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NEWS RELEASE

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SALGA symposium of legal practitioners yearns for sensible regulation in local government

Legal practitioners from municipalities attending the 4th Municipal Legal Practitioners' Forum (MLPF) this week in Durban at the Inkosi Albert Luthuli International Convention Centre heard firsthand that some of the legal obstacles confronting local government cannot simply be eliminated by regulations and by making more laws.

Speaker after speaker echoed similar sentiments, emphasizing that South African politics require political maturity because regulating certain political behaviors is challenging. Soft issues such as trust, ethics, and cooperation have proven to be contributing factors in municipalities that have had stable and successful coalition arrangements.

Delivering a welcoming address to nearly 300 delegates, eThekweni Municipality Mayor, Cllr. Mxolisi Kaunda, whose city has been marred by problems of illegal strikes that sadly led to loss of life, vandalism of infrastructure, and attacks on non-striking employees, said he hoped that the symposium would provide municipalities with a template to deal with the harsh legal realities confronting many municipalities.

"This meeting comes at a time when eThekweni is facing one of the most destructive illegal industrial actions by employees. The city obtained a Labour Court interdict against striking employees, which prohibited unlawful conduct, acts of violence, and interference with the city's activities, services, and operations. However, we continue to see more destruction and vandalism of the city's infrastructure.

"We are sharing this today with the hope that this symposium will use the current situation in the city to reflect on some of the challenges we face as municipalities and develop mechanisms to deal with such incidents before they get out of hand," Cllr. Kaunda said.

The city mayor urged delegates to intensify educational programs to educate municipal employees, whether they are affiliated with a union or not, about the importance of balancing their right to strike with ensuring the rights of others are not infringed upon as guaranteed by the country's constitution.

SALGA Chairperson for Governance and Intergovernmental Relations Working Group, Cllr. Samkelo Janda, stated that the realities of declining public interest in public affairs, declining public trust in the sector, service delivery protests characterized by increased violence, and dissatisfaction with local government's failure to provide uninterrupted basic services are proof that legal services have a great role to play in the continued sustainability of municipalities.

Cllr. Janda said it was time to think creatively about solutions for local government.

“There is a plethora and overabundance of laws intended to structure the internal functioning and processes of local government, with local government-specific legislation totaling 15; regulations totaling 14, of which the MFMA alone has a staggering 10 regulations and 36 Notices.

Cllr. Janda said existing laws and regulations treat all municipalities as the same irrespective of size or competence, and this often results in larger municipalities taking advantage while smaller ones suffer.

Cllr. Janda emphasized that there was a direct consequence when unrealistic legislative obligations were placed on local government, imposing huge financial, legal, and administrative burdens on municipalities.

Discussions at the forum on Tuesday centered on the approach and proposed legislative amendments to manage coalition governments and create stability in municipalities, while presentations on the hijacking of buildings provided insights into how cities affected by the scourge are dealing with the issue, along with updates on SALGA's litigation matters with Eskom and Nersa, in relation to Multi-Year Price Determination (MYPD), and Declaratory Order in relation to Energy Reticulation.

Unpacking the impact and devastation caused by the attachment of municipal bank accounts on municipalities through the lenses of the affected municipalities—Emfuleni, Mafube local municipality, and Kopanong local municipality—it became evident that all the municipalities confronted by attachments were in dire situations and required immediate intervention to prevent negative impacts on service delivery and governance. Overwhelming support emerged from the delegates that SALGA and the Department of Cooperative Governance and Traditional Affairs (CoGTA) should lead the support program, working with other spheres of government to resolve the impasse.

The forum will continue on Friday, 14 March 2024, at 8.30 pm.

Ends

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