effect, must be regarded as having been appointed in accordance with this section for the period of the acting appointment.

(13) Any pending legal or disciplinary action in connection with an appointment made before this section took effect, will not be affected by this section after it took effect.”.

Substitution of section 56 of Act 32 of 2000, as substituted by section 3 of Act 7 of 2011 and amended by section 4 of Act 7 of 2011

45

3. The following section is hereby substituted for section 56 of the principal Act:

“Appointment of managers directly accountable to municipal managers

56. (1) (a) A municipal council, after consultation with the municipal manager, must appoint—

- (i) a manager directly accountable to the municipal manager; or
- (ii) an acting manager directly accountable to the municipal manager under circumstances and for a period as prescribed.

50

(5) Die munisipale raad moet die pos heradverteer as daar geen gesikte kandidaat is wat aan die voorgeskrewe vereistes voldoen nie.

(6) (a) Die munisipale raad kan die LUR vir plaaslike regering versoek om 'n gesikte persoon, op sodanige voorwaardes wat voorgeskryf word, te sekondeer om in die geadverteerde posisie waar te neem totdat 'n gesikte kandidaat aangestel is.

(b) Indien die LUR vir plaaslike regering binne 'n tydperk van 60 dae ná ontvangs van die versoek in paragraaf (a) bedoel nie 'n gesikte persoon gesekondeer het nie, kan die munisipale raad versoek dat die Minister 'n gesikte persoon, op sodanige voorwaardes soos voorgeskryf, sekondeer om in die geadverteerde posisie waar te neem totdat 'n gesikte kandidaat aangestel is.

(7) (a) Die munisipale raad moet die LUR vir plaaslike regering binne 14 dae inlig van die aanstellingsproses en die resultaat daarvan, soos voorgeskryf.

(b) Die LUR vir plaaslike regering moet, binne 14 dae van ontvangs van die inligting in paragraaf (a) bedoel, 'n afskrif daarvan aan die Minister voorlê.

(8) Indien 'n persoon in stryd met hierdie artikel as munisipale bestuurder aangestel word, moet die LUR vir plaaslike regering, binne 14 dae van ontvangs van die inligting waaroor in subartikel (7) voorsiening gemaak word, gepaste stappe doen om nakoming van hierdie artikel deur die munisipale raad af te dwing, wat 'n aansoek by 'n hof om 'n verklarende bevel oor die geldigheid van die aanstelling, of enige ander geregtelike aksie teen die munisipale raad, kan insluit.

(9) Indien 'n LUR vir plaaslike regering versuim om die gepaste stappe in subartikel (8) bedoel, te doen, kan die Minister die stappe beoog in daardie subartikel doen.

(10) Indien die LUR vir plaaslike regering versuim om binne die tydsbestekke op die aanstellingsproses en uitslag te reageer, soos in subartikel (8) beoog, of die Minister versuim om te reageer soos in subartikel (9) beoog, sal die aanstelling van die munisipale bestuurder of waarnemende munisipale bestuurder geag word aan hierdie Wet te voldoen: Met dien verstande dat die munisipale raad alle tersaaklike dokumente, soos voorgeskryf, ingedien het.

(11) 'n Munisipale raad kan, onder spesiale omstandighede en by die aanvoer van goeie gronde, skriftelik by die Minister aansoek doen om kwytskelding van enige van die vereistes in subartikel (2) gelys as die raad nie gesikte kandidate kan trek nie.

(12) 'n Persoon wat as 'n waarnemende munisipale bestuurder aangestel is voordat hierdie artikel in werking getree het, moet geag word ooreenkomsdig hierdie artikel aangestel te wees vir die tydperk van die waarnemende aanstelling.

(13) Enige hangende geregtelike aksie of dissiplinêre aksie in verband met 'n aanstelling wat gemaak is voordat hierdie artikel in werking getree het, sal nie deur hierdie artikel geraak word nadat dit in werking getree het nie.”.

Vervanging van artikel 56 van Wet 32 van 2000, soos vervang deur artikel 3 van Wet 7 van 2011 en gewysig deur artikel 4 van Wet 7 van 2011

3. Artikel 56 van die Hoofwet word hierby deur die volgende artikel vervang: 50

“Aanstelling van bestuurders wat regstreeks aan munisipale bestuurders verantwoordbaar is

56. (1) (a) 'n Munisipale raad, na oorleg met die munisipale bestuurder, moet—

- (i) 'n bestuurder aanstel wat regstreeks aan die munisipale bestuurder verantwoordbaar is; of
- (ii) 'n waarnemende bestuurder aanstel wat regstreeks aan die munisipale bestuurder verantwoordbaar is onder voorgeskrewe omstandighede en vir 'n voorgeskrewe tydperk.

(b) A person appointed in terms of paragraph (a)(i) or (ii) must at least have the skills, expertise, competencies and qualifications as prescribed.

(c) A person appointed in terms of paragraph (a)(ii) may not be appointed to act for a period that exceeds three months: Provided that a municipal council may, in special circumstances and on good cause shown, apply in writing to the MEC for local government to extend the period of appointment contemplated in paragraph (a), for a further period that does not exceed three months.

(2) A decision to appoint a person referred to in subsection (1)(a)(i) or (ii), and any contract concluded between the municipal council and that person in consequence of the decision, is null and void if—

(a) the person appointed does not have the prescribed skills, expertise, competencies or qualifications; or

(b) the appointment was otherwise made in contravention of this Act, unless the Minister, in terms of subsection (6), has waived any of the requirements listed in subsection (1)(b).

(3) If a post referred to in subsection (1)(a)(i) becomes vacant, the municipal council must—

(a) advertise the post nationally to attract a pool of candidates nationwide; and

(b) select from the pool of candidates a suitable person who complies with the prescribed requirements for appointment to the post.

(4) The municipal council must re-advertise the post if there is no suitable candidate who complies with the prescribed requirements.

(5) (a) The municipal council must, within 14 days of the date of appointment, inform the MEC for local government of the appointment process and outcome, as may be prescribed.

(b) The MEC for local government must, within 14 days of receipt of the information referred to in paragraph (a), submit a copy thereof to the Minister.

(6) If a person is appointed to a post referred to in subsection (1)(a) in contravention of this Act, the MEC for local government must, within 14 days of becoming aware of such appointment, take appropriate steps to enforce compliance by the municipal council with this Act, which steps may include an application to a court for a declaratory order on the validity of the appointment or any other legal action against the municipal council.

(7) A municipal council may, in special circumstances and on good cause shown, apply in writing to the Minister to waive any of the requirements listed in subsection (1)(b) if it is unable to attract suitable candidates.

(8) A person appointed in a permanent capacity as a manager directly accountable to the municipal manager when this section takes effect, must be regarded as having been appointed in accordance with this section.

(9) A person appointed as an acting manager directly accountable to the municipal manager when this section takes effect, must be regarded as having been appointed in accordance with this section only for the period of the acting appointment.

(10) Any pending legal or disciplinary action in connection with an appointment made before this section took effect, will not be affected by this section after it took effect.”.

Amendment of section 57 of Act 32 of 2000, as amended by section 8 of Act 44 of 2003, section 12 of Act 19 of 2008 and section 6 of Act 7 of 2011 50

4. Section 57 of the principal Act is hereby amended—

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

“(a) (i) be concluded within 60 days after commencement of service, failing which the appointment lapses: Provided that, upon good cause shown by such person to the satisfaction of the municipal council, the appointment shall not lapse; and

(b) 'n Persoon wat ingevolge paragraaf (a)(i) of (ii) aangestel is, moet ten minste die voorgeskrewe vaardighede, kundigheid, bevoegdhede en kwalifikasies hê.

(c) 'n Persoon wat ingevolge paragraaf (a)(ii) aangestel is, mag nie aangestel word om waar te neem vir 'n tydperk wat drie maande oorskry nie: Met dien verstande dat 'n munisipale raad, onder spesiale omstandighede en by die aanvoer van goeie gronde, skriftelik by die LUR vir plaaslike regering kan aansoek doen om die tydperk van aanstelling in paragraaf (a) beoog vir 'n verdere tydperk van hoogstens drie maande te verleng.

(2) 'n Besluit om 'n persoon in subartikel (1)(a)(i) of (ii) bedoel aan te stel, en enige kontrak op grond van daardie besluit tussen die munisipale raad en daardie persoon aangegaan, is van nul en gener waarde indien—

(a) die aangestelde persoon nie die voorgeskrewe vaardighede, kundigheid, bevoegdhede of kwalifikasies het nie; of
 (b) die aanstelling andersins in stryd met hierdie Wet gemaak is, tensy die Minister, ingevolge subartikel (6), kwytskelding toegestaan het van enige van die vereistes in subartikel (1)(b) genoem.

(3) As 'n pos bedoel in subartikel (1)(a)(i) vakant word, moet die munisipale raad—

(a) die pos landwyd adverteer om 'n poel van kandidate van regoor die land te trek; en
 (b) 'n gesikte persoon uit die poel kandidate kies wat aan die voorgeskrewe vereistes vir aanstelling in die pos voldoen.

(4) Die munisipale raad moet die pos heradverteer indien daar geen gesikte kandidaat is wat aan die voorgeskrewe vereistes voldoen nie.

(5) (a) Die munisipale raad moet, binne 14 dae van die datum van aanstelling, die LUR vir plaaslike regering inlig van die aanstellingsproses en uitslag, soos voorgeskryf.

(b) Die LUR vir plaaslike regering moet, binne 14 dae van ontvangs van die inligting in paragraaf (a) bedoel, 'n afskrif daarvan aan die Minister voorlê.

(6) Indien 'n persoon in stryd met hierdie Wet in 'n pos bedoel in subartikel (1)(a) aangestel word, moet die LUR vir plaaslike regering, binne 14 dae sedert bewuswording van sodanige aanstelling, gepaste stappe doen om nakoming deur die munisipale raad met hierdie Wet af te dwing, welke stappe 'n aansoek by 'n hof om 'n verklarende bevel oor die geldigheid van die aanstelling of enige ander geregtelike aksie teen die munisipale raad kan insluit.

(7) 'n Munisipale raad kan, onder spesiale omstandighede en by die aanvoer van goeie gronde, skriftelik by die Minister aansoek doen om kwytskelding van enige van die vereistes gelys in subartikel (1)(b) as die munisipale raad nie gesikte kandidate kan trek nie.

(8) 'n Persoon wat in 'n permanente hoedanigheid as bestuurder wat regstreeks aan die munisipale bestuurder verantwoordbaar is, aangestel is wanneer hierdie artikel in werking tree, moet geag word ooreenkomsdig hierdie artikel aangestel te wees slegs vir die tydperk van die waarnemende aanstelling.

(9) 'n Persoon wat as 'n waarnemende bestuurder wat regstreeks aan die munisipale bestuurder verantwoordbaar is, aangestel is wanneer hierdie artikel in werking tree, moet geag word ooreenkomsdig hierdie artikel aangestel te wees nadat dit in werking getree het nie."

Wysiging van artikel 57 van Wet 32 van 2000, soos gewysig deur artikel 8 van Wet 44 van 2003, artikel 12 van Wet 19 van 2008 en artikel 6 van Wet 7 van 2011 55

4. Artikel 57 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (2) paragraaf (a) deur die volgende paragraaf te vervang:

"(a) (i) binne 60 dae vanaf aanvang van diens, by gebreke waarvan die aanstelling verval: Met dien verstande dat, by die aanvoer van goeie gronde deur sodanige persoon tot die oortuiging van die munisipaliteit, die aanstelling nie sal verstryk nie; en

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- (ii) be concluded annually, thereafter, within one month after the beginning of each financial year of the municipality;”;
- (b) by the substitution for subsection (3) of the following subsection:
- “(3) The employment contract referred to in subsection (1)(a) must—
- (a) include details of duties, remuneration, benefits and other terms and conditions of employment, as agreed to by the parties, subject to consistency with—
- (i) this Act;
- (ii) any regulations as may be prescribed that are applicable to municipal managers or managers directly accountable to municipal managers; and
- (iii) any applicable labour legislation; and
- (b) be signed by both parties before the commencement of service.”;
- (c) by the substitution for subsection (3A) of the following subsection:
- “(3A) Any regulations that relate to the duties, remuneration, benefits and other terms and conditions of employment of municipal managers or managers directly accountable to municipal managers, must be regarded as forming part of an employment contract referred to in subsection (1)(a).”;
- (d) by the deletion in subsection (4) of paragraph (b);
- (e) by the substitution for subsection (4C) of the following subsection:
- “(4C) Any regulations that relate to standards and procedures for evaluating performance of municipal managers or managers directly accountable to municipal managers, and intervals for evaluation, must be regarded as forming part of a performance agreement referred to in subsection (1)(b).”;
- (f) by the substitution for subsection (6) of the following subsection:
- “(6) The employment contract for a municipal manager must—
- (a) be for a non-renewable fixed term of employment up to a maximum of five years, not exceeding a period ending one year after the election of the next council of the municipality;
- (b) include a provision for cancellation of the contract, in the case of non-compliance with the employment contract or, where applicable, the performance agreement; and
- [c] stipulate the terms of the renewal of the employment contract, but only by agreement between the parties; and]
- (d) reflect the values and principles referred to in section 50, the Code of Conduct set out in Schedule 2, and the management standards and practices contained in section 51.”; and
- (g) by the substitution for subsection (7) of the following subsection:
- “(7) The contract of employment of a manager directly accountable to the municipal manager must be on a permanent basis.”.

Substitution of section 57A in Act 32 of 2000, as inserted by section 7 of Act 7 of 2011

5. The following section is hereby substituted for section 57A of the principal Act: 45

“Employment of dismissed staff and record of disciplinary proceedings

57A. (1) Any staff member dismissed for misconduct may only be re-employed in any municipality after the expiry 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 subsections (1) and (2), a staff member dismissed for financial misconduct contemplated in section 171 of the Municipal Finance Management Act, corruption or fraud, may not be re-employed in any municipality for a period of 10 years.

- (ii) daarna jaarliks aangegaan word binne een maand ná die begin van elke finansiële jaar van die munisipale raad;”;
- (b) deur subartikel (3) deur die volgende subartikel te vervang:
- “(3) Die dienskontrak bedoel in subartikel (1)(a) moet—
- (a) besonderhede van pligte, besoldiging, voordele en ander diensvoorraarde insluit soos waarop die partye ooreengeskou het, behoudens bestaanbaarheid met—
- (i) hierdie Wet;
- (ii) enige regulasies wat voorgeskryf kan word wat van toepassing is op munisipale bestuurders of bestuurders wat regstreeks aan munisipale bestuurders verantwoordbaar is; en
- (iii) enige toepaslike arbeidswetgewing; en
- (b) deur beide partye onderteken word voordat diens begin word.”;
- (c) deur subartikel (3A) deur die volgende subartikel te vervang:
- “(3A) Enige regulasies wat verband hou met die pligte, besoldiging, voordele en ander diensvoorraarde van munisipale bestuurders of bestuurders wat regstreeks aan munisipale bestuurders verantwoordbaar is, word geag deel van ’n dienskontrak bedoel in subartikel (1)(a) te wees.”;
- (d) deur paragraaf (b) in subartikel (4) te skrap;
- (e) deur subartikel (4C) deur die volgende subartikel te vervang:
- “(4C) Enige regulasies wat verband hou met standaarde en procedures vir die evaluering van die prestasie van munisipale bestuurders of bestuurders wat regstreeks aan munisipale bestuurders verantwoordbaar is, en tussenposes tussen evaluering, word deel van ’n prestasie-ooreenkoms bedoel in subartikel (1)(b).”;
- (f) deur subartikel (6) deur die volgende subartikel te vervang:
- “(6) Die dienskontrak vir ’n munisipale bestuurder moet—
- (a) vir ’n nie-hernubare vaste dienstydperk wees tot ’n maksimum van vyf jaar wat nie ’n tydperk oorskry nie wat een jaar na die verkiesing van die volgende raad van die munisipaliteit verstryk;
- (b) ’n bepaling insluit vir kanselliasie van die kontrak in die geval van nie-nakoming van die dienskontrak of, waar toepaslik, die prestasie-ooreenkoms; en
- [c] die bepalings vir die hernuwing van die dienskontrak uiteensit, maar slegs by ooreenkoms tussen die partye; en]
- (d) die waardes en beginsels bedoel in artikel 50, die gedragskode uiteengesit in Bylae 2, en die bestuurstandaarde en -gebruiken vervat in artikel 51 weergee.”; en
- (g) deur subartikel (7) deur die volgende subartikel te vervang:
- “(7) Die dienskontrak van ’n bestuurder wat regstreeks aan die munisipale bestuurder verantwoordbaar is, moet permanent wees.”

Vervanging van artikel 57A in Wet 32 van 2000, soos ingevoeg deur artikel 7 van Wet 7 van 2011

5. Artikel 57A van die Hoofwet word hierby deur die volgende artikel vervang: 45

“Indiensneming van ontslaande personeel en rekord van dissiplinêre verrigtinge

57A. (1) Enige personeellid wat weens wangedrag ontslaan is, kan slegs weer deur die munisipaliteit in diens geneem word nadat ’n voorgeskrewe tydperk verstryk het.

(2) Die Minister moet verskillende tydperke vir verstryking, soos in subartikel (1) beoog, vir verskillende kategorieë van wangedrag voorskryf.

(3) Ondanks subartikels (1) en (2), kan ’n personeellid wat vir finansiële wangedrag beoog in artikel 127 van die Munisipale Finansiële Bestuurswet korruksie of bedrog ontslaan is, mag vir ’n tydperk van 10 jaar nie weer in enige munisipaliteit in diens geneem word nie.

(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 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 that contains the prescribed information regarding the disciplinary proceedings of staff members dismissed for misconduct and who resigned prior to finalisation of the disciplinary proceedings.

(7) A copy of the record referred to in subsection (6) must be submitted to the MEC for local government on a quarterly basis.

(8) The MEC for local government must, within 14 days of receipt of the record referred to in subsection (6), submit a copy thereof to the Minister.

(9) The Minister must maintain a record of all staff members that have—

- (a) been dismissed for misconduct; or
- (b) resigned prior to the finalisation of the disciplinary proceedings.

which record must be made available to municipalities as prescribed.”.

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Amendment of section 66 of Act 32 of 2000, as amended by section 8 of Act 7 of 2011

6. Section 66 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for paragraph (a) of the following paragraph:

“(a) develop a staff establishment for the municipality, and submit the staff establishment to the municipal council for approval;”; and

(b) by the substitution for subsections (3), (4) and (5) of the following subsections, respectively:

“(3) No person may be employed in a municipality unless the post to which he or she is appointed, is provided for in the staff establishment of that municipality.

(4) A decision to employ a person in a municipality, and any contract concluded between the municipality and that person in consequence of the decision, is null and void if the appointment was made in contravention of subsection (3).

(5) Any person who takes a decision contemplated in subsection (4), knowing that the decision is in contravention of subsection (3), may be held personally liable for any irregular or fruitless and wasteful expenditure that the municipality may incur as a result of the invalid decision.”.

Amendment of section 67 of Act 32 of 2000, as amended by section 38 of Act 51 of 2002 and section 9 of Act 7 of 2011

7. Section 67 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“A municipality, in accordance with applicable law and subject to any applicable collective agreement, must develop and adopt appropriate systems and procedures, consistent with any uniform standards prescribed in terms of section 72(1)(c), to ensure fair, efficient, effective and transparent personnel administration, including—”; and

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

“(3) Systems and procedures adopted in terms of subsection (1), apply also to a person referred to in section 57.”.

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Substitution of section 71 of Act 32 of 2000, as substituted by section 10 of Act 7 of 2011

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

(4) Ondanks subartikel (1), kan die Minister wangedrag voorskryf ten opsigte waarvan geen tydperk hoef te verstryk voordat 'n persoon weer in enige munisipaliteit in diens geneem kan word nie.

(5) Behoudens subartikel (1), moet 'n besluit om 'n persoon wat weens wangedrag afgedank is, weer aan te stel, met die nodige inagneming van die aard van die betrokke wangedrag geneem word.

(6) 'n Munisipaliteit moet 'n rekord hou wat die voorgeskrewe inligting bevat oor die dissiplinêre verrigtinge van personeellede wat weens wangedrag ontslaan is en wat bedank het voordat die dissiplinêre verrigtinge afgehandel is.

(7) 'n Afskrif van die rekord bedoel in subartikel (6) moet kwartaalliks aan die LUR vir plaaslike regering voorgelê word.

(8) Die LUR vir plaaslike regering moet, binne 14 dae vanaf ontvangs van die rekord in artikel (6) bedoel, 'n afskrif daarvan aan die Minister voorlê.

(9) Die Minister moet 'n rekord hou van alle personeellede wat—

(a) weens wangedrag ontslaan is; of
 (b) voor die afhandeling van dissiplinêre verrigtinge bedank het,
 welke rekord soos voorgeskryf aan munisipaliteite beskikbaar gestel moet word.”.

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Wysiging van artikel 66 van Wet 32 van 2000, soos gewysig deur artikel 8 van Wet 7 van 2011

6. Artikel 66 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) paragraaf (a) deur die volgende paragraaf te vervang:
 “(a) 'n diensstaat vir die munisipaliteit ontwikkel, en die diensstaat aan die munisipale raad vir goedkeuring voorlê;”; en

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(b) deur subartikels (3), (4) en (5) onderskeidelik deur die volgende subartikels te vervang:

“(3) Geen persoon kan in 'n munisipaliteit in diens geneem word tensy voorsiening in die diensstaat van daardie munisipaliteit gemaak word vir die pos waarin hy of sy aangestel word nie.

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(4) 'n Besluit om 'n persoon in 'n munisipaliteit in diens te neem, en enige kontrak wat ten gevolge van die besluit tussen die munisipaliteit en daardie persoon aangegaan word, is van nul en gener waarde indien die aanstelling in stryd met subartikel (3) gemaak is.

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(5) 'n Persoon wat 'n besluit beoog in subartikel (4) neem, wetend dat die besluit in stryd met subartikel (3) is, kan persoonlik aanspreeklik gehou word vir enige onreëlmataige of vrugtelose en verkwestende uitgawes wat die munisipaliteit as gevolg van die ongeldige besluit mag aangaan.”.

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Wysiging van artikel 67 van Wet 32 van 2000, soos gewysig deur artikel 38 van Wet 51 van 2002 en artikel 9 van Wet 7 van 2011

7. Artikel 67 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

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“'n Munisipaliteit moet, ooreenkomsdig toepaslike wetgewing en behoudens enige toepaslike kollektiewe ooreenkoms, toepaslike stelsels en prosedures ontwikkel en aanneem wat bestaanbaar is met eenvormige standaarde ingevolge artikel 72(1)(c) voorgeskryf ten einde billike, doeltreffende, effektiewe en deursigtige personeeladministrasie te verseker, insluitende—”; en

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(b) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Stelsels en prosedures wat ingevolge subartikel (1) aangeneem word, is ook op 'n persoon bedoel in artikel 57 van toepassing.”.

Vervanging van artikel 71 van Wet 32 van 2000, soos vervang deur artikel 10 van Wet 7 van 2011

8. Artikel 71 van die Hoofwet word hierby deur die volgende artikel vervang:

“Bargaining council agreements

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

- (a) the Financial and Fiscal Commission established in terms of section 220 of the Constitution;
- (b) the Minister; and
- (c) any other parties as may be prescribed.

(2) Organised local government must, in concluding any collective agreement resulting from negotiations contemplated in subsection (1), take into account—

- (a) the budgets of municipalities;
- (b) the fiscal capacity and efficiency of municipalities; and
- (c) national economic policies.

(3) 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.”.

Insertion of section 71B in Act 32 of 2000

9. The following section is hereby inserted in the principal Act after section 71A:

“Limitation of political rights

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71B. (1) A staff member may not hold political office in a political party, whether in a permanent, temporary or acting capacity.

(2) A person who has been appointed as a staff member before subsection (1) takes effect, must comply with subsection (1) within one year of the commencement of subsection (1).”.

Amendment of section 72 of Act 32 of 2000, as amended by section 15 of Act 19 of 2008 and section 11 of Act 7 of 2011

10. Section 72 of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for subparagraph (ii) of paragraph (c) of the following subparagraph:

“(ii) municipal staff systems and procedures referred to in section 67(1) and the matters that must be dealt with in such systems and procedures, including—

- (aa) transfers; and
- (bb) termination of service; and”;

- (b) by the substitution in subsection (1) for paragraph (e) of the following paragraph:

“(e) training, competency and skills development of staff members of municipalities, including in-house training, subject to the requirements of the Skills Development Act, 1998 (Act No. 81 of 1998), the Skills Development Levies Act, 1999 (Act No. 28 of 1999), and the Municipal Finance Management Act;”;

- (c) by the substitution in subsection (1) for paragraphs (gA), (gB) and (gC) of the following paragraphs, respectively:

“(gA) subject to applicable labour legislation, the regulation of medical aid and pension, after consultation with the Minister of Health and the Minister of Finance;

(gB) the level of skills, expertise and competency that municipal managers and managers directly accountable to municipal managers must have;

(gC) prohibiting the performance of remunerative work outside the municipality;”;

- (d) by the deletion in subsection (2) at the end of paragraph (a) of the word “and”;

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“Bedingsraadsbesluite”

71. (1) Georganiseerde plaaslike regering moet, voor in enige onderhandelinge met partye in die bedingsraad ingestel vir munisipaliteite getree word, oorleg pleeg met—

- (a) die Finansiële en Fiskale Kommissie ingestel ingevolge artikel 220 van die Grondwet;
- (b) die Minister; en
- (c) enige ander partye wat voorgeskryf mag word.

(2) Georganiseerde plaaslike regering moet in die aangaan van enige kollektiewe ooreenkoms wat die gevolg is van onderhandelinge in subartikel (1) bedoel—

- (a) die begrotings van munisipaliteite;
- (b) die fiskale kapasiteit en doeltreffendheid van munisipaliteite; en
- (c) nasionale ekonomiese beleid,

in ag neem.

(3) Munisipaliteite moet voldoen aan enige kollektiewe ooreenkoms aangegaan deur georganiseerde plaaslike regering binne sy mandaat namens plaaslike regering in die bedingsraad wat vir munisipaliteite ingestel is.”.

Invoeging van artikel 71B in Wet 32 van 2000

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9. Die volgende artikel word hierby ná artikel 71A in die Hoofwet ingevoeg:

“Beperking van politieke regte”

71B. (1) 'n Personeellid mag nie 'n politieke amp in 'n politieke party beklee nie, hetsy in 'n permanente, tydelike of waarnemende hoedanigheid.

(2) 'n Persoon wat as 'n personeellid aangestel is voordat subartikel (1) in werking tree, moet binne een jaar van die invoering van subartikel (1) daaraan voldoen.”.

Wysiging van artikel 72 van Wet 32 van 2000, soos gewysig deur artikel 15 van Wet 19 van 2008 en artikel 11 van Wet 7 van 2011

10. Artikel 72 van die Hoofwet word hierby gewysig—

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(a) deur in subartikel (1) subparagraaf (ii) van paragraaf (c) deur die volgende subparagraaf te vervang:

“(ii) munisipale personeelstelsels en -prosedures in artikel 67(1) bedoel en die aangeleenthede wat in sodanige stelsels en prosedures gehanteer moet word, insluitend—
 (aa) oorplasings; en
 (bb) diensbeëindiging; en”;

(b) deur in subartikel (1) paragraaf (e) deur die volgende paragraaf te vervang:

“(c) die opleiding en die ontwikkeling van die bevoegdhede en vaardighede van personeellede van munisipaliteite, insluitende interne opleiding, behoudens die vereistes van die ‘Skills Development Act, 1998’ (Wet No. 81 van 1998), die ‘Skills Development Levies Act, 1999’ (Wet No. 28 van 1999), en die Munisipale Finansiële Bestuurswet.”;

(c) deur in subartikel (1) paragrawe (gA), (gB) en (gC) onderskeidelik deur die volgende paragrawe te vervang:

“(gA) behoudens toepaslike arbeidswetgewing, die reëling van mediese fondse en pensioen, na oorleg met die Minister van Gesondheid en die Minister van Finansies;

(gB) die vlak van vaardighede, kundigheid en bevoegdheid wat munisipale bestuurders en bestuurders wat regstreeks aan munisipale bestuurders verantwoordbaar is, moet hê;

(gC) wat die verrigting van besoldigde werk buite die munisipaliteit verbied;”;

(d) deur in subartikel (2) aan die einde van paragraaf (a) die woord “en” te skrap;

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- (e) by the substitution in subsection (2) at the end of paragraph (b) for the word “and” of the word “and”;
- (f) by the substitution in subsection (2) for paragraph (c) of the following paragraph:
 - “(c) when necessary, differentiate between different categories of municipal staff members.”; and
- (g) by the substitution for subsection (2A) of the following subsection:
 - “(2A) The Minister may, subject to applicable labour legislation and after consultation with the Minister of Public Service and Administration, make regulations relating to the duties, remuneration, benefits and other terms and conditions of employment of municipal managers and managers directly accountable to municipal managers.”.

Amendment of section 106 of Act 32 of 2000, as amended by section 18 of Act 19 of 2008 and section 12 of Act 7 of 2011

11. Section 106 of the principal Act is hereby amended— 15
- (a) by the insertion after subsection (1) of the following subsection:
 - “(1A) 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 MEC designated a person or persons to investigate the matter and must simultaneously send a copy of such report to the Minister, the Minister of Finance and the National Council of Provinces.”;
 - (b) by the substitution for subsection (5) of the following subsection:
 - “(5) (a) Where an MEC fails to conduct an investigation within 90 days, notwithstanding a request from the Minister in terms of subsection (4)(a), the Minister may in terms of this section conduct such investigation.
 - “(b) The Minister must send a report detailing the outcome of the investigation referred to in paragraph (a) to the President.”; and
 - (c) by the addition of the following subsection: 30
 - “(6) If an investigation warrants such a step, the municipality must institute disciplinary proceedings against the person or persons implicated in the report in accordance with the systems and procedures referred to in section 67, read with Schedule 2, and report the outcome to the MEC or the Minister, as the case may be, within 14 days of finalisation.”.

Amendment of section 120 of Act 32 of 2000, as amended by section 28 of Act 44 of 2003 and section 13 of Act 7 of 2011

12. Section 120 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph (a) of the following paragraph: 40
- “(a) the matters listed in sections 22, 37, 49, 57(3)(a)(ii), 54A(2), 54A(3)(a), 54A(4)(b), 54A(6), 54A(7)(a), 56(1)(b), 56(4A)(a), 57A(1), 57A(6), 57A(9)(b), 67(1), 71(1)(c), 72, 86A and 104;”.

Amendment of Schedule 1 to Act 32 of 2000, as inserted by section 14 of Act 13 of 2011

13. Schedule 1 to the principal Act is hereby amended by the substitution for item 2A of the following item: 45

“Voting at meetings

2A. A councillor may not vote in favour of or agree to a resolution which is before the council or a committee of the council which conflicts with any legislation applicable to local government.” 50

- (e) deur in subartikel (2) aan die einde van paragraaf (b) die woord “en” deur die woord “en” te vervang;
- (f) deur in subartikel (2) paragraaf (c) deur die volgende paragraaf te vervang:
“(c) wanneer nodig, onderskeid tref tussen verskillende kategorieë munisipale personeellede.; en
- (g) deur subartikel (2A) deur die volgende subartikel te vervang:
“(2A) Die Minister kan, behoudens toepaslike arbeidswetgewing en
ná oorleg met die Minister van Staatsdiens en Administrasie, regulasies uitvaardig oor die pligte, besoldiging, voordele en ander diensvoorraad van munisipale bestuurders en bestuurders wat regstreeks aan munisipale bestuurders verantwoordbaar is.”.

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Wysiging van artikel 106 van Wet 32 van 2000, soos gewysig deur artikel 18 van Wet 19 van 2008 en artikel 12 van Wet 7 van 2011

11. Artikel 106 van die Hoofwet word hierby gewysig—

- (a) deur na subartikel (1) die volgende subartikel in te voeg:

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“(1A) Die LUR moet ‘n verslag wat die uitslag van die ondersoek uiteensit in die tersaaklike provinsiale wetgewer ter tafel lê binne 90 dae van die datum waarop die LUR die persoon of persone aangewys het om die aangeleentheid te ondersoek en moet terselfdertyd ‘n afskrif van sodanige verslag aan die Minister, die Minister van Finansies en die Nasionale Raad van Provincies stuur.”;

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- (b) deur subartikel (5) deur die volgende subartikel te vervang:

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“(5)(a) Waar ‘n LUR versuim om ‘n ondersoek binne 90 dae te doen, ondanks ‘n versoek van die Minister ingevolge subartikel (4)(a), kan die Minister ingevolge hierdie artikel die ondersoek doen.

(b) Die Minister moet ‘n verslag waarin die resultaat van die ondersoek in paragraaf (a) bedoel uiteengesit word, aan die President stuur.”; en

- (c) deur die volgende subartikel by te voeg:

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“(6) Indien ‘n ondersoek so ‘n stap regverdig, moet die munisipaliteit ingevolge die stelsels en procedures bedoel in artikel 67, gelees met Bylae 2, dissiplinêre verryttinge teen die persoon of persone instel wat in die verslag geïmpliseer is en die uitslag binne 14 dae vanaf afhandeling aan die LUR of die Minister, na gelang van die geval, rapporteer.”.

Wysiging van artikel 120 van Wet 32 van 2000, soos gewysig deur artikel 28 van Wet 44 van 2003 en artikel 13 van Wet 7 van 2011 35

12. Artikel 120 van die Hoofwet word hierby gewysig deur in subartikel (1) paragraaf

- (a) deur die volgende paragraaf te vervang:

“(a) die aangeleenthede in artikels 22, 37, 49, 57(3)(a)(ii), 54A(2), 54A(3)(a), 54A(4)(b), 54A(6), 54A(7)(a), 56(1)(b), 56(4A)(a), 57A(1), 57A(6), 57A(9)(b), 67(1), 71(1)(c), 72, 86A en 104 gelys;”.

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Wysiging van Bylae 1 by Wet 32 van 2000, soos ingevoeg deur artikel 14 van Wet 13 van 2011

13. Bylae 1 by die Hoofwet word hierby gewysig deur item 2A deur die volgende item te vervang:

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“Stemming by vergaderings

2A. ’n Raadslid kan nie stem ten gunste van of instem tot ’n resolusie wat voor die raad of ’n komitee van die raad dien en wat teenstrydig is met enige wetgewing wat op plaaslike regering van toepassing is nie.”.

Transitional provisions

14. This Act does not affect the employment contract of a municipal manager or a manager directly accountable to the municipal manager entered into before this Act took effect, and such contract continues until it lapses or is terminated.

Repeal of laws

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15. The following laws are hereby repealed:

- (a) Act No. 7 of 2011; and
- (b) section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).

Short title and commencement

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16. This Act is called the Local Government: Municipal Systems Amendment Act, 2022, and comes into operation on a date fixed by the President by proclamation in the *Government Gazette*.

Oorgangsmaatreëls

14. Hierdie Wet raak nie die dienskontrak van 'n munisipale bestuurder of 'n bestuurder wat regstreeks aan die munisipale bestuurder verantwoordbaar is, wat aangegaan is voordat hierdie Wet in werking getree het nie, en sodanige kontrak gaan voort totdat dit verstryk of totdat dit beëindig word. 5

Herroeping van wette

15. Die volgende wette word hierby herroep:

- (a) Wet No. 7 van 2011; en
- (b) artikel 82 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998). 10

Kort titel en inwerkingtreding

16. Hierdie Wet heet die Wysigingswet op Plaaslike Regering: Munisipale Stelsels, 2022, en tree in werking op 'n datum deur die President by proklamasie in die *Staatskoerant* vasgestel.

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