



**PARLIAMENT**  
OF THE REPUBLIC OF SOUTH AFRICA

**NATIONAL COUNCIL OF PROVINCES**  
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**OPENING AND WELCOME REMARKS BY THE CHAIRPERSON OF  
THE NATIONAL COUNCIL OF PROVINCES, HONOURABLE N. A.  
MASONDO, ON THE OCCASION OF THE THREE SPHERE PLANNING  
SESSION HOSTED BY THE NATIONAL COUNCIL OF PROVINCES**

**VENUE:** HYBRID

**DATE:** 09 MAY 2023

**TIME:** 10h00

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Programme Director, Deputy Chairperson of the National Council of Provinces, Honourable Sylvia Lucas

NCOP House Chairperson for Committees and Oversight, Honourable Jomo Nyambi

NCOP House Chairperson for International Relations and Members' Support, Honourable Winnie Ngwenya

NCOP Chief Whip, Honourable Seiso Mohai

Honourable Ministers and Members of Provincial Executive Councils

Honourable Members of Parliament and Provincial Legislatures

Representatives of the South African Local Government Association

Representatives of Governmental and Non-Governmental Organisations

Ladies and Gentlemen

## **1. INTRODUCTION**

Programme Director, I thank you very much for the opportunity to make the opening and welcome remarks at this year's second Three Sphere Planning Session. The session is held under the theme *Delineating key priorities for consolidation and implementation during the final year of the sixth dispensation*.

The Three Sphere Planning Session is part of a broader Sector Parliament programme. It is an outcome of the legislative sector's decision to undertake certain activities to unlock opportunities for socio-economic advancement.

It is in this context that we appreciate the focus of today's session, which is squarely on local government.

## **2. THE NEED TO SUPPORT LOCAL GOVERNMENT**

Programme Director, our Constitution identifies three spheres of government which make up the government of the Republic. These are national, provincial and local spheres of government. The Constitution defines these spheres as distinctive, interdependent and interrelated.

In respect of local government, the Constitution outlines the objects of this important sphere of government. They include the responsibility to provide democratic and accountable government for local communities; to ensure

the provision of services to communities in a sustainable manner; and to promote social and economic development.

Given the critical nature of the responsibilities entrusted to this sphere of local government, the Constitution directs the other spheres of government to support it. Section 154 of the Constitution provides that national and provincial government must support and strengthen the capacity of municipalities to manage their own affairs, to exercise their powers and to perform their functions.

It is this constitutional injunction that motivates us as the legislative sector to create opportunities to interrogate the support that government provides to local government and its effectiveness.

### **3. KEY ISSUES PERTAINING TO LOCAL GOVERNMENT**

Programme Director, at the beginning of the year the President of the Republic, when presenting the State of the Nation Address, stated that in order to achieve any progress in addressing the urgent challenges we face, we need a capable and effective state.

However, he pointed out that our greatest weakness in this regard includes local government. He said that the poor performance of many municipalities remains an area of concern. Too many municipalities were dysfunctional or in distress due to poor governance, ineffective and

sometimes corrupt financial and administrative management, and poor service delivery.

This is confirmed by the latest report of the Auditor-General on local government audit outcomes for the 2021/22 financial year, which reveals that in the main financial management in the municipalities has deteriorated.

Through this Three Sphere Planning session, Programme Director, the legislative sector should take note of the interventions that government is implementing to address failures at local government level and to improve basic service delivery. As the NCOP has highlighted over the years, we also need to improve the implementation of the processes that are sanctioned by the Constitution to assist local government, such as the section 139 interventions.

We have observed that while the Constitution provides for mechanisms to facilitate adherence to the principles of co-operative government and intergovernmental relations, there are certain types of conduct which militate against the success of the available mechanisms.

For example, the participants at the 2022 Local Government Week hosted by the NCOP in September 2022, observed that often times the interventions take long because the administrator does not get the support of the municipality. That there is also the recycling of failed municipal

managers to serve as administrators. Some interventions, they said, take long because of tensions from among parties in the Municipal Councils.

Against this background, the delegates to the conference submitted that Provincial and National governments should be held accountable when the administrators they appoint fail dismally to improve the state of affairs in municipalities.

The delegates concluded that there should be clear processes outlining the interplay between sections 139 and 154 of the Constitution. That the latter must be the preferred route before the former is engaged. In this regard, we emphasised that the processing of legislation on interventions must be expedited as a matter of urgency.

Programme Director, I am confident that our oversight committees will use the mechanisms at their disposal to follow up on the challenges that are facing local government, with a view to facilitate the achievement of the objects of local government as set out in the Constitution. Of course being aware of the problems is not enough, we must play our roles to ensure that they are addressed.

Importantly, we must also follow up on the implementation of the measures introduced to ensure effective and efficient functioning municipalities. These include the Local Government: Municipal Systems Amendment Act of 2022, which was assented into law by the President in August last year after its passing the same year by this Parliament. Among other things, this

piece of legislation disallows municipal officials from holding political office, provides for procedures and competency criteria for the appointment of municipal managers and other senior managers and the consequences of appointments made in contravention of the Act. It also makes further provisions for evaluating the performance of municipal managers and managers directly accountable to municipal managers.

This followed the enactment of the Local Government: Municipal Structures Amendment Act of 2021, which among other things, provides for the prohibition of a Councillor who is found guilty of a breach of the Code of Conduct for Councillors for a period of two years, and for the establishment of a municipal public accounts committee. The 2021 amendment act is an attempt to improve municipal governance. Its implementation is thus crucial if we are to address some of the challenges pertaining to local government.

#### **4. IN CONCLUSION**

In conclusion, Programme Director, this session seeks to focus our attention on local government matters, an important sphere for the provision of service to communities. Recognising the centrality of this sphere to the task of improving the quality of life of all citizens, the Constitution obligates both the national and provincial government to support municipalities through legislative and other means.

We bear witness to the weakening of some of the measures through which this support to local government is provided. These include, for example, the intervention into a municipality by a provincial government in terms of Section 139 of the Constitution. Fortunately, our engagements have located the source of these challenges. As a result, we should be able to utilise our oversight mechanisms to assist in addressing them, including monitoring the efficacy of the measures that this Parliament has helped to put in place in order to help achieve the objects of local government.

Programme Director, I appreciate the opportunity to make these remarks and to welcome everybody to today's session. I am personally looking forward to fruitful deliberations and the identification of issues to be followed up.

Thank you.