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REPUBLIC OF SOUTH AFRICA



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MEDIA STATEMENT

THURSDAY, 15 SEPTEMBER 2022

INVOCATION OF SECTION 139 (1) (C) OF THE CONSTITUTION OF RSA IN DITSOBOTLA LOCAL MUNICIPALITY

The North West Executive Council convened on an urgent basis on Wednesday 14th September 2022 to receive a report and consider a set of recommendations from the Department of Cooperative Governance, Human Settlements and Traditional Affairs (COGHSTA) on the state of governance, collapse of administrative systems and institutional dysfunctionality at the Ditsobotla Local Municipality.

Over the past months, the Ditsobotla Local Municipality experienced heightened state of deterioration of stability in both administration and council operations, which escalated in July when government through Section 216 of the Constitution withheld disbursement of the equitable share to the municipality.

Since the inauguration of new councils, the Provincial Government adopted a cooperative approach to give the Ditsobotla Local Municipality a chance to resolve internal governance challenges through support by the Department and the EXCO Team of MECs appointed by Premier Kaobitsa Bushy Maape comprising MEC for COGHSTA, Lenah Miga, MEC for Finance Motlalepula Rosho and MEC for Community Safety and Transport Management Sello Lehari, as empowered under Section 154 of the constitution.

Section 154 stipulates that by legislation and other measures the Provincial Government is to support and strengthen the capacity of municipalities to manage their own affairs, exercise their powers and perform their own functions. This intervention measure was used along with Section 139 (5) of the MFMA by the Provincial Treasury to implement the financial mandatory recovery plan given the dire financial distress of the municipality.

All these interventions and many others failed to restore stability in the municipality resulting in the total collapse of systems. This resulted in the municipality failing to discharge its constitutional obligation and legislative mandate.

In the recent past, the municipal council was divided into two groups and each of the two councils elected a Municipal Mayor and appointed a Municipal Manager. Despite various intervention measures by Provincial Government through the COGHSTA department, the municipality failed to remedy the situation. Only a week ago, the Municipal Council resolved to request the MEC for COGHSTA to second an official from the province to act as a Municipal Manager.

The MEC responded positively to this request by seconding an official from the Department. The council rejected this appointment and prevented the official from taking office as Acting Municipal Manager.

As a result, the equitable share of the municipality remains withheld, and the municipality is unable to pay salaries of workers and compulsory third party payments. This week, employees held municipal councilors hostage in demand of their August salaries which remain unpaid.

The Executive Council has taken all these matters into consideration including the interest of the public, disruptions to delivery of services, threats to public safety and stability as well as hampering of effective functioning of economic and business activity in the municipality.

The Executive Council during its urgent meeting convened on Wednesday 14th September 2022 approved the recommendation from the Department of COGSTA and resolved to invoke Section 139 (1) (c) of the Constitution of Republic of South Africa with immediate effect.

EXCO has mandated the MEC for Cooperative Governance and Traditional Affairs to notify the National Minister of COGTA, the National Council of Provinces, the leadership of the affected municipality, the Provincial Legislature and other stakeholders.

An Administrator will be appointed to take over the running of the municipality to ensure continuity of service delivery and consult with National Treasury to secure the release of the Equitable Share of the Ditsobotla Local Municipality.

Ends

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