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NOTICE 395 OF 2010

DEPARTMENT OF COOPERATIVE GOVERNANCE
LOCAL GOVERNMENT: MUNICIPAL SYSTEMS AMENDMENT BILL, 2010

The Minister for Cooperative Governance and Traditional Affairs intends introducing the Local Government: Municipal Systems Amendment Bill, 2010 in the National Assembly during the third quarter of 2010. The explanatory summary of the Bill is hereby published in accordance with Rule 241(1)(c) of the Rules of the National Assembly.

The Bill provides for:

The amendment of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), so as to insert certain definitions, to make further provision for the appointment of municipal managers and managers directly accountable to municipal managers; to provide for procedures and the setting of experience and competency criteria for such appointments, and for the consequences of appointments made; to determine timeframes within which performance agreements of municipal managers and managers directly accountable to municipal managers must be concluded; to require employment contracts and performance agreements of municipal managers and managers directly accountable to municipal managers as well as all staff systems and procedures of a municipality to be consistent with the Act and any regulations prescribed by the Minister; to prevent persons holding political office in political parties from taking up employment as municipal managers and managers directly accountable to municipal managers; to regulate the employment of municipal employees who have been dismissed or are subject to a disciplinary process, by other municipalities; to regulate 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 enable the Minister to prescribe frameworks to regulate human resource management systems for local government and mandating processes for collective bargaining; to extend the Minister's powers to prescribe regulations relating to municipal staff matters; to provide a liability clause for a councillor who vote in favour of a resolution before the council or a committee of the council which conflicts with any legislation applicable to local government; to enable the Minister to conduct an investigation into maladministration, fraud, corruption or any other serious malpractice in a municipality, if the MEC fails to conduct such investigation within a specified period; to make a consequential amendment in the Local Government: Municipal Structures Act, 1998, by deleting the provision dealing with the

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appointment of municipal managers; and to provide for matters connected therewith.

A copy of the Bill can be found on the website of the Department of Cooperative Governance: **www.cogta.gov.za,** and may, after introduction, also be obtained from:

1. Government Printers – Cape Town and Pretoria.

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