



cooperative  
governance

Department:  
Cooperative Governance  
REPUBLIC OF SOUTH AFRICA

# COALITIONS BILL

**SALGA NATIONAL LEGAL PRACTITIONERS FORUM**

MR WAYNE McCOMANS: THURSDAY, 14 MARCH 2024

# INCREASE IN “HUNG” COUNCILS

- ❑ Post the 2021 LGE, the number of hung councils increased significantly, bringing with it many governance and service delivery related challenges within municipalities.
- ❑ Number of hung council **increased from 29 in the year 2000 to 82 after the conclusion of the 2021 LGE**, highlighting the need for a framework to guide the formation and management of coalition councils - some have suggested the need for a regulatory framework or guidelines that will guide the formation and management of coalition governments within the LG sphere.
- ❑ A number of stakeholders / political parties have pronounced themselves through papers, discussion documents and draft frameworks for coalition governments.
- ❑ Department of Cooperative Governance has also been monitoring the various submissions in this regard and has developed proposals to amend the Municipal Structures Act – these amendments will also be supported with Regulations.

# SHORT, MEDIUM AND LONG-TERM INTERVENTIONS TO STABILISE THE SYSTEM

**Voluntary  
Adoption of  
Framework**

**Reviewing Section  
12 Establishment  
Notices of  
Municipalities**

**Regulatory  
Framework**

# MAYORAL EXECUTIVE VERSUS COLLECTIVE EXECUTIVE

MAYORAL EXECUTIVE SYSTEM	COLLECTIVE EXECUTIVE SYSTEM
<p><b>EXECUTIVE MAYOR (EM)</b>– is elected by Council from amongst ALL councillors; has full executive and delegated functions, executed with support of the Mayoral Committee.</p>	<p><b>MAYOR</b> – Mayor is elected from amongst the EXCO members; limited individual executive functions - executed jointly with EXCO.</p>
<p><b>MAYORAL COMMITTEE (MAYCO)</b> – members appointed by the EM; EM also appoints MAYCO members as Chairpersons of Section 80 Committees; ONLY EM removes members of MAYCO.</p>	<p><b>EXECUTIVE COMMITTEE (EXCO)</b> – no more than 10 members, proportionally representing political parties; Mayor is a member of EXCO; EXCO members are appointed by EXCO as Chairpersons of Section 80 Committees; each party <b>determines</b> their members of EXCO.</p>
<p><b>REPORTING</b> – EM receives reports from Section 80 committees and forward these reports together with recommendations to the council when the matter cannot be disposed of by the EM in terms of the delegated powers.</p>	<p><b>REPORTING</b> – EXCO receives reports from Section 80 Committees and forward these reports together with its recommendations to the council when it cannot dispose of the matter in terms of its delegated powers.</p>

# DRAFT LG: MStr-Bill, 2023

DCoG developed a draft LG: Municipal Structures Amendment Bill to provide for coalition arrangements – proposes the following amendments:

NO.	PROPOSAL	COMMENT
1.	<p><b>Enabling MECs to review Section 12 Notices to change from Mayoral Executive to Collective Executive System in hung Councils</b></p>	<ul style="list-style-type: none"> <li>▪ Will promote stability from a governance perspective in that the executive authority will be collectively vested in the executive committee, which will be representative of the political parties in the council and accountable to the municipal council.</li> <li>▪ This will also bring about greater transparency and accountability.</li> </ul>
2.	<p><b>Introduction of a 2-year period on the tabling and passing of motions of no confidence in municipal office-bearers</b></p>	<ul style="list-style-type: none"> <li>▪ To further strengthen this provision, options should be explored for insertion of a section that introduces clear grounds upon which motions of no confidence can be introduced.</li> <li>▪ Will further enable stability and eliminate frivolous motions of no confidence from being raised.</li> </ul>

# DRAFT LG: MStr-Bill, 2023

NO.	PROPOSAL	COMMENT
3.	<p><b>Conclusion of a coalition agreement (CA) compulsory</b></p>	<ul style="list-style-type: none"> <li>▪ Making the conclusion of a coalition agreement compulsory to enable the participation of political parties in the governance of a municipality will introduce a contractual connotation to the relationship between the different political parties which will be legally enforceable and will constitute a prerequisite for coalition government to govern a municipality. This, coupled with Regulations will bring about predictability in the process.</li> <li>▪ Regulations to provide for –               <ul style="list-style-type: none"> <li>○ Party with greatest number of votes to lead CA</li> <li>○ Mayor and Speaker to come from major party</li> <li>○ Clear grounds to terminate / amend the CA</li> <li>○ Consequence management for councillors that breach CA</li> <li>○ Content of CA, and CA to be made public</li> </ul> </li> </ul>
4.	<p><b>Schedule 1 of the Structures Act</b></p>	<p>Schedule 1 of the Act to be amended to introduce a <b><u>1% threshold</u></b> of valid votes cast for a political party, to qualify for a seat on the municipal council.</p>

# THRESHOLDS

## PARTY REPRESENTATION IN CATEGORY A MUNICIPALITIES AFTER THE 2021 LGE

Category A	Parties receiving over 1% of the total vote			Parties receiving less than 1% of the total vote			Total seats
	%of all Votes	# Parties	#of Seats	%of all Votes	# Parties	#of Seats	Total seats
Buffalo City	91,1	3	94	4,5	6	6	100
Cape Town	94,1	6	222	3,3	8	9	231
Ekurhuleni	95,5	5	215	3,3	8	9	224
***eThekweni	87,5	4	199	8,4	19	23	222
Johannesburg	94	6	257	3,7	10	13	270
Mangaung	96,7	4	99	1,2	2	2	101
Nelson Mandela Bay	95,9	4	117	1,5	3	3	120
Tshwane	93,8	5	203	3,6	10	11	214

\*\*\* 4 parties received 87,5% of all votes and 199 seats;  
19 parties received 8,4% of all votes and 23 seats

## WHAT ELSE CAN BE DONE TO SUPPORT MUNICIPALITIES?

- ❑ What should be the timeframe for councils to be established –
  - 14 days? 60 days? 90 days?
  - Should the EXCO be the decision-making body while the coalition agreement is being finalised?
  - Should the Municipal Manager / Administrator be responsible for decision-making for the municipality whilst the council is in the process of being established? Should it be in consultation with the MEC responsible for local government?



# RECOMMENDATIONS

- It is recommended that the Forum:
  - Note the content of the presentation; and
  - Provides any further inputs for consideration to enhance the Bill

**THANK YOU**

Ngiyabonga | Re a leboga | Ndo livhuwa | Nndza nkhensa | Ke a leboha haholo | Dankie | Enkosi