

Annexure

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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

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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:

[] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder dui invoegings in bestaande verordenings 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 prosedures en bevoegdheidsmaatstawwe vir sodanige aanstellings, en vir die gevolge van aanstellings gemaak wat nie in lyn is met sodanige prosedures 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 -prosedures van 'n munisipaliteit bestaanbaar is met die eenvormige 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 bepalinge 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 munisipaliteite 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 menslikehulpbronsbestuurstelsels 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—

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

“**‘municipal manager’** means a person appointed in terms of section 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—

(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;”;

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;”.

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—

(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—

(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.

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 voorsitter, ondervoorsitter, sekretaris, ondersekretaris, tesourier of ’n verkose of aangestelde besluitnemende amp van die party op nasionale vlak of in enige provinsie, streek of ander area waarin die party werksaam is; of
- (b) enige amp in die party gelykstaande aan ’n amp in paragraaf (a) bedoel, ongegag die titel wat aan die amp toegeken is;”;
- (c) deur die volgende omskrywing na die omskrywing van “registrateur van aktes” in te voeg:
- “**‘sekondering’** ’n werknemer wat pligte verrig ingevolge ’n ooreenkoms tussen hulle werknemer en die tersaaklike beampte 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, bevoegdheid 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 goeie 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, bevoegdheid 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 poel van kandidate van regoor die land te trek; en
- (b) ’n geskikte kandidaat uit die poel 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

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.

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

(6) (a) Die munisipale raad kan die LUR vir plaaslike regering versoek om 'n geskikte persoon, op sodanige voorwaardes wat voorgeskryf word, te sekondeer om in die geadverteerde posisie waar te neem totdat 'n geskikte 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 geskikte persoon gesekondeer het nie, kan die munisipale raad versoek dat die Minister 'n geskikte persoon, op sodanige voorwaardes soos voorgeskryf, sekondeer om in die geadverteerde posisie waar te neem totdat 'n geskikte 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 waarvoor 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 geskikte 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 ooreenkomstig 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:

"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

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 geskikte 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 geskikte 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 geskikte 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 ooreenkomstig hierdie artikel aangestel te wees.

(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 ooreenkomstig hierdie artikel aangestel te wees slegs vir die tydperk van die waarnemende aanstelling.

(10) Enige hangende of dissiplinêre aksie in verband met 'n aanstelling gemaak voordat hierdie artikel in werking getree het, sal nie deur hierdie artikel geraak word 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

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 vervalt: 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

- (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:

“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 diens- 5
voorwaardes insluit soos waarop die partye ooreengekom het,
behoudens bestaanbaarheid met—
(i) hierdie Wet;
(ii) enige regulasies wat voorgeskryf kan word wat van toepassing 10
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, 15
voordele en ander diensvoorwaardes 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; 20
- (e) deur subartikel (4C) deur die volgende subartikel te vervang:
“(4C) Enige regulasies wat verband hou met standarde en prosedures
vir die evaluering van die prestasie van munisipale bestuurders of
bestuurders wat regstreeks aan munisipale bestuurders verantwoordbaar
is, en tussenposes tussen evaluerings, word deel van ’n prestasie- 25
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 dienstydpark wees tot ’n maksimum van 30
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 kansellering 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, 35
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 -gebruike vervat
in artikel 51 weergee.”; en
- (g) deur subartikel (7) deur die volgende subartikel te vervang: 40
“(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. 50
- (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
korrupsie of bedrog ontslaan is, mag vir ’n tydperk van 10 jaar nie weer in 55
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.”.

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;”;

- (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—”;

- (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.”.

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.”

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

(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.

(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.

(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 onreëlmatige of vrugtelose en verkwistende uitgawes wat die munisipaliteit as gevolg van die ongeldige besluit mag aangaan.”

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:

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

(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; 5
- (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; 10
- (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.” 15

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 20

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).” 25

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: 30

“(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” 35

- (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;” 40

- (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; 45

(gB) the level of skills, expertise and competency that municipal managers and managers directly accountable to municipal managers must have; 50

(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”;

“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; 5
 - (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; 10
 - (b) die fiskale kapasiteit en doeltreffendheid van munisipaliteite; en
 - (c) nasionale ekonomiese beleid, 15
- 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 20

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.”. 25

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— 30
- (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— 35
 - (aa) oorplasing; en
 - (bb) diensbeëindiging; en”;
 - (b) deur in subartikel (1) paragraaf (e) deur die volgende paragraaf te vervang:
 - “(e) die opleiding en die ontwikkeling van die bevoegdheide 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) paragrafe (gA), (gB) en (gC) onderskeidelik deur die volgende paragrafe te vervang: 45
 - “(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 50
 - 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; 55

- (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—
- (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:
- “(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:
- “(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:

“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.”.

- (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 5
- (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 diensvoorwaardes van munisipale bestuurders en bestuurders wat regstreeks aan munisipale bestuurders verantwoordbaar is.”. 10

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 subartikel (1) die volgende subartikel in te voeg: 15
 “(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 Provinsies stuur.”; 20
- (b) deur subartikel (5) deur die volgende subartikel te vervang:
 “(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. 25
 (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: 30
 “(6) Indien ’n ondersoek so ’n stap regverdig, moet die munisipaliteit ingevolge die stelsels en prosedures bedoel in artikel 67, gelees met Bylae 2, dissiplinêre verrigtinge 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.”. 35

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

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.” 40

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: 45

“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*.

Oorgangsmatreëls

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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GOVERNMENT NOTICE

DEPARTMENT OF COOPERATIVE GOVERNANCE

No. 21

17 January 2014

**LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000
(ACT NO. 32 OF 2000)**

**LOCAL GOVERNMENT: REGULATIONS ON APPOINTMENT AND
CONDITIONS OF EMPLOYMENT OF SENIOR MANAGERS**

I, Solomon Lechesa Tsenoli, Minister for Cooperative Governance and Traditional Affairs, subject to applicable labour legislation and after consultation with organised local government representing local government nationally, the bargaining council established for municipalities, the Minister for Public Service and Administration and, where applicable, the Minister of Health and the Minister of Finance, hereby, under section 120, read with section 72, of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), make the regulations in the Schedule.

SCHEDULE**ARRANGEMENT OF REGULATIONS****CHAPTER 1****INTERPRETATION AND APPLICATION**

1. Definitions
2. Scope of application

CHAPTER 2**STAFF ESTABLISHMENT**

3. Human resource planning
4. Staff establishment
5. Creation and filling of senior manager posts

CHAPTER 3**RECRUITMENT, SELECTION AND APPOINTMENT**

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SCHEDULE**CHAPTER 1****INTERPRETATION AND APPLICATION****Definitions**

1. In these regulations, a word or expression to which a meaning has been assigned in the Act has the same meaning as in the Act, unless the context otherwise indicates –

“Basic Conditions of Employment Act” means the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997);

“chief financial officer” means a person designated in terms of section 80(2)(a) of the Municipal Finance Management Act;

“Compensation for Occupational Injuries and Diseases Act” means the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993);

“competence” means having the necessary higher education qualification, work experience and knowledge to obtain at least a competent level of achievement;

“conditions of employment” in relation to a senior manager have a corresponding meaning as the terms or conditions of employment as defined in section 1 of the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997);

“Constitution” means the Constitution of the Republic of South Africa, 1996;

“department” in relation to a municipality means an administrative component of a municipality, headed by a manager appointed in terms of section 56 of the Act;

“the Disciplinary Regulations” means the Local Government: Disciplinary Regulations for Senior Managers, (Government Notice No. 344), as published in Government Gazette No. 34213;

“employment contract” means a contract as contemplated in section 57 of the Act;

“Employment Equity Act” means the Employment Equity Act, 1998 (Act No. 55 of 1998);

“executive committee” means an executive committee established in terms of section 43 of the Municipal Structures Act;

“financial year” means the financial year of a municipality commencing on 1 July each year and ending on 30 June of the following year;

“Labour Relations Act” means the Labour Relations Act, 1995 (Act No. 66 of 1995);

“Mayor” means the mayor or executive mayor of a municipality as elected in terms of the Municipal Structures Act;

"medical practitioner" for purposes of these regulations includes a practitioner as defined by the Health Professions Council of South Africa, and who is legally certified to diagnose and treat patients;

"Medical Schemes Act" means the Medical Schemes Act, 1998 (Act No. 131 of 1998);

"Municipal Finance Management Act" means the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), and any regulations made under that Act;

"Municipal Structures Act" means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)

"Pension Funds Act" means the Pension Funds Act, 1956 (Act No. 24 of 1956);

"performance agreement" means an agreement as contemplated in section 57 of the Act;

"post" means a post on the approved staff establishment of a municipality which has been budgeted for;

"senior manager" means a municipal manager or acting municipal manager, appointed in terms of section 54A of the Act, and includes a manager directly accountable to a municipal manager appointed in terms of section 56 of the Act;

"speaker" has the meaning assigned to it in the Municipal Structures Act;

"staff establishment" means the approved posts created for the normal and regular requirements of a municipality;

"the Act" means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and

"total remuneration package" means the total cost of a senior manager's remuneration to a municipality and includes the salary, pension contributions, medical aid contributions and other forms of payment or benefit.

Scope of application

2. (1) These regulations apply to—
 - (a) municipalities in the Republic of South Africa;
 - (b) municipal entities; and
 - (c) senior managers.
- (2) These regulations must be read in conjunction with—
 - (a) any regulations or guidelines issued in terms of section 120 of the Act concerning matters listed in section 54A, 56, 57A and 72; and
 - (b) the Local Government: Municipal Regulations on Minimum Competency Levels, 2007, issued in terms of the Municipal Finance Management Act, as published under Government Notice No. 493 in Government Gazette No. 29967 of 15 June 2007.

CHAPTER 2

STAFF ESTABLISHMENT

Human resource planning

3. A municipal council must—
- (1) assess the human resources necessary to perform its functions, with particular reference to—
 - (a) the number of senior managers required; and
 - (b) the competencies that a senior manager must have.
 - (2) assess existing human resources by race, gender and disability, and department with reference to their—
 - (a) competencies;
 - (b) training needs; and
 - (c) employment capacities.
 - (3) plan within the available budgeted funds, including funds for the remaining period of the relevant medium-term expenditure framework, for the recruitment, retention and development of human resources according to the municipality's requirements determined in terms of paragraph (a), which plan must, as a minimum, include—
 - (a) realistic goals and measurable targets for achieving representativeness, taking into account paragraph (b); and
 - (b) targets for the training of senior managers per occupational category and of specific senior managers, with specific plans to meet the training needs of persons historically disadvantaged.

Staff establishment

4. (1) A municipal manager must, within 12 months of the promulgation of these regulations, review the municipality's staff establishment having regard to the principles set out in these regulations, the functions and powers listed in Part B of Schedule 4 to the Constitution, Part B of Schedule 5 to the Constitution, Chapter 5 of the Municipal Structures Act, and based on—
 - (a) a municipality's strategic objectives; and
 - (b) a municipality's core and support functions.
- (2) Notwithstanding subregulation (1), a municipality must at least provide for the following departments on the staff establishment to—
 - (a) provide development and town planning services;
 - (b) provide public works and basic services to communities;
 - (c) provide community services;
 - (d) manage the finances of a municipality; and
 - (e) render corporate support services.
- (3) The municipal manager must review the municipality's staff establishment within 12 months in any of the following instances:
 - (a) the election of a new municipal council;
 - (b) the adoption of the integrated development plan of the municipality as contemplated in section 25 of the Act;
 - (c) material changes to the functions of the municipality; or
 - (d) the determination of new municipal boundaries.
- (4) The staff establishment must provide for—
 - (a) permanent posts; and
 - (b) fixed term posts.

(5) In the case of fixed term posts, the municipal manager must have due regard to the following:

- (a) the financial implications of such post to the municipality;
- (b) any existing contractual obligations of the incumbent manager and the financial implications thereof on the budget of the municipality;
- (c) the need of the municipality to retain institutional memory and scarce skills, and to promote stability and continuity within the municipality; and
- (d) the sustainability of the municipality.

(6) The municipal manager must, within 14 days of finalising the staff establishment, submit the staff establishment, a detailed report and recommendations on the staff establishment to the municipal council for approval.

(7) The report contemplated in subregulation (6) must outline the process followed in developing the staff establishment, which must include—

- (a) a summary of the mandate and service delivery priorities of the municipality and how the proposed staff establishment addresses these;
- (b) a summary of the proposed posts that are envisaged to—
 - (i) materially change;
 - (ii) change to a limited or non-material degree;
 - (iii) be abolished; and
 - (iv) not be affected by the changes;
- (c) a motivation of the proposed changes, including an analysis of the strengths, weaknesses and limitations of the current staff establishment;
- (d) job descriptions, duties, functions, competency requirements and responsibilities according to which one or more posts of the same grade are established, including the grading or relative size and value of a job;
- (e) details of the financial implications of the changes including, but not limited to, the outcomes of job evaluation processes, remuneration costs for senior managers, costs for relocation, new facilities and equipment, if any;
- (f) non-financial implications of the changes, including the impact on existing staff, key stakeholders and other processes within the municipality;
- (g) a project plan that specifies the timeframes within which the implementation is envisaged to take place; and
- (h) the stakeholders and change management requirements.

(8) The municipal council must at its next meeting following receipt of the staff establishment, approve the staff establishment, with or without amendments, as proposed by the municipal manager.

Creation and filling of senior manager posts

5. (1) When creating or filling a post of a senior manager, the municipal council must have due regard to the staff establishment, report and recommendation contemplated in regulations 4(6) and (7) of these regulations.

(2) The municipal council must—

- (a) confirm that the municipality requires the post to meet its strategic objectives;
- (b) ensure that a job description has been developed for the post;
- (c) attach to that post the remuneration and other conditions of employment; and

- (d) ensure that sufficient budgeted funds, including funds for the remaining period of the medium-term expenditure framework, are available for filling the post.

CHAPTER 3

RECRUITMENT, SELECTION AND APPOINTMENT

Principles of recruitment

6. (1) The recruitment, selection and appointment of senior managers must take place in accordance with the municipal systems and procedures contemplated in section 67 of the Act that are consistent with sections 54A, 56, 57A and 72 of the Act.
- (2) A senior manager post must be filled through public advertising, in accordance with the procedures contemplated in regulation 10.
- (3) Selection must be competence-based to enhance the quality of appointment decisions and to ensure the effective performance by municipalities of their functions.

Determination of recruitment needs

7. (1) When the post of a senior manager becomes vacant, or is due to become vacant, the mayor, in the case of a municipal manager, or the municipal manager, in the case of a manager directly accountable to the municipal manager, must, upon receipt of official notification that the post of a senior manager will become vacant, obtain approval from the municipal council for the filling of such post in its next council meeting or as soon as it is reasonably possible to do so.
- (2) A vacant senior manager post may not be filled, unless—
- (a) approval to fill the post has been granted by the municipal council; and
 - (b) the post has been budgeted for.
- (3) Notwithstanding subregulation (1), the speaker may convene a special meeting to obtain municipal council approval for the filling of a senior manager post.

General requirements for appointment of senior managers

8. (1) No person may be appointed as a senior manager on a fixed term contract, on a permanent basis or on probation, to any post on the approved staff establishment of a municipality, unless he or she—
- (a) is a South African citizen or permanent resident; and
 - (b) possesses the relevant competencies, qualifications, experience, and knowledge set out in Annexures A and B to these regulations.
- (2) An appointment may not take effect before the first day of the month following the month during which the municipal council approved the appointment.

Competence requirements for senior managers

9. (1) A person appointed as a senior manager in terms of these regulations must have the competencies as set out in Annexure A.
- (2) A person appointed as a senior manager in terms of these regulations must comply with the minimum requirements for higher education qualification, work experience and knowledge as set out in Annexure B.

Advertising of vacant posts

10. (1) The municipal manager must, within 14 days of receipt of the approval referred to in regulation 7, ensure that the vacant post is advertised.

(2) A vacant senior manager post must be advertised in a newspaper circulating nationally and in the province where the municipality is located.

(3) An advertisement for a vacant senior manager post must specify the—

- (a) job title;
- (b) term of appointment;
- (c) place to be stationed;
- (d) annual total remuneration package;
- (e) competency requirements of the post, including minimum qualifications and experience required;
- (f) core functions;
- (g) need for signing of an employment contract, a performance agreement and disclosure of financial interest;
- (h) the need to undergo security vetting;
- (i) contact person;
- (j) address where applications must be sent or delivered; and
- (k) closing date which must be a minimum of 14 days from the date the advertisement appears in the newspaper and not more than 30 days after such date.

(4) A municipality may utilise a recruitment agency to identify candidates for posts: Provided that the advertising, recruitment and selection procedures comply with these regulations.

(5) The mayor, in the case of a municipal manager, or the municipal manager, in the case of a manager directly accountable to the municipal manager, must provide monthly reports to the executive committee regarding progress on the filling of the vacant senior manager post.

Application for vacant post

11. (1) An application for the vacant post of a senior manager must be submitted on an official application form, attached as Annexure C, accompanied by a detailed curriculum vitae.

(2) Notwithstanding subregulation (1), a municipality that has on-line application procedures in place may use an on-line application form: Provided that the on-line application form substantially corresponds to the application form in Annexure C, and complies with these regulations.

(3) An application not made on the official form, as contemplated in subregulations (1) or (2) must not be considered.

(4) An applicant for a senior manager post must disclose—

- (a) his or her academic qualifications, proven experience and competencies;
- (b) his or her contactable references;
- (c) registration with a relevant professional body;
- (d) full details of any dismissal for misconduct; and
- (e) any disciplinary actions, whether pending or finalised, instituted against such applicant in his or her current or previous employment.

(5) Any misrepresentation or failure to disclose information contemplated in subregulation (3) and (4) is a breach of the Code of Conduct for Municipal Staff as provided for in Schedule 2 to the Act and shall be dealt with in terms of the Disciplinary Regulations.

(6) The municipality must compile and maintain a record of all applications received, which must contain—

- (a) the applicants' biographical details and contact information;
- (b) the details of the post for which the applicants were applying;
- (c) the applicants' qualifications; and
- (d) any other requirements outlined in the application form.

Selection panel

12. (1) A municipal council must appoint a selection panel to make recommendations for the appointment of candidates to vacant senior manager posts.

(2) In deciding who to appoint to a selection panel, the following considerations must inform the decision:

- (a) the nature of the post;
- (b) the gender balance of the panel; and
- (c) the skills, expertise, experience and availability of the persons to be involved.

(3) The selection panel for the appointment of a municipal manager must consist of at least three and not more than five members, constituted as follows:

- (a) the mayor, who will be the chairperson, or his or her delegate;
- (b) a councillor designated by the municipal council; and
- (c) at least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the area of the advertised post.

(4) The selection panel for the appointment of a manager directly accountable to a municipal manager must consist 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 councillor who is the portfolio head of the relevant portfolio; and
- (c) at least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the area of the advertised post.

(5) A panel member must disclose any interest or relationship with shortlisted candidates during the shortlisting process.

(6) A panel member contemplated in subregulations (3) and (4) must recuse himself or herself from the selection panel if—

- (a) his or her spouse, partner, close family member or close friend has been shortlisted for the post;
- (b) the panel member has some form of indebtedness to a short-listed candidate or *vice versa*; or
- (c) he or she has any other conflict of interest.

(7) A panel member and staff member must sign a declaration of confidentiality as set out in Annexure D to these regulations, to avert the disclosure of information to unauthorised persons.

(8) A staff member may provide secretarial or advisory services during the selection process, but may not form part of the selection panel.

Compiling shortlist of applicants

13. (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 applications 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 finalised within 30 days of the closing date of the advertisement.
- (3) The municipality must keep a record of all the applicants who applied for vacant posts.
- (4) The municipal manager must ensure that the information contained in the applications is kept confidential and stored in a secure site on the municipality's premises.
- (5) The lists contemplated in subregulation (1) must be submitted, together with the shortlisted applications, to the selection panel before the interviews.

Screening of candidates

- 14.** (1) Screening of the shortlisted candidates must take place within 21 days of the finalisation of the shortlisting by—
- (a) conducting the necessary reference checks;
 - (b) contacting a candidate's current or previous employer;
 - (c) determining the validity of a candidate's qualifications; and
 - (d) verifying whether a candidate has been dismissed previously for misconduct or poor performance by another employer.
- (2) A written report on the outcome of the screening process must be compiled by the mayor, in the case of the municipal manager, or the municipal manager, in the case of the manager directly accountable to the municipal manager, before the interviews take place.

Interviews

- 15.** (1) The selection panel must conduct interviews within 21 days of screening the candidates.
- (2) The selection panel for a specific post must remain the same throughout the screening and interviewing process.
 - (3) The selection panel must keep records of every panel member's individual assessment of the interviewed candidates.
 - (4) The determination of candidates to be recommended for appointment must be considered by way of consensus between the members of the selection panel.
 - (5) If consensus cannot be reached, a dissenting member may record his or her concerns in the minutes, whereafter the issue may be voted upon, with each member of the selection panel entitled to one vote.
 - (6) The selection panel must recommend the second and third suitable candidates to minimise delays that may arise in the filling of the post if the first choice candidate declines or does not accept the offer of employment.

Selection

- 16.** (1) The candidates recommended for appointment to the post of a senior manager must undergo a competency assessment.
- (2) The competency assessment tools must—
 - (a) be capable of being applied fairly; and
 - (b) not be biased against any person or group of persons.
 - (3) A municipality must provide in its medium term budget, funding for purposes of competency assessment and testing.

(4) Notwithstanding subregulation (3) and upon good cause shown, a municipality encountering cash flow problems may apply to the Local Government Sector Education and Training Authority to make use of the discretionary grants to fund the competency assessment for purposes of filling a vacant senior manager post.

(5) The selection panel must submit a report and recommendation on the selection process to the municipal council on the suitability of candidates who comply with the relevant competency requirements of the post as set out in Annexures A and B, in order of preference.

Resolution of municipal council on appointment of senior managers and reporting

17. (1) Before making a decision on an appointment, a municipal council must satisfy itself that—

- (a) the candidate meets the relevant competency requirements for the post, as set out in Annexures A and B to these regulations;
- (b) screening of the candidates has been conducted in terms of regulation 14; and
- (c) the candidate does not appear on the record of staff members dismissed for misconduct as set out in Schedule 2 to these regulations.

(2) A municipal council must, subject to subregulation (1), take a decision on the appointment of a suitable candidate.

(3) A municipal council must—

- (a) inform all interviewed candidates, including applicants who were unsuccessful, of the outcome of the interview; and
- (b) within 14 days of the decision referred to in subregulation (2), submit a written report to the MEC for local government regarding the appointment process and outcome.

(4) The report contemplated in subregulation (3)(b) must contain—

- (a) details of the advertisement, including date of issue and the name of newspapers in which the advert was published, and proof of the advertisement or a copy thereof;
- (b) a list of all applicants;
- (c) a report contemplated in regulation 14(2) on the screening process and the outcome thereof;
- (d) the municipal council's resolution approving the selection panel and the shortlisted candidates;
- (e) competency assessment results;
- (f) the minutes of the shortlisting meeting;
- (g) the minutes of interviews, including scoring;
- (h) the recommendations of the selection panel submitted to the municipal council;
- (i) the details of executive committee members and recommendations, if the selection panel comprised of all members of the executive committee;
- (j) the recommendation of the executive committee or executive mayor to the municipal council, if any;
- (k) the municipal council resolution approving the appointment of the successful candidate;
- (l) the application form, curriculum vitae, proof of qualifications and other supporting documentation of the successful candidate;
- (m) a written confirmation by the successful candidate that he or she does not hold political office as contemplated in section 56A of the Act, as at the date of appointment;

- (n) the letter of appointment, outlining the term of contract, remuneration and conditions of employment of the senior manager; and
- (o) any other information relevant to the appointment.

Re-employment of dismissed persons

18. (1) A person who has been dismissed for misconduct in a municipality may not be employed as a senior manager in any municipality before the expiry of a period, as set out in column 3, in respect of such category of misconduct as set out in column 2 of Schedule 2.

(2) Subregulation (1) does not apply to a senior manager who has lodged a dispute in terms of applicable legislation.

(3) If a senior manager is dismissed for more than one categories of misconduct as set out in subregulation (1), the periods set out in column 3 of the table attached as Schedule 2, run concurrently.

(4) For purposes of subregulation (1), a person dismissed for misconduct is prohibited from re-employment in any municipality for a period as set out in column 3 of Schedule 2 in respect of such category of misconduct calculated from the date of dismissal or conviction.

(5) Any senior manager who has been dismissed for any misconduct other than the categories of misconduct as set out in column 2 of the table attached as Schedule 2 may not be subjected to a waiting period before such a staff member may be re-employed in a municipality.

(6) A municipality must maintain a record of staff members dismissed for misconduct and staff members who resigned prior to the finalisation of any disciplinary proceedings.

(7) A record contemplated in subregulation (6) must be submitted within 14 days of such dismissal or resignation to the MEC for local government and the Minister.

(8) The record contemplated in subregulation (6) must include the following information:

- (a) The name and surname of the staff member;
- (b) the name of municipality;
- (c) the post title; and
- (d) the nature of the misconduct, including—
 - (i) the date of suspension, if applicable;
 - (ii) the conditions of suspension;
 - (iii) the date of commencement of the disciplinary hearing;
 - (iv) information regarding any pre-dismissal arbitration;
 - (v) the finding and category of misconduct;
 - (vi) the date on which the misconduct was referred for arbitration;
 - (vii) costs incurred by the municipality towards the finalisation of the disciplinary case;
 - (viii) the date of resignation or dismissal of the senior manager; and
 - (ix) whether the dismissal has been appealed and the status of the appeal, if applicable.

Re-advertisement of posts

- 19.** (1) If no suitable candidate has been identified, the municipal council—
- (a) must inform all shortlisted candidates that their applications were unsuccessful; and
 - (b) may re-advertise the post.

Secondment

20. (1) If a person is seconded to a municipality to act as a municipal manager in terms of section 54A(6) of the Act, an agreement must be entered into between the relevant seconding authority and receiving municipality.

(2) The agreement contemplated in subregulation (1) must specify—

- (a) the duration of the secondment;
- (b) the party responsible for the costs of the secondment; and
- (c) the job description of the seconded official.

(3) Notwithstanding subregulation (4), the cost of secondment must be borne by the receiving municipality, taking into consideration the financial capacity of the municipality.

(4) A person seconded in terms of subregulation (1) must report monthly to the MEC or the Minister, in terms of section 54A(6), on the following:

- (a) steps taken to fill the vacant post to which he or she is seconded;
- (b) the development and implementation of any municipal institutional recovery plan for which the seconded official is responsible;
- (c) monitor and assess the adherence to policy, principles and frameworks applicable to the municipality;
- (d) develop a turnaround strategy for the municipality including a strategy to promote good governance;
- (e) ensure implementation of municipal council resolutions by the administration;
- (f) implement a system to control and approve all expenditure;
- (g) implement all governance systems and procedures; and
- (h) ensure implementation of financial systems, policies and procedures.

(5) A person seconded in terms of subregulation (1) must—

- (a) be paid an allowance equal to the difference between the secondee's current salary and the minimum budgeted salary of the position that the secondee acts in; and
- (b) be compensated for subsistence and travel incurred during the course and scope of his or her duties, in accordance with the relevant policy of the municipality.

CHAPTER 4**CONDITIONS OF EMPLOYMENT****Ordinary hours of work**

21. (1) Except as otherwise provided, a senior manager's ordinary hours of work must be stipulated in the employment contract and be in accordance with the operational requirements of the municipality.

(2) Notwithstanding subregulation (1) a senior manager must work at least 40 ordinary hours per week from Monday to Friday.

Overtime

22. A senior manager may be required to work overtime without additional remuneration.

Annual leave

23. (1) In this regulation the annual leave cycle is calculated from 1 January to 31 December.

(2) A senior manager must apply for annual leave on an official leave form attached as Annexure E to these regulations.

(3) Notwithstanding subregulation (1), a municipality that has an on-line application form may use an on-line application form: Provided that the on-line application form substantially corresponds to the application form in Annexure E and complies with these regulations.

(4) The paid annual leave to which a senior manager is entitled must be stipulated in the employment contract.

(5) A senior manager who commences employment after 1 January is entitled to paid annual leave on a *pro rata* basis.

(6) A senior manager is entitled to not more than two working days leave on full remuneration for every month which the senior manager worked in any annual leave cycle.

(7) A senior manager does not accrue leave during any period of unpaid leave or if the senior manager is absent from work without permission.

(8) The accrual of leave must be reduced on a *pro rata* basis in accordance with the number of unpaid leave days or days on which the senior manager was absent without permission.

(9) A senior manager must take at least 10 working days annual leave in each annual leave cycle: Provided that the remaining days must be taken before the end of the following annual leave cycle, failing which they are forfeited.

(10) A senior manager may only take annual leave with the prior written approval of the mayor or municipal manager, as the case may be.

(11) A senior manager's application for annual leave may not be unreasonably disapproved.

(12) A senior manager whose annual leave application is not approved as a result of operational requirements must be informed in writing of the refusal, the reasons for the disapproval and the future arrangements for rescheduling the annual leave.

(13) A senior manager who is recalled from leave due to operational requirements must be credited with the number of annual leave days forsaken.

(14) The municipality must—

- (a) encourage senior managers to take their annual leave in the annual leave cycle in which they accrue; and
- (b) establish a system to record accurately the leave taken by senior managers.

Sick leave

24. (1) In this regulation, "sick leave cycle" means the period of 36 months employment with the municipality, calculated from 1 January.

(2) A senior manager must apply for sick leave on an official leave form attached to these regulations as Annexure E.

(3) A senior manager is entitled to 36 working days paid sick leave during each sick leave cycle.

(4) A senior manager who is appointed after 1 January will be entitled to paid sick leave on a *pro rata* basis.

(5) Sick leave may not be carried over from one sick leave cycle to the next sick leave cycle.

(6) A senior manager whose—

- (a) sick leave is depleted within a sick leave cycle may take annual leave in lieu of sick leave for the purposes of recovery;

(b) sick leave and annual leave are depleted, may, at the discretion of the municipality and to a maximum of 30 days, be granted unpaid leave.

(7) Notwithstanding subregulation (6), the municipality may, with the consent of the senior manager, reduce the pay to which the senior manager is entitled to in respect of any day's absence due to illness or injury if the municipality complies with the conditions set out in section 22(6) of the Basic Conditions of Employment Act.

Proof of sickness or injury

25. (1) A senior manager who takes sick leave for more than two consecutive days or on more than two occasions during an eight week period must provide an original medical certificate that complies with subregulations (2) and (3).

(2) The medical certificate contemplated in subregulation (1) must be issued and signed by a medical practitioner or any other person who is certified to diagnose and treat patients and who is registered with a professional council established by an Act of Parliament.

(3) The medical certificate contemplated in subregulation (1) must, in addition to the requirement in subregulation (2), contain the following information:

- (a) A clear indication of the name, address and qualification of the medical practitioner;
- (b) the name of the patient, which must correspond with the name of the senior manager;
- (c) the identity number of the senior manager;
- (d) the date and time of the medical evaluation;
- (e) an indication of—
 - (i) the medical practitioner's personal observations during an examination;
 - (ii) information received from the patient during the consultation and which is based upon acceptable medical grounds;
 - (iii) with the consent of the senior manager, a description of the sickness or injury in layman's terms, or, if the senior manager refuses to provide consent, specifying that the senior manager is unfit for work due to sickness or injury;
 - (iv) whether the patient is totally indisposed for duty or whether the patient is able to perform less strenuous duties;
 - (v) the precise period of recommended sick leave;
 - (vi) the date of issue of the medical certificate; and
 - (vii) in the case of a *pro forma* medical certificate, the deletion of the wording not applicable to the patient.

(4) A municipality that doubts the authenticity of a medical certificate provided by a senior manager or that claims that the medical certificate does not substantially and materially comply with subregulation (3) must furnish the senior manager with its reasons in writing.

(5) In respect of a senior manager who fails to provide an authentic medical certificate that substantially and materially complies with subregulations (2) and (3) the municipality may—

- (a) debit the number of annual leave days that are due to the senior manager by the number of sick days taken; or
- (b) if a senior manager has no annual leave due to him or her, grant the senior manager unpaid leave for the number of sick days taken by the senior manager.

(6) If there is a reasonable suspicion that the senior manager is abusing sick leave, the municipality may at its own cost, require the senior manager to be examined by a medical practitioner of the municipality's choice.

Occupational accidents and diseases

26. The provisions of regulations 23(13) and 28 do not apply to an inability to work caused by an accident or occupational disease as defined in the Compensation for Occupational Injuries and Diseases Act, except in respect of any period which no compensation is payable in terms of the Compensation for Occupational Injuries and Diseases Act.

Reporting sickness or injury

27. (1) A municipal manager who is unable to report for duty due to sickness or injury must, as soon as reasonably possible, inform the mayor about his or her absence and expected duration of absence.

(2) A manager directly accountable to a municipal manager who is unable to report for duty due to sickness or injury must, as soon as reasonably possible, inform the municipal manager about his or her absence and expected duration of absence.

Sickness or injury during leave

28. A senior manager who falls sick or who is injured during any period of leave other than sick leave must complete that period of leave before sick leave may be granted.

Maternity leave

29. (1) A senior manager is entitled to at least four consecutive months maternity leave.

(2) A senior manager must apply for maternity leave on an official leave form attached as Annexure E to these regulations.

(3) A senior manager who has been employed by the municipality for one year or more is entitled to full remuneration for four months, while on maternity leave.

(4) The maternity leave must commence—

- (a) at any time from four weeks before the expected date of birth, unless otherwise agreed; or
- (b) on a date from which a medical practitioner or a midwife certifies that it is necessary for the senior manager's health or that of her unborn child.

(5) A senior manager who has a miscarriage during the third trimester of pregnancy or bears a stillborn child is entitled to maternity leave for at least six weeks after the miscarriage or stillbirth, whether or not the senior manager had commenced maternity leave at the time of the miscarriage or stillbirth.

(6) A senior manager who adopts a child who is younger than three months at the time of the adoption may be granted up to four consecutive months maternity leave.

(7) No senior manager may commence work for six weeks after the birth of her child, unless a medical practitioner certifies that she is fit to do so.

(8) A senior manager must notify the municipality in writing, unless the senior manager is unable to do so, of the date on which she intends to—

- (a) commence maternity leave; and
- (b) return to work after maternity leave.

(9) A senior manager contemplated in subregulation (8) must notify the municipality—

- (a) at least four weeks before the senior manager intends to commence maternity leave; or
- (b) if it is not reasonably practicable to do so, as soon as it is reasonably practicable.

Family responsibility leave

30. (1) A senior manager is entitled to five working days family responsibility leave per annual leave cycle for utilisation if the senior manager's—

- (a) spouse or life partner gives birth to the senior manager's child;
- (b) child, spouse or life partner is sick; or
- (c) child, spouse or life partner, or a senior manager's parent, adoptive parent, grandparent, child, adopted child, grandchild or sibling, dies.

(2) A senior manager must apply for family responsibility leave on an official leave form attached as Annexure E to these regulations.

(3) A municipality may require reasonable proof of an incident in respect of which family responsibility leave is granted.

Study leave

31. (1) A senior manager must apply for study leave on an official leave form attached as Annexure E to these regulations.

(2) If a senior manager plans to attend a training programme that forms part of the senior manager's personal development plan, the municipality may, upon receipt of official proof of the programme, grant the senior manager up to twenty working days' leave per year, ten days of which must be for examinations linked to formal qualifications and ten days to attend classes or lectures.

(3) Notwithstanding subregulation (2), a senior manager may be granted leave to attend workshops, conferences or seminars associated with continued professional development: Provided that the mayor or municipal manager has approved the senior manager's attendance at such workshop, conference or seminar.

(4) A senior manager who is required to attend a training programme in relation to a priority skill identified by the municipality in terms of the senior manager's personal development plan must be granted paid time off to attend the training in addition to the senior manager's entitlement to leave.

(5) A municipality may grant appropriate flexible working arrangements to a senior manager who is required to complete a structured learning programme.

Special leave

32. (1) A municipality may grant special leave to a senior manager in accordance with the policies of the municipality.

(2) A senior manager must apply for special leave on an official leave form attached as Annexure E to these regulations.

(3) The municipality must adopt a special leave policy that defines—

- (a) circumstances and conditions under which special leave is granted; and
- (b) as far as possible, events for which senior managers may be granted special leave.

(4) The policy contemplated in subregulation (3) may provide for paid leave to a senior manager for such occasions as military service, collective bargaining or other labour relations requirements, participation in sport on provincial or national level, sabbaticals, where appropriate, or the treatment of substance abuse.

Unauthorised absence from work

33. (1) If a senior manager is absent from work without permission—
- (a) such absenteeism will be regarded as leave without pay;
 - (b) the senior manager will be regarded as having deserted his or her post and therefore resigned—
 - (i) if the period of absence exceeds fifteen (15) or more consecutive working days; and
 - (ii) if the municipality has taken reasonable steps to trace the senior manager without success.
- (2) The provisions of subregulation (1) do not apply to a senior manager who shows good cause that he or she was unable to inform the municipality of the reasons for the absenteeism.

Calculation of unpaid leave

34. For purposes of calculating unpaid leave, the following formula applies:

$$\frac{A \times B}{365}$$

Where –

- (a) “A” represents the senior manager’s basic annual salary notch per annum;
- (b) “B” represents the number of leave days without pay; and
- (c) “365” represents the number of days in a year.

Upper limit of total remuneration package of senior managers

35. (1) The Minister must by notice in the Gazette annually determine the upper limit of the total remuneration package of senior managers according to different categories of municipalities.

(2) The upper limit of the total remuneration package of senior managers for a financial year, must be determined by the Minister before 31 March of the following financial year, after consultation with the Minister for Public Service and Administration, the Minister of Finance, the MECs for local government, and organised local government, by notice in the Gazette after taking into consideration—

- (a) the classification of municipalities according to different grades;
- (b) the respective duties, powers and functions and responsibilities of the municipality;
- (c) the affordability of different levels of remuneration, the number of municipal employees, and the salary and wage bill of the municipality;
- (d) the population, operating budget and assets of the municipality;
- (e) the current principles and levels of remuneration in society in general;
- (f) the need for the promotion of equality and uniformity of salaries, allowances and benefits for equal work performed;
- (g) the provision of uniform norms and standards nationally to address disparities; and
- (h) inflationary increases.

Disclosure of benefits and interests

36. (1) A senior manager who enters into an employment contract in terms of these regulations must—

- (a) within 60 days after his or her appointment; and
- (b) annually thereafter, from the commencement of the new financial year of a municipality,

declare his or her benefits and interests.

(2) The benefits and interests contemplated in subregulation (1) may include any shares, directorships or property, which may potentially be in conflict with the senior manager's official duties.

(3) A senior manager must disclose all his or her registerable interests on the form attached as Annexure F to these regulations.

(4) If the circumstances change significantly after an initial disclosure has been made, and new or additional facts become material, the senior manager must disclose such facts as soon as reasonably possible.

(5) Failure to disclose benefits and interests is a breach of contract and must be dealt with in terms of the Code of Conduct for Municipal Staff as provided for in Schedule 2 to the Act, read in conjunction with the Disciplinary Regulations.

CHAPTER 5

BENEFITS

Retirement or pension fund membership

37. (1) A senior manager must belong to a retirement or pension fund registered in terms of the Pension Funds Act.

(2) A senior manager must annually submit proof of membership of the retirement or pension fund to the municipality.

(3) A senior manager must be afforded an opportunity to make a once-off choice in respect of a retirement or pension fund to which he or she wants to become a member, including a retirement or pension fund accredited by the bargaining council designated for municipalities: Provided that such fund must be registered in terms of the Pension Funds Act.

Medical scheme membership

38. (1) A senior manager must belong to a medical aid registered in terms of the Medical Schemes Act.

(2) A senior manager must submit annually proof of membership of the medical aid scheme to the municipal council.

(3) A senior manager must annually be afforded an opportunity to make a once-off choice in respect of a medical aid scheme to which he or she wants to become a member, including a medical scheme accredited by the bargaining council designated for municipalities: Provided that such scheme must be registered in terms of the Medical Schemes Act.

Motor vehicle

39. (1) A senior manager must have a motor vehicle available for the proper performance of his or her functions and official duties: Provided that he or she must secure his or her own financing for the vehicle.

(2) In the event that a senior manager utilises his or her private vehicle to carry out official duties, he or she must be compensated for the kilometres travelled in respect of the official trip in accordance with the relevant policy of the municipality.

(3) Official distances travelled may be claimed in accordance with the relevant policy of the municipality, but may not exceed the applicable tariffs prescribed by the Department of Transport on a monthly basis for the use of privately-owned vehicles.

(4) For purposes of claiming motor vehicle and maintenance allowances, a senior manager must keep a logbook acceptable to the South African Revenue Service reflecting the official and private kilometres travelled per month.

Mobile phone and data card

40. A senior manager is entitled to compensation for the use of a mobile telephone and data card for official purposes in accordance with the relevant policy of the municipality.

CHAPTER 6

TERMINATION OF SERVICE

Retirement

41. (1) A senior manager has the right to retire, and must retire, on the first calendar day of the month following the day on which he or she turns 65 years of age.

(2) Notwithstanding subregulation (1), a municipal council may, after consultation with the MEC for local government, and upon good cause shown, apply in writing to the Minister, for a waiver of the requirement in subregulation (1) in the case of a person with scarce skills for effective service delivery by the municipality.

(3) Notwithstanding subregulations (1) and (2), a municipality may, at the request of a senior manager, allow the senior manager to retire after attaining the age of 55 years.

Notice of termination

42. (1) An employment contract of a senior manager may be terminated only on notice of—

- (a) two weeks, if the senior manager has been employed for six months or less;
- (b) four weeks, if the senior manager has been employed for 12 months or less; or
- (c) one calendar month, if the senior manager has been employed for more than 12 months.

Dismissal for misconduct, incapacity or operational requirements

43. (1) A senior manager may be dismissed for misconduct, for incapacity or for operational requirements if the municipality has complied with the relevant provisions of the Labour Relations Act.

(2) If the municipality is of the opinion that a senior manager is incapable of carrying out the duties attached to the senior manager's post as a result of continuous ill-health or injury, the municipality may require the senior manager to undergo a medical examination by a registered medical practitioner nominated by the municipality and at the municipality's expense.

(3) The record of any medical examination performed must be kept confidential and may be made available only—

- (a) in accordance with the ethics of medical practice;
- (b) if required by law or court order; or

- (c) if the senior manager has consented in writing to the release of such record.
- (4) The municipality may, on the basis of medical evidence, consider the dismissal of a senior manager on account of ill-health.
- (5) A dismissal on account of ill-health or injury must be done with due regard to items 10 and 11 of Schedule 8 of the Labour Relations Act.
- (6) If a senior manager applies for a discharge from service on account of continuous ill-health or injury, the provisions of subregulations (2) to (5) apply, with the necessary changes required by the context.
- (7) If a senior manager refuses or fails to be subjected to a medical examination, the senior manager may be dismissed for misconduct, subject to the Labour Relations Act.

Nomination of beneficiaries and payment of accruing benefits

44. (1) A senior manager may for purposes of implementation of these regulations, designate one or more beneficiaries to whom accruing benefits to him or her may be paid in the event of the senior manager's death.
- (2) A municipality must ensure that a senior manager nominates beneficiaries on appointment or as and when circumstances change to avoid any financial hardships on the pay-out of benefits to beneficiaries due to delays.
- (3) The benefits of a senior manager who died before nominating beneficiaries must be dealt with in terms of the Administration of Estates Act, 1965 (Act No. 66 of 1965).

CHAPTER 7

GENERAL

Transitional arrangements

45. (1) Employment contracts for all senior managers, entered into before these regulations became operational, remain in force until the contract lapses or is terminated.
- (2) When an employment contract referred to in subregulation (1) lapses or is terminated, the vacant post must be advertised in accordance with these regulations.
- (3) A municipality that has reviewed its staff establishment within two years prior to the coming into operation of these regulations is exempted from the provisions of regulation 4(1) of these regulations.

Repeal

46. These regulations repeal regulations 6, 7, 9, 10, 11, 12, 13, 15, 26(8), 35, 36, 37, and 38 of the Local Government: Municipal Performance Regulations for Municipal Managers and Managers directly accountable to Municipal Managers, (Government Notice No. 805) as published in Government Gazette No. 29089 of 1 August 2006.

Short title

47. These regulations are called the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers.

SCHEDULE 2**CATEGORIES OF MISCONDUCT AND TIME PERIODS THAT MUST EXPIRE BEFORE A PERSON MAY BE RE-EMPLOYED IN A MUNICIPALITY**

No.	CATEGORY OF MISCONDUCT	PERIOD THAT MUST EXPIRE BEFORE A PERSON MAY BE RE-EMPLOYED IN A MUNICIPALITY
1.	Financial misconduct contemplated in section 171 of the Municipal Finance Management Act, corruption or fraud.	Ten (10) years
2.	Misconduct involving elements of dishonesty or negligence.	Five (5) years
3.	(a) Assault with intent to do grievous bodily harm where a senior manager has been criminally charged and convicted.	Five (5) years
	(b) Sexual harassment.	Five (5) years
4.	Colluding to or acceding to an influence of any councillor not to enforce an obligation in terms of this Act, any other legislation or by-law or a decision of the municipal council of the municipality, and who has been found guilty of an offence and convicted to a fine or to imprisonment for a period not exceeding one year.	Five (5) years
5.	Facilitating or aiding an occupier of premises in a municipality to deny an authorised representative of the municipality or a service provider access at all reasonable times to the premises in order to read, inspect, install, or repair any meter or service connection for reticulation, or to disconnect, stop or restrict the provision of any service.	Five (5) years
6.	Convicted to an offence and sentenced to more than twelve (12) months imprisonment without the option of a fine.	Five (5) years
7.	(a) Use the position as a senior manager or confidential information for private gain or improperly benefit another person.	Five (5) years
	(b) Disclosure of any privileged or confidential information obtained as a senior manager of a municipality to an unauthorised person or persons.	Five (5) years
	(c) Take a decision on behalf of the municipality concerning a matter that the senior manager's spouse, partner or business associate, has a direct benefit or private business interest.	Five (5) years
8.	Being party to or beneficiary under a contract for the provision of goods and services to any municipality or any municipal entity established by a municipality.	Five (5) years
9.	Soliciting or accepting directly or indirectly any gift or favour that may influence the exercise of his or her functions, the performance of his or her duties, or judgment.	Five (5) years
10.	Discrimination against others on the basis of race, gender, disability, sexual orientation or other grounds prohibited by the Constitution.	Five (5) years
11.	Breach of the Code of Conduct for Municipal Staff as contained in Schedule 2 of the Act, other than misconduct referred to in item 1 to 10 in this table.	Two (2) years

ANNEXURE A**LOCAL GOVERNMENT: COMPETENCY FRAMEWORK FOR SENIOR MANAGERS****1. Definitions**

In this framework-

“core competencies” are competencies that cut across all levels of work in a municipality and enhance contextualised leadership that guarantees service delivery impact; and

“leading competencies” means competencies that are required to develop clear institutional strategy, initiate, drive and implement programs to achieve long-term sustainable and measurable service delivery performance results.

2. Competency Framework

- 2.1 This competency framework replaces regulation 26(8) of the Local Government: Municipal Performance Regulations for Municipal Managers and Managers directly accountable to Municipal Managers, (Government Notice No. 805) as published in Government Gazette No. 29089 of 1 August 2006.
- 2.2 A person appointed as a senior manager must have the competencies as set out in this framework. Focus must also be placed on the following key factors:
 - (a) Critical leading competencies that drive the strategic intent and direction of local government;
 - (b) Core competencies which senior managers are expected to possess, and which drive the execution of the leading competencies; and
 - (c) The eight Batho Pele principles.
- 2.3 The competency framework consists of six leading competencies which comprise of twenty (20) driving competencies that communicate what is expected for effective performance in local government.
- 2.4 The competency framework further involves six (6) core competencies that act as drivers to ensure that the leading competencies are executed at an optimal level.
- 2.5 There is no hierarchical connotation to the structure and all competencies are essential to the role of a senior manager to influence high performance. All competencies must therefore be considered as measurable and critical in assessing the level of a senior manager's performance.

- 2.6 The competency framework is underscored by four (4) achievement levels that act as benchmark and minimum requirements for other human capital interventions, which are, recruitment and selection, learning and development, succession planning, and promotion.

3. Competency Framework Structure

The competencies that appear in the competency framework are detailed below.

LEADING COMPETENCIES	
Strategic Direction and Leadership	<ul style="list-style-type: none"> • Impact and Influence • Institutional Performance Management • Strategic Planning and Management • Organisational Awareness
People Management	<ul style="list-style-type: none"> • Human Capital Planning and Development • Diversity Management • Employee Relations Management • Negotiation and Dispute Management
Program and Project Management	<ul style="list-style-type: none"> • Program and Project Planning and Implementation • Service Delivery Management • Program and Project Monitoring and Evaluation
Financial Management	<ul style="list-style-type: none"> • Budget Planning and Execution • Financial Strategy and Delivery • Financial Reporting and Monitoring
Change Leadership	<ul style="list-style-type: none"> • Change Vision and Strategy • Process Design and Improvement • Change Impact Monitoring and Evaluation
Governance Leadership	<ul style="list-style-type: none"> • Policy Formulation • Risk and Compliance Management • Cooperative Governance
CORE COMPETENCIES	
Moral Competence	
Planning and Organising	
Analysis and Innovation	
Knowledge and Information Management	
Communication	
Results and Quality Focus	

4. Minimum Requirements

The minimum requirements that accompany the competency framework, but do not govern the selected competencies, as set out in annexure B to these regulations, refer to the level of higher education qualification, work experience and knowledge that are needed to operate effectively in the local government environment.

5. Competency Descriptions

Cluster	Leading Competencies		
Competency Name	Strategic Direction and Leadership		
Competency Definition	Provide and direct a vision for the institution, and inspire and deploy others to deliver on the strategic institutional mandate		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
<ul style="list-style-type: none">• Understand institutional and departmental strategic objectives, but lacks the ability to inspire others to achieve set mandate• Describe how specific tasks link to institutional strategies but has limited influence in directing strategy• Has a basic understanding of institutional performance management, but lacks the ability to integrate systems into a collective whole• Demonstrate a basic understanding of key decision-makers	<ul style="list-style-type: none">• Give direction to a team in realising the institution's strategic mandate and set objectives• Has a positive impact and influence on the morale, engagement and participation of team members• Develop actions plans to execute and guide strategy implementation• Assist in defining performance measures to monitor the progress and effectiveness of the institution• Displays an awareness of institutional structures and political factors• Effectively communicate barriers to execution to relevant parties• Provide guidance to all stakeholders in the achievement of the strategic mandate• Understand the aim and objectives of the institution and relate it to own work	<ul style="list-style-type: none">• Evaluate all activities to determine value and alignment to strategic intent• Display in-depth knowledge and understanding of strategic planning• Align strategy and goals across all functional areas• Actively define performance measures to monitor the progress and effectiveness of the institution• Consistently challenge strategic plans to ensure relevance• Understand institutional structures and political factors, and the consequences of actions• Empower others to follow strategic direction and deal with complex situations• Guide the institution through complex and ambiguous concern• Use understanding of power relationships and dynamic tensions among key players to frame communications and develop strategies, positions and alliances	<ul style="list-style-type: none">• Structure and position the institution to local government priorities• Actively use in-depth knowledge and understanding to develop and implement a comprehensive institutional framework• Hold self accountable for strategy execution and results• Provide impact and influence through building and maintaining strategic relationships• Create an environment that facilitates loyalty and innovation Display a superior level of self-discipline and integrity in actions• Integrate various systems into a collective whole to optimise institutional performance management• Uses understanding of competing interests to manoeuvre successfully to a win/win outcome

Cluster	Leading Competencies		
Competency Name	People Management		
Competency Definition	Effectively manage, inspire and encourage people, respect diversity, optimise talent and build and nurture relationships in order to achieve institutional objectives		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
<ul style="list-style-type: none">• Participate in team goal-setting and problem solving• Interact and collaborate with people of diverse backgrounds• Aware of guidelines for employee development, but requires support in implementing development initiatives	<ul style="list-style-type: none">• Seek opportunities to increase team contribution and responsibility• Respect and support the diverse nature of others and be aware of the benefits of a diverse approach• Effectively delegate tasks and empower others to increase contribution and execute functions optimally• Apply relevant employee legislation fairly and consistently• Facilitate team goal-setting and problem-solving• Effectively identify capacity requirements to fulfill the strategic mandate	<ul style="list-style-type: none">• Identify ineffective team and work processes and recommend remedial interventions• Recognise and reward effective and desired behaviour• Provide mentoring and guidance to others in order to increase personal effectiveness• Identify development and learning needs within the team• Build a work environment conducive to sharing, innovation, ethical behaviour and professionalism• Inspire a culture of performance excellence by giving positive and constructive feedback to the team• Achieve agreement or consensus in adversarial environments• Lead and unite diverse teams across divisions to achieve institutional objectives	<ul style="list-style-type: none">• Develop and incorporate best practice people management processes, approaches and tools across the institution• Foster a culture of discipline, responsibility and accountability• Understand the impact of diversity in performance and actively incorporate a diversity strategy in the institution• Develop comprehensive integrated strategies and approaches to human capital development and management• Actively identify trends and predict capacity requirements to facilitate unified transition and performance management

Cluster	Leading Competencies		
Competency Name	Program and Project Management		
Competency Definition	Able to understand program and project management methodology; plan, manage, monitor and evaluate specific activities in order to deliver on set objectives		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
<ul style="list-style-type: none">• Initiate projects after approval from higher authorities• Understand procedures of program and project management methodology, implications and stakeholder involvement• Understand the rational of projects in relation to the institution's strategic objectives• Document and communicate factors and risk associated with own work• Use results and approaches of successful project implementation as guide	<ul style="list-style-type: none">• Establish broad stakeholder involvement and communicate the project status and key milestones• Define the roles and responsibilities of the project team and create clarity around expectations• Find a balance between project deadline and the quality of deliverables• Identify appropriate project resources to facilitate the effective completion of the deliverables• Comply with statutory requirements and apply policies in a consistent manner• Monitor progress and use of resources and make needed adjustments to timelines, steps, and resource allocation	<ul style="list-style-type: none">• Manage multiple programs and balance priorities and conflicts according to institutional goals• Apply effective risk management strategies through impact assessment and resource requirements• Modify project scope and budget when required without compromising the quality and objectives of the project• Involve top-level authorities and relevant stakeholders in seeking project buy-in• Identify and apply contemporary project management methodology• Influence and motivate project team to deliver exceptional results• Monitor policy implementation and apply procedures to manage risks	<ul style="list-style-type: none">• Understand and conceptualise the long-term implications of desired project outcomes• Direct a comprehensive strategic macro and micro analysis and scope projects accordingly to realise institutional objectives• Consider and initiate projects that focus on achievement of the long-term objectives• Influence people in positions of authority to implement outcomes of projects• Lead and direct translation of policy into workable actions plans• Ensures that programs are monitored to track progress and optimal resource utilisation, and that adjustments are made as needed

Cluster	Leading Competencies		
Competency Name	Financial Management		
Competency Definition	Able to compile, plan and manage budgets, control cash flow, institute financial risk management and administer procurement processes in accordance with recognised financial practices. Further to ensure that all financial transactions are managed in an ethical manner		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
<ul style="list-style-type: none">• Understand basic financial concepts and methods as they relate to institutional processes and activities• Display awareness into the various sources of financial data, reporting mechanisms, financial governance, processes and systems• Understand the importance of financial accountability• Understand the importance of asset control	<ul style="list-style-type: none">• Exhibit knowledge of general financial concepts, planning, budgeting, and forecasting and how they interrelate• Assess, identify and manage financial risks• Assume a cost-saving approach to financial management• Prepare financial reports based on specified formats• Consider and understand the financial implications of decisions and suggestions• Ensure that delegation and instructions as required by National Treasury guidelines are reviewed and updated• Identify and implement proper monitoring and evaluation practices to ensure appropriate spending against budget	<ul style="list-style-type: none">• Take active ownership of planning, budgeting, and forecast processes and provides credible answers to queries within own responsibility• Prepare budgets that are aligned to the strategic objectives of the institution• Address complex budgeting and financial management concerns• Put systems and processes in place to enhance the quality and integrity of financial management practices• Advise on policies and procedures regarding asset control• Promote National Treasury's regulatory framework for Financial Management	<ul style="list-style-type: none">• Develop planning tools to assist in evaluating and monitoring future expenditure trends• Set budget frameworks for the institution• Set strategic direction for the institution on expenditure and other financial processes• Build and nurture partnerships to improve financial management and achieve financial savings• Actively identify and implement new methods to improve asset control• Display professionalism in dealing with financial data and processes

Cluster	Leading Competencies		
Competency Name	Change Leadership		
Competency Definition	Able to direct and initiate institutional transformation on all levels in order to successfully drive and implement new initiatives and deliver professional and quality services to the community		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
<ul style="list-style-type: none">• Display an awareness of change interventions, and the benefits of transformation initiatives• Able to identify basic needs for change• Identify gaps between the current and desired state• Identify potential risk and challenges to transformation, including resistance to change factors• Participate in change programs and piloting change interventions• Understand the impact of change interventions on the institution within the broader scope of Local Government.	<ul style="list-style-type: none">• Perform an analysis of the change impact on the social, political and economic environment• Maintain calm and focus during change• Able to assist team members during change and keep them focused on the deliverables• Volunteer to lead change efforts outside of own work team• Able to gain buy-in and approval for change from relevant stakeholders• Identify change readiness levels and assist in resolving resistance to change factors• Design change interventions that are aligned with the institution's strategic objectives and goals	<ul style="list-style-type: none">• Actively monitor change impact and results and convey progress to relevant stakeholders• Secure buy-in and sponsorship for change initiatives• Continuously evaluate change strategy and design and introduce new approaches to enhance the institution's effectiveness• Build and nurture relationships with various stakeholders to establish strategic alliance in facilitating change• Take the lead in impactful change programs• Benchmark change interventions against best change practices• Understand the impact and psychology of change, and put remedial interventions in place to facilitate effective transformation• Take calculated risk and seek new ideas from best practice scenarios, and identify the potential for implementation	<ul style="list-style-type: none">• Sponsor change agents and create a network of change leaders who support the interventions• Actively adapt current structures and processes to incorporate the change interventions• Mentor and guide team members on the effects of change, resistance factors and how to integrate change• Motivate and inspire others around change initiatives

Cluster	Leading Competencies		
Competency Name	Governance Leadership		
Competency Definition	Able to promote, direct and apply professionalism in managing risk and compliance requirements and apply a thorough understanding of governance practices and obligations. Further, able to direct the conceptualisation of relevant policies and enhance cooperative governance relationships		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
<ul style="list-style-type: none">• Display a basic awareness of risk, compliance and governance factors but require guidance and development in implementing such requirements• Understand the structure of cooperative government but requires guidance on fostering workable relationships between stakeholders• Provide input into policy formulation	<ul style="list-style-type: none">• Display a thorough understanding of governance and risk and compliance factors and implement plans to address these• Demonstrate understanding of the techniques and processes for optimising risk taking decisions within the institution• Actively drive policy formulation within the institution to ensure the achievement of objectives	<ul style="list-style-type: none">• Able to link risk initiatives into key institutional objectives and drivers• Identify, analyse and measure risk, create valid risk forecasts, and map risk profiles• Apply risk control methodology and approaches to prevent and reduce risk that impede on the achievement of institutional objectives• Demonstrate a thorough understanding of risk retention plans• Identify and implement comprehensive risk management systems and processes• Implement and monitor the formulation of policies, identify and analyse constraints and challenges with implementation and provide recommendations for improvement	<ul style="list-style-type: none">• Demonstrate a high level of commitment in complying with governance requirements• Implement governance and compliance strategy to ensure achievement of institutional objectives within the legislative framework• Able to advise Local Government on risk management strategies, best practice interventions and compliance management• Able to forge positive relationships on cooperative governance level to enhance the effectiveness of Local government• Able to shape, direct and drive the formulation of policies on a macro level

Cluster	Core Competencies		
Competency Name	Moral Competence		
Competency Definition	Able to identify moral triggers, apply reasoning that promotes honesty and integrity and consistently display behaviour that reflects moral competence		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
<ul style="list-style-type: none">• Realise the impact of acting with integrity, but requires guidance and development in implementing principles• Follow the basic rules and regulations of the institution• Able to identify basic moral situations, but requires guidance and development in understanding and reasoning with moral intent	<ul style="list-style-type: none">• Conduct self in alignment with the values of Local Government and the institution• Able to openly admit own mistakes and weaknesses and seek assistance from others when unable to deliver• Actively report fraudulent activity and corruption within local government• Understand and honour the confidential nature of matters without seeking personal gain• Able to deal with situations of conflict of interest promptly and in the best interest of local government	<ul style="list-style-type: none">• Identify, develop, and apply measures of self-correction• Able to gain trust and respect through aligning actions with commitments• Make proposals and recommendations that are transparent and gain the approval of relevant stakeholders• Present values, beliefs and ideas that are congruent with the institution's rules and regulations• Takes an active stance against corruption and dishonesty when noted• Actively promote the value of the institution to internal and external stakeholders• Able to work in unity with a team and not seek personal gain• Apply universal moral principles consistently to achieve moral decisions	<ul style="list-style-type: none">• Create an environment conducive of moral practices• Actively develop and implement measures to combat fraud and corruption• Set integrity standards and shared accountability measures across the institution to support the objectives of local government• Take responsibility for own actions and decisions, even if the consequences are unfavourable

Cluster	Core Competencies		
Competency Name	Planning and Organising		
Competency Definition	Able to plan, prioritise and organise information and resources effectively to ensure the quality of service delivery and build efficient contingency plans to manage risk		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
<ul style="list-style-type: none">• Able to follow basic plans and organise tasks around set objectives• Understand the process of planning and organising but requires guidance and development in providing detailed and comprehensive plans• Able to follow existing plans and ensure that objectives are met• Focus on short-term objectives in developing plans and actions• Arrange information and resources required for a task, but require further structure and organisation	<ul style="list-style-type: none">• Actively and appropriately organise information and resources required for a task• Recognise the urgency and importance of tasks• Balance short and long-term plans and goals and incorporate into the team's performance objectives• Schedule tasks to ensure they are performed within budget and with efficient use of time and resources• Measures progress and monitor performance results	<ul style="list-style-type: none">• Able to define institutional objectives, develop comprehensive plans, integrate and coordinate activities, and assign appropriate resources for successful implementation• Identify in advance required stages and actions to complete tasks and projects• Schedule realistic timelines, objectives and milestones for tasks and projects• Produce clear, detailed and comprehensive plans to achieve institutional objectives• Identify possible risk factors and design and implement appropriate contingency plans• Adapt plans in light of changing circumstances• Prioritise tasks and projects according to their relevant urgency and importance	<ul style="list-style-type: none">• Focus on broad strategies and initiatives when developing plans and actions• Able to project and forecast short, medium and long term requirements of the institution and local government• Translate policy into relevant projects to facilitate the achievement of institutional objectives

Cluster		Core Competencies	
Competency Name		Analysis and Innovation	
Competency Definition		Able to critically analyse information, challenges and trends to establish and implement fact-based solutions that are innovative to improve institutional processes in order to achieve key strategic objectives	
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
<ul style="list-style-type: none">• Understand the basic operation of analysis, but lack detail and thoroughness• Able to balance independent analysis with requesting assistance from others• Recommend new ways to perform tasks within own function• Propose simple remedial interventions that marginally challenges the status quo• Listen to the ideas and perspectives of others and explore opportunities to enhance such innovative thinking	<ul style="list-style-type: none">• Demonstrate logical problem solving techniques and approaches and provide rationale for recommendations• Demonstrate objectivity, insight, and thoroughness when analysing problems• Able to break down complex problems into manageable parts and identify solutions• Consult internal and external stakeholders on opportunities to improve processes and service delivery• Clearly communicate the benefits of new opportunities and innovative solutions to stakeholders• Continuously identify opportunities to enhance internal processes• Identify and analyse opportunities conducive to innovative approaches and propose remedial intervention	<ul style="list-style-type: none">• Coaches team members on analytical and innovative approaches and techniques• Engage with appropriate individuals in analysing and resolving complex problems• Identify solutions on various areas in the institution• Formulate and implement new ideas throughout the institution• Able to gain approval and buy-in for proposed interventions from relevant stakeholders• Identify trends and best practices in process and service delivery and propose institutional application• Continuously engage in research to identify client needs	<ul style="list-style-type: none">• Demonstrate complex analytical and problem solving approaches and techniques• Create an environment conducive to analytical and fact-based problem-solving• Analyse, recommend solutions and monitor trends in key challenges to prevent and manage occurrence• Create an environment that fosters innovative thinking and follows a learning organisation approach• Be a thought leader on innovative customer service delivery, and process optimisation• Play an active role in sharing best practice solutions and engage in national and international local government seminars and conferences

Cluster	Core Competencies		
Competency Name	Knowledge and Information Management		
Competency Definition	Able to promote the generation and sharing of knowledge and information through various processes and media, in order to enhance the collective knowledge base of local government		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
<ul style="list-style-type: none">• Collect, categorise and track relevant information required for specific tasks and projects• Analyse and interpret information to draw conclusions• Seek new sources of information to increase the knowledge base• Regularly share information and knowledge with internal stakeholders and team members	<ul style="list-style-type: none">• Use appropriate information systems and technology to manage institutional knowledge and information sharing• Evaluate data from various sources and use information effectively to influence decisions and provide solutions• Actively create mechanisms and structures for sharing of information• Use external and internal resources to research and provide relevant and cutting-edge knowledge to enhance institutional effectiveness and efficiency	<ul style="list-style-type: none">• Effectively predict future information and knowledge management requirements and systems• Develop standards and processes to meet future knowledge management needs• Share and promote best-practice knowledge management across various institutions• Establish accurate measures and monitoring systems for knowledge and information management• Create a culture conducive of learning and knowledge sharing• Hold regular knowledge and information sharing sessions to elicit new ideas and share best practice approaches	<ul style="list-style-type: none">• Create and support a vision and culture where team members are empowered to seek, gain and share knowledge and information• Establish partnerships across local government to facilitate knowledge management• Demonstrate a mature approach to knowledge and information sharing with an abundance and assistance approach• Recognise and exploit knowledge points in interactions with internal and external stakeholders

Cluster	Core Competencies			
Competency Name	Communication			
Competency Definition	Able to share information, knowledge and ideas in a clear, focused and concise manner appropriate for the audience in order to effectively convey, persuade and influence stakeholders to achieve the desired outcome			
ACHIEVEMENT LEVELS				
BASIC	COMPETENT	ADVANCED	SUPERIOR	
<ul style="list-style-type: none">• Demonstrate an understanding for communication levers and tools appropriate for the audience, but requires guidance in utilising such tools• Express ideas in a clear and focused manner, but does not always take the needs of the audience into consideration• Disseminate and convey information and knowledge adequately	<ul style="list-style-type: none">• Express ideas to individuals and groups in formal and informal settings in a manner that is interesting and motivating• Able to understand, tolerate and appreciate diverse perspectives, attitudes and beliefs• Adapt communication content and style to suit the audience and facilitate optimal information transfer• Deliver content in a manner that gains support, commitment and agreement from relevant stakeholders• Compile clear, focused, concise and well-structured written documents	<ul style="list-style-type: none">• Effectively communicate high-risk and sensitive matters to relevant stakeholders• Develop a well-defined communication strategy• Balance political perspectives with institutional needs when communicating viewpoints on complex issues• Able to effectively direct negotiations around complex matters and arrive at a win-win situation that promotes Batho Pele principles• Market and promote the institution to external stakeholders and seek to enhance a positive image of the institution• Able to communicate with the media with high levels of moral competence and discipline	<ul style="list-style-type: none">• Regarded as a specialist in negotiations and representing the institution• Able to inspire and motivate others through positive communication that is impactful and relevant• Creates an environment conducive to transparent and productive communication and critical and appreciative conversations• Able to coordinate negotiations at different levels within local government and externally	

Cluster		Core Competencies	
Competency Name		Results and Quality Focus	
Competency Definition		Able to maintain high quality standards, focus on achieving results and objectives while consistently striving to exceed expectations and encourage others to meet quality standards. Further, to actively monitor and measure results and quality against identified objectives	
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
<ul style="list-style-type: none">• Understand quality of work but requires guidance in attending to important matters• Show a basic commitment to achieving the correct results• Produce the minimum level of results required in the role• Produce outcomes that is of a good standard• Focus on the quantity of output but requires development in incorporating the quality of work• Produce quality work in general circumstances, but fails to meet expectation when under pressure	<ul style="list-style-type: none">• Focus on high-priority actions and does not become distracted by lower-priority activities• Display firm commitment and pride in achieving the correct results• Set quality standards and design processes and tasks around achieving set standards• Produce output of high quality• Able to balance the quantity and quality of results in order to achieve objectives• Monitors progress, quality of work, and use of resources; provide status updates, and make adjustments as needed	<ul style="list-style-type: none">• Consistently verify own standards and outcomes to ensure quality output• Focus on the end result and avoids being distracted• Demonstrate a determined and committed approach to achieving results and quality standards• Follow task and projects through to completion• Set challenging goals and objectives to self and team and display commitment to achieving expectations• Maintain a focus on quality outputs when placed under pressure• Establishing institutional systems for managing and assigning work, defining responsibilities, tracking, monitoring and measuring success, evaluating and valuing the work of the institution	<ul style="list-style-type: none">• Coach and guide others to exceed quality standards and results• Develop challenging, client-focused goals and sets high standards for personal performance• Commit to exceed the results and quality standards, monitor own performance and implement remedial interventions when required• Work with team to set ambitious and challenging team goals, communicating long- and short-term expectations• Take appropriate risks to accomplish goals• Overcome setbacks and adjust action plans to realise goals• Focus people on critical activities that yield a high impact

6. Achievement Levels

The achievement levels indicated in the table below serve as a benchmark for appointments, succession planning and development interventions.

- 6.1 Individuals falling within the Basic range are deemed unsuitable for the role of senior manager, and caution should be applied in promoting and appointing such persons.
- 6.2 Individuals that operate in the Superior range are deemed highly competent and demonstrate an exceptional level of practical knowledge, attitude and quality. These individuals should be considered for higher positions, and should be earmarked for leadership programs and succession planning.

Achievement Levels	Description
Basic	Applies basic concepts, methods, and understanding of local government operations, but requires supervision and development intervention
Competent	Develops and applies more progressive concepts, methods and understanding. Plans and guides the work of others and executes progressive analyses
Advanced	Develops and applies complex concepts, methods and understanding. Effectively directs and leads a group and executes in-depth analyses
Superior	Has a comprehensive understanding of local government operations, critical in shaping strategic direction and change, develops and applies comprehensive concepts and methods

ANNEXURE B

MINIMUM COMPETENCY REQUIREMENTS FOR SENIOR MANAGERS

1. Definitions

The terms defined below must be used to interpret the higher education qualification, the level of experience and the work-related experience when appointing senior managers-

“middle management level” means a management level associated with persons in middle management positions responsible for supervising staff, and includes-

- (a) An official directly accountable to a manager in the senior management level; or
- (b) A person that occupied a position in a management level substantially similar to middle management level, outside the local government sphere;

“senior management level” means a management level associated with persons in senior management positions responsible for supervising staff in middle management positions responsible for supervising staff in middle management positions, and includes-

- (a) the municipal manager of a municipality or the chief executive officer of a municipal entity;
- (b) any manager directly accountable to-
 - (i) the municipal manager, in the case of a municipality; or
 - (ii) the chief executive officer, in the case of a municipality; or
- (c) a person that occupied a position in a management level substantially similar to senior management level, outside the local government sphere;

“work-related experience” means the expertise of a person or skills attained by a person whether in the course of formal or informal employment.

2. MUNICIPAL MANAGER

(a) HIGHER EDUCATION QUALIFICATION	
Bachelor Degree in Public Administration / Political Sciences / Social Sciences / Law; or equivalent.	
(b) WORK-RELATED EXPERIENCE AND KNOWLEDGE	
Years of Experience	Type of Experience
5 years	<ul style="list-style-type: none"> • Relevant experience at a senior management level; and • Have proven successful institutional transformation within public or private sector.
Knowledge	Type of Knowledge
	<ul style="list-style-type: none"> • Advanced knowledge and understanding of relevant policy and legislation; • Advanced understanding of institutional governance systems and performance management; • Advanced understanding of council operations and delegation of powers; • Good governance; • Audit and risk management establishment and functionality; and • Budget and finance management.

3. DEVELOPMENT AND TOWN PLANNING MANAGER

(a) HIGHER EDUCATION QUALIFICATION	
Bachelor of Science Degree in Building Sciences / Architect / Bachelor Degree in Town and Regional Planning or Development Studies; or equivalent.	
(b) WORK-RELATED EXPERIENCE AND KNOWLEDGE	
Years of Experience	Type of Experience
5 years	<ul style="list-style-type: none"> Experience at middle management level; and Have proven successful Professional Developmental / Town and Regional Planning experience.
Knowledge	Type of Knowledge
	<ul style="list-style-type: none"> Good knowledge and understanding of relevant policy and legislation; Good understanding of institutional governance systems and performance management; Good knowledge of supply chain management regulations and the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000); Knowledge of geographical information systems; and Knowledge of spatial, town and development planning.
Added Advantage	<ul style="list-style-type: none"> Project management certificate or diploma; or Registration as a Professional Planner in accordance with the Planning Professions Act, 2002, (Act No. 36 of 2002).

4. PUBLIC WORKS AND BASIC SERVICES / TECHNICAL SERVICES MANAGER

(a) HIGHER EDUCATION QUALIFICATION	
Bachelor of Science Degree in Engineering / BTech: Engineering; or equivalent.	
(b) WORK-RELATED EXPERIENCE AND KNOWLEDGE	
Years of Experience	Type of Experience
5 years	<ul style="list-style-type: none"> Experience at middle management level, or as programme/project manager; and 3-4 years must be at professional / management level engineering management experience.
Knowledge	Type of Knowledge
	<ul style="list-style-type: none"> Good knowledge and understanding of relevant policy and legislation; Good knowledge and understanding of institutional governance systems and performance management; Must have extensive knowledge of the public office environment; and Must be able to formulate engineering master planning, project management and implementation.
Added Advantage	<ul style="list-style-type: none"> Certificate of competency as required in terms of the General Machinery Regulations, 1988; or Registration with a recognised relevant engineering professional body.

5. CHIEF FINANCIAL OFFICER

The higher education qualification, work-related experience and other requirements for the position of chief financial officer are as prescribed under the Local Government: Municipal Regulations on Minimum Competency Levels, 2007, issued in terms of the Municipal Finance Management Act, as published under Government Notice No. 493 in Government Gazette No. 29967 of 15 June 2007.

6. COMMUNITY SERVICES MANAGER

(a) HIGHER EDUCATION QUALIFICATION	
Bachelor Degree in Social Sciences / Public Administration / Law; or equivalent.	
(b) WORK-RELATED EXPERIENCE AND KNOWLEDGE	
Years of Experience	Type of Experience
5 years	<ul style="list-style-type: none"> • Experience at middle management level; and • Have proven successful institutional transformation within public or private sector.
Knowledge	Type of Knowledge
	<ul style="list-style-type: none"> • Good knowledge and understanding of relevant policy and legislation; • Good knowledge and understanding of institutional governance systems and performance management; • Understanding of council operations and delegation of powers, as well as – <ul style="list-style-type: none"> • Health service management; • Cemetery management; • Public safety; and • Parks and recreation management.
Added Advantage	Registration with the South African Council for Social Service Professionals (SACSSP), or similar recognised relevant professional body.

7. CORPORATE SUPPORT SERVICES MANAGER

(a) HIGHER EDUCATION QUALIFICATION	
Bachelor Degree in Public Administration / Management Sciences / Law; or equivalent.	
(b) WORK-RELATED EXPERIENCE AND KNOWLEDGE	
Years of Experience	Type of Experience
5 years	<ul style="list-style-type: none"> • Experience at middle management level • Have proven successful management experience in administration
Knowledge	Type of Knowledge
	<ul style="list-style-type: none"> • Good knowledge and understanding of relevant policy and legislation; • Good knowledge and understanding of institutional governance systems and performance management; • Good knowledge of corporate support services, including: <ul style="list-style-type: none"> • Human capital management; • Legal services; • Facilities management; • Information communication technology; and • Council support; • Good knowledge of supply chain management regulations and the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000); • Good governance; • Labour Relations Act, and other labour-related prescripts; • Legal background and human capital management; and • Knowledge of coordination and oversight of all specialised support functions.

8. OTHER SENIOR MANAGERS

(a) HIGHER EDUCATION QUALIFICATION	
A relevant Bachelor Degree or equivalent.	
(b) WORK-RELATED EXPERIENCE AND KNOWLEDGE	
Years of Experience	Type of Experience
5 years	<ul style="list-style-type: none"> • Good knowledge and interpretation of policy and legislation; • Good knowledge of performance management system; • Good governance; and • Good knowledge of supply chain management regulations and the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).
Added Advantage	Registration with a relevant professional body.

ANNEXURE C

APPLICATION FORM FOR EMPLOYMENT

TERMS AND CONDITIONS

1. The purpose of this form is to assist a municipality in selecting suitable candidates for an advertised post.
2. This form must be completed in full, accurately and legibly. All substantial information relevant to a candidate must be provided in this form. Any additional information may be provided on the CV.
3. Candidates shortlisted for interviews may be requested to furnish additional information that will assist municipalities to expedite recruitment and selection processes.
4. All information received will be treated with strictly confidentiality and will not be used for any other purpose than to assess the suitability of the applicant.
5. This form is designed to assist municipality with the recruitment, selection and appointment of senior managers in terms of the *Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000)*.

A. DETAILS OF THE ADVERTISED POST (as reflected in the advert)

Advertised post applying for	
Reference number	
Name of Municipality	
Notice service period	

B. PERSONAL DETAILS

Surname				
First Names				
ID or Passport Number				
Race	African	Coloured	Indian	White
Gender			Female	Male
Do you have a disability?			Yes	No
If yes, elaborate				
Are a South African citizen?			Yes	No
If no, what is your Nationality?				
Work Permit Number (if any):				
Do you hold any political office in a political party, whether in a permanent, temporary or acting capacity? If yes, provide information below.				No
Political Party:	Position:	Expiry date:		
Do you hold a professional membership with any professional body? If yes, provide information below				No
Yes				
Professional Body:	Membership Number:	Expiry date:		

C. CONTACT DETAILS

Preferred language for correspondence?			
Telephone number during office hours			
Preferred method for correspondence (Mark with an X)	Post	E-mail	Fax
Correspondence contact details (in terms of above)			

D. QUALIFICATIONS (Additional information may be provided on your CV)			
Name of School / Technical College	Highest Qualification Obtained	Year Obtained	
Name of Institution	Name of Qualification	NQF Level	Year Obtained

E. WORK EXPERIENCE (Additional information may be provided on your CV)						
Employer (starting with the most recent)	Position	From		To		Reason for leaving
		MM	YY	MM	YY	
If you were previously employed in Local Government, indicate whether any condition exists that prevents your re-employment:				Yes		No
If yes, provide the name of the previous employing municipality:						

F. DISCIPLINARY RECORD		
Have you been dismissed for misconduct on or after 5 July 2011?	Yes	No
If yes, Name of Municipality/ Institution:		
Type of a Misconduct/ Transgression		
Date of Resignation/ Disciplinary case finalised		
Award/ sanction		
Did you resign from your job on or after 5 July 2011 pending finalisation of the disciplinary proceedings? If yes, provide details on a separate sheet.	Yes	No

G. CRIMINAL RECORD		
Were you convicted of a criminal offence involving financial misconduct, fraud or corruption on or after 5 July 2011? If yes, provide details on a separate sheet.	Yes	No
If yes, type of criminal act		
Date criminal case finalised		
Outcome/ Judgment		

H. REFERENCE				
Name of Referee	Relationship	Tel (office hours)	Cellphone Number	Email

I. DECLARATION
<i>I hereby declare that all the information provided in this application and any attachments in support thereof is to the best of my knowledge true and correct. I understand that any misrepresentation or failure to disclose any information may lead to my disqualification or termination of my employment contract, if appointed.</i>
Signature: _____ Date: _____

ANNEXURE D

DECLARATION OF CONFIDENTIALITY BY THE SELECTION PANEL MEMBER
INTERVIEWS FOR THE ADVERTISED POST OF
(NAME OF THE ADVERTISED POST)

Date: dd/mm/yy

I hereby declare that I have read the provisions of regulation 10 of the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers ("hereinafter referred to as the Regulations").

I hereby further declare that —

- (a) I have no personal interest in any of the interviewed candidates;
- (b) I do not have any relationship whatsoever with the interviewed candidates;
- (c) I am not indebted to any of the interviewed candidates or *vice versa*;
- (d) my participation in this interviews will not in any way constitute a conflict of interest or undue influence or attempt to influence the appointment or promotion for a spouse, partner, family member, friend or associate;
- (e) I will not discuss the outcome of these interviews or inform any candidate who has been interviewed about the outcome of these interviews; and
- (d) all the discussions emanating from the interview process will be kept strictly confidential and no information will be disclosed with any candidate or person who is not part of the Selection Panel until such time that the Municipal Council has approved the recommendations of the Selection Panel and the successful candidate has been duly informed about the outcome of the decision of Council.

Signed at on this day of 2013.

.....
Signature: Selection Committee Member

.....
Signature: Chairperson

ANNEXURE D

**DECLARATION OF CONFIDENTIALITY BY THE STAFF MEMBER PROVIDING
SECRETARIAL SERVICES DURING THE SELECTION PROCESS****INTERVIEWS FOR THE ADVERTISED POST OF
(NAME OF THE ADVERTISED POST)**

Date: dd/mm/yy

I hereby declare that I have read the provisions of regulation 10 of the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers ("hereinafter referred to as the Regulations").

I hereby further declare that —

- (a) I have no personal interest in any of the interviewed candidates;
- (b) I do not have any relationship whatsoever with the interviewed candidates;
- (c) I am not indebted to any of the interviewed candidates or *vice versa*;
- (d) my participation in this interviews will not in any way constitute a conflict of interest or undue influence or attempt to influence the appointment or promotion for a spouse, partner, family member, friend or associate;
- (e) I will not discuss the outcome of these interviews or inform any candidate who has been interviewed about the outcome of these interviews; and
- (f) all the discussions emanating from the interview process will be kept strictly confidential and no information will be disclosed with any candidate or person who is not part of the Selection Panel until such time that the Municipal Council has approved the recommendations of the Selection Panel and the successful candidate has been duly informed about the outcome of the decision of Council.

Signed at on this day of 2013.

.....
Signature: Secretariat

.....
Signature: Chairperson

ANNEXURE E

APPLICATION FORM FOR LEAVE OF ABSENCE

Surname		Initials:	
Employee Number:		Senior Manager	Yes No
Address during leave :		Department:	
Tel. No.:		Business Unit:	
Type of leave taken as working days	Start date	End date	Number of working days
Annual leave			
Sick leave			
Leave for occupational accidents and diseases (Specify type of illness)			
Maternity leave (Attach medical certificate)			
Adoption leave			
Family responsibility leave (Provide evidence)			
Study leave (Provide evidence)			
Special leave (Specify type of special leave -Provide evidence)			
Type of leave taken as calendar days/ months	Start date	End date	Number of calendar days
I hereby certify that the information provided is correct. Any falsification of information in this regard may form ground for disciplinary action. Furthermore, I fully understand that if I do not have sufficient leave credits from my annual leave to cover for my absence, the provisions of unpaid leave will be invoked.			
SENIOR MANAGER' SIGNATURE DATE			
Recommendation By Supervisor (Mark with X)			
Recommended	Not Recommended	Rescheduled	
REMARKS (If not recommended please state the reasons and the dates in the case of rescheduling):			
SIGNATURE OF SUPERVISOR DATE			
Approval by Municipal Manager/ Mayor (Mark with X)			
Approved with full pay	Approved without pay	Not approved	
REMARKS (If approved with a change in condition of payment or not approved, please provide motivation):			
SIGNATURE OF MUNICIPAL MANAGER/ MAYOR DATE			
DATA CAPTURING			
CAPTURED BY:..... CAPTURED ON:.....			
CHECKED BY:..... CHECKED ON:.....			

ANNEXURE F

DISCLOSURE FORM FOR BENEFITS AND INTERESTS

I, the undersigned (Surname and Initials) _____
 (Postal Address) _____

 (Residential Address) _____
 (Position Held) _____

 (Name of Municipality) _____
 Tel: _____ Fax: _____
 hereby certify that the following information is complete and correct to the best of my knowledge:

1. Shares, securities and other financial interests (Not bank accounts with financial institutions.)			
Number of shares/Extent of financial interest	Nature	Nominal Value	Name of Company/Entity

2. Interest in a trust	
Name of trust	Amount of Remuneration/ Income

3. Membership, directorships and partnerships		
Name of corporate entity, partnership or firm	Type of business	Amount of Remuneration/ Income

4. Remunerated work outside the Municipality (Must be sanctioned by Council.)		
Name of Employer	Type of Work	Amount of remuneration/ Income

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Signature by Mayor or Designate: _____ Date: _____

5. Consultancies, Retainerships and Relationships			
Name of Client	Nature	Type of business activity	Value of any benefits received

6. Subsidies, grants and sponsorships by any organisation		
Source of assistance	Descriptions of assistance	Value of assistance

7. Gifts and Hospitality from a source rather than a family member		
Description	Value	Member

8. Land and Property			
Description	Extent	Area	Value

SIGNATURE OF SENIOR MANAGER

DATE: _____

PLACE: _____

TURNAROUND TIMES ON RECRUITMENT, SELECTION AND APPOINTMENT PROCESSES OF SENIOR MANAGERS

ACTION	TIMEFRAMES	RESPONSIBILITY	VARIABLES
1. Notification of vacant post The timeframe is calculated from the date of receipt of notice to resign or termination of service.	30 days	Senior Manager: Corporate Services/ Municipal Manager /Mayor	
2. Obtain approval from municipal council to fill the vacant post The submission to council should include relevant approvals to fill the post; draft advertisement, the job description; total remuneration packages and the proposed selection panel members.	20 days	Municipal Manager/ Mayor	Delays in approvals
3. Advertisement of vacant post The post must be advertised in a newspaper circulating nationally and the province where the municipality is located. Issue an invite to the selection panel	14 days	Senior Manager: Corporate Services	Delay in compiling a job description, confirming advertisement
4. Compiling a long list This activity entails the process to take all applicants and sort out the candidates that are not fulfilling the requirements. This is the step	Within 5 days after the closing date of the advertisement (can be done during the advertisement	Senior Manager: Corporate Services	Number of applications received

where the formal requirements for a job are checked. This include the years of experience, the educational requirements, checking for relevant work experience etc.	stage)		
5. Compiling a shortlist Analyse applicants according to their skills, competencies, qualification and experience.	Within 3-5 days within after the compilation of long list (can be done after closing date)	Selection panel	Selection panel availability. Number of applications received
6. Screening of candidates Ensure that academic qualification, experience and competencies are verified; reference checks conducted; current and previous employer contacted; details of any dismissal for misconduct and any disciplinary actions.	21 days	Senior Manager: Corporate Services	Delay in receiving screening reports
7. Interviews, competency assessment and selection One key challenge is to get all the right people, i.e. all applicants, all panel members into the same time zone and make sure they are reachable i.e. not traveling, being in a location with connectivity etc. Depending on the complexity of the job, several rounds of interviews can be conducted.	5 days	Selection panel	Availability of candidates / selection panel members. Suitable candidate not recommended or found
8. Submission of report and recommendation to municipal council/ appointment made	10 days	Municipal Manager/ Mayor	Delay in council approving the appointment.

9. Submission of report to the MEC	14 days	Municipal Manager/ Mayor	
10. Submission of the report to the Minister	14 days	MEC	
11. Total turnaround time	+ - 55 days		

	Days which may be limited
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THE
CITY

EFFICIENT
SPACE
FOR
CITY MANAGER

21 February 2023

MEMO

Attention of the Executive Mayor (Hon. M Siyonzana)

RE: LOOMING EMERGING RISK OF INSTABILITY IN THE MANGAUNG METROPOLITAN MUNICIPALITY

Dear Executive Mayor

The Audit Committee held its recent meeting on Friday, 17 February 2023. It is during this meeting that, the Committee learned about the lapsing of the acting appointments of the City Manager and Heads of Departments on 28 February 2023.

It is our responsibility to advise you as the Political Head of this municipality on, amongst other things, matters relating to **effective governance** as stipulated under Section 166(2)(a)(vi) of the Municipal Finance Management Act (MFMA).

It is our understanding that, the absence of the City Manager and Heads of Departments in the day to day running of the Municipality will greatly compromise effective governance and may lead to further instability of the Municipality.

It is against this background that, the Audit Committee **advise** you to put processes in place to ensure that, the current acting Executive Management Team does not leave vacuum come, 1 March 2023. You are therefore, advised to start the process of identifying officials to act in all Senior Management positions that will be vacant from 1 March 2023 as a result of the ending of the acting appointments of the current acting senior managers (i.e. the Acting City Manager and Acting HODs) and submit an item to Council in this regard, the latest by 28 February 2023 for consideration and approval by Council.

Trust you find the above in order.

Kind Regards,

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Ms. PME Kaota

Chairperson: Mangaung Audit Committee

CC. Hon Speaker of Council: Cllr. S Lockman- Naidoo