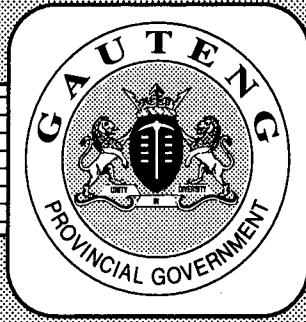


**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

**Provincial Gazette Extraordinary
Buitengewone Provinsiale Koerant**

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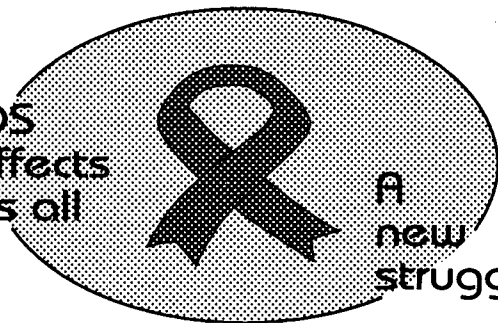
Vol. 6

**PRETORIA, 25 MAY
MEI 2000**

No. 60

We all have the power to prevent AIDS

**AIDS
affects
us all**



**A
new
struggle**

Prevention is the cure

**AIDS
HELPLINE**

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DEPARTMENT OF HEALTH

CONTENTS • INHOUD

No.	Page No.	Gazette No.
GENERAL NOTICE		
3336 Gauteng Types of Municipality Bill, 2000: For comment	2	60

GENERAL NOTICE

NOTICE 3336 OF 2000

GAUTENG PROVINCIAL LEGISLATURE

PUBLICATION OF GAUTENG TYPES OF MUNICIPALITY BILL

Notice is hereby given that the Member of the Executive Council for Development Planning and Local Government (Mr T. G. Fowler) intends to introduce the Gauteng Types of Municipality Bill in the Legislature as published in this *Extraordinary Gazette*.

Any person or organisation wishing to comment on this proposed Legislation may lodge written comments on or before 15 June 2000 by posting, faxing or handling them in at the following address:

The Secretary to the Legislature
Gauteng Provincial Legislature
c/o Committee Co-ordinator (Ms N. Ngcwabe)
Private Bag X52
JOHANNESBURG
2000.

Physical address:

Gauteng Provincial Legislature
corner of President and Loveday Streets
JOHANNESBURG.
Tel No. (011) 498-5474.
Fax No. (011) 498-5719.

BILL

To determine the types of municipality that may be established in the Province; and to provide for matters in connection therewith

BE IT ENACTED by the Gauteng Provincial Legislature as follows:—

Definitions

1. In this Act, unless the context otherwise indicates, a word or expression to which a meaning has been assigned in the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), has a similar meaning, and—

“collective executive system” means a system of municipal government, which allows for the exercise of executive authority through an executive committee in which the executive leadership of the municipality is collectively vested;

“mayoral executive system” means a system of municipal government, which allows for the exercise of executive authority through an executive mayor in whom the executive leadership of the municipality is vested and who is assisted by a mayoral committee;

“plenary executive system” means a system of municipal government, which limits the exercise of executive authority to the municipal council itself;

“Province” means the Province of Gauteng;

“subcouncil participatory system” means a system of municipal government which allows for delegated powers to be exercised by subcouncils established for parts of the municipality; and

“ward participatory system” means a system of municipal government, which allows for matters of local concern to wards to be dealt with by committees established for Awards.

Category A municipalities

2. In the category A the following types of municipality may be established in the Province:
- (a) A municipality with a collective executive system;
 - (b) a municipality with a collective executive system combined with a subcouncil participatory system;
 - (c) a municipality with a collective executive system combined with a ward participatory system;
 - (d) a municipality with a collective executive system combined with both a subcouncil and a ward participatory system;
 - (e) a municipality with a mayoral executive system;
 - (f) a municipality with a mayoral executive system combined with a subcouncil participatory system;
 - (g) a municipality with a mayoral executive system combined with a ward participatory system; and
 - (h) a municipality with a mayoral executive system combined with both a subcouncil and a ward participatory system.

Category B municipalities

3. In category B the following types of municipality may be established in the Province:
- (a) A municipality with a collective executive system;
 - (b) a municipality with a collective executive system combined with a ward participatory system;
 - (c) a municipality with a mayoral executive system;
 - (d) a municipality with a mayoral executive system combined with a ward participatory system;
 - (e) a municipality with a plenary executive system; and
 - (f) a municipality with a plenary executive system combined with a ward participatory system.

Category C municipalities

4. In category C the following types of municipality may be established in the Province:
- (a) A municipality with a collective executive system;
 - (b) a municipality with a mayoral executive system; and
 - (c) a municipality with a plenary executive system.

Short title and commencement

5. This Act is called the Gauteng Types of Municipality Act, 2000.

EXPLANATORY MEMORANDUM

1. BACKGROUND

- 1.1 In terms of the provisions of section 155 (5) of the Constitution, 1996 and section 11 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), provincial legislation must be passed which provides for the determination of the different types of municipality that may be established in the Province.
- 1.2 To give effect to the provisions of the Constitution and the Local Government: Municipal Structures Act, 1998, the Gauteng Types of Municipality Bill, 2000, has been drafted.

2. PURPOSE OF BILL

- 2.1 The purpose of the Bill is to determine the types of municipality that may be established in the Province.

3. CLAUSE-BY-CLAUSE DESCRIPTION

- 3.1 **Clause 1:**
This clause contains definitions.
- 3.2 **Clause 2:**
This clause makes provision for the types of municipality that may be established in category A municipalities.
- 3.3 **Clause 3:**
This clause makes provision for the types of municipality that may be established in category B municipalities.
- 3.4 **Clause 4:**
This clause makes provision for the types of municipality that may be established in category C municipalities.
- 3.5 **Clause 5:**
This clause contains the short title of the Bill.

WETSONTWERP

Om die soorte munisipaliteite te bepaal, wat in die Provinsie ingestel mag word, en om voorsiening te maak vir aangeleenthede, wat daarmee verband hou

Die Gautengse Provinsiale Wetgewer BEPAAL SOOS VOLG:—

Definisies

1. In hierdie Wet het 'n woord of begrip, waaraan 'n betekenis in die Wet op Plaaslike Regering: Munisipale Strukture (Wet No. 117 van 1998), geheg is, 'n soortgelyke betekenis, tensy die konteks dit anders aandui, en—

“**gesamentlike uitvoerende-stelsel**” beteken 'n stelsel van munisipale regering, wat voorsiening maak vir die uitoefening van uitvoerende gesag deur 'n uitvoerende komitee, waarin die uitvoerende leierskap van die munisipaliteit gesamentlik gevestig is;

“**burgemeesters-uitvoerende-stelsel**” beteken 'n stelsel van munisipale regering, wat voorsiening maak vir die uitoefening van uitvoerende gesag deur 'n uitvoerende burgemeester, op wie die uitvoerende leiding van die munisipaliteit oorgaan en wat deur 'n burgemeesterskomitee bygestaan word;

“**volle raad-uitvoerende-stelsel**” beteken 'n stelsel van munisipale regering, wat die uitoefening van uitvoerende gesag tot die munisipale raad beperk;

“**Provinsie**” beteken die Provinsie van Gauteng;

“**subraad-deelnemende-stelsel**” beteken 'n stelsel van munisipale regering, wat daarvoor voorsiening maak, dat gedelegeerde magte uitgeoefen mag word deur subrade, wat vir dele van die munisipaliteit ingestel word; en

“**wyk-deelnemende-stelsel**” beteken 'n stelsel van munisipale regering, wat daarvoor voorsiening maak, dat aangeleenthede wat van plaaslike belang vir wyke is hanteer word deur komitees, wat vir wyke ingestel word.

Kategorie-A-munisipaliteite

2. In kategorie A mag die volgende soorte munisipaliteite in die Provinsie gevestig word:

- (a) 'n Munisipaliteit met 'n gesamentlike uitvoerende stelsel;
- (b) 'n munisipaliteit met 'n gesamentlike uitvoerende stelsel, gekombineerd met 'n subraad-deelnemende-stelsel;
- (c) 'n munisipaliteit met 'n gesamentlike uitvoerende stelsel, gekombineerd met 'n wyk-deelnemende-stelsel;
- (d) 'n munisipaliteit met 'n gesamentlike uitvoerende stelsel, gekombineerd met 'n subraad en 'n wyk-deelnemende-stelsel;
- (e) 'n munisipaliteit met 'n burgemeesters-uitvoerende-stelsel;
- (f) 'n munisipaliteit met 'n burgemeesters-uitvoerende-stelsel, gekombineerd met 'n subraad-deelnemende stelsel;
- (g) 'n munisipaliteit met 'n burgemeesters-uitvoerende-stelsel, gekombineerd met 'n wyk-deelnemende-stelsel; en
- (h) 'n munisipaliteit met 'n burgemeesters-uitvoerende-stelsel, gekombineerd met 'n subraad en 'n wyk-deelnemende-stelsel.

Kategorie-B-munisipaliteite

3. In kategorie B mag die volgende soorte munisipaliteite in die Provinsie gevestig word:
- (a) 'n Munisipaliteit met 'n gesamentlike uitvoerende stelsel;
 - (b) 'n munisipaliteit met 'n gesamentlike uitvoerende stelsel, gekombineerd met 'n wyk-deelnemende-stelsel;
 - (c) 'n munisipaliteit met 'n burgemeesters-uitvoerende-stelsel;
 - (d) 'n munisipaliteit met 'n burgemeesters-uitvoerende-stelsel, gekombineerd met 'n wyk-deelnemende-stelsel;
 - (e) 'n munisipaliteit met 'n volle raad-uitvoerende-stelsel; en
 - (f) 'n munisipaliteit met 'n volle raad-uitvoerende-stelsel, gekombineerd met 'n wyk-deelnemende-stelsel.

Kategorie-C-munisipaliteite

4. In kategorie C mag die volgende soorte munisipaliteite in die Provinsie gevestig word:
- (a) 'n Munisipaliteit met 'n gesamentlike uitvoerende stelsel;
 - (b) 'n munisipaliteit met 'n burgemeesters-uitvoerende-stelsel; en
 - (c) 'n munisipaliteit met 'n volle raad-uitvoerende-stelsel.

Kort titel en inwerkingtreding

5. Hierdie Wet word die Wet op die Soorte Munisipaliteite in Gauteng, 2000, genoem.

VERDUIDELIKENDE MEMORANDUM

1. AGTERGROND

- 1.1 Ingevolge die bepalings van artikel 155 (5) van die Grondwet, 1996 en artikel 11 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998), moet provinsiale wetgewing aangeneem word, wat daarvoor voorsiening maak om die verskillende soorte munisipaliteite te bepaal, wat in die Provinsie ingestel mag word.
- 1.2 Die Wetsontwerp op die soorte Munisipaliteite in Gauteng, 2000, is opgestel, om uitvoering te gee aan die bepalings van die Grondwet en die Wet op Plaaslike Regering: Munisipale Strukture, 1998.

2. DOEL VAN DIE WETSONTWERP

- 2.1 Die doel van die Wetsontwerp is om die soorte munisipaliteite te bepaal, wat in die Provinsie gevestig mag word.

3. KLOUSULE-VIR-KLOUSULE BESKRYWING

3.1 Klousule 1:

Hierdie klousule bevat definisies.

3.2 Klousule 2:

Hierdie klousule maak voorsiening vir die soorte munisipaliteite, wat in kategorie-A-munisipaliteite gevestig mag word.

3.3 Klousule 3:

Hierdie klousule maak voorsiening vir die soorte munisipaliteite, wat in kategorie-B-munisipaliteite gevestig mag word.

3.4 Klousule 4:

Hierdie klousule maak voorsiening vir die soorte munisipaliteite, wat in kategorie-C-munisipaliteite gevestig mag word.

3.5 Klousule 5:

Hierdie klousule bevat die kort titel van die Wetsontwerp.

UMTHETHOSIVIVINYWA

Ukunquma izinhlobo zomasipala abangahle basungulwe esiFundazweni, noku lungiselela okuphathelele nalokho

UZOMISWA yisiShayamthetho sesiFundazwe saseGauteng ngendlela elandelayo:—

Izincazelo

1. Kulo Mthetho, ngaphandle kokuthi isimo sikhomba ngenye indlela, igama noma okushiwoyo okunikezwe incazelo eMthethweni kaHulumeni weNdawo: Izakhiwo ZoMasipala ka-1998 (Umthetho onguNombolo 117 ka-1998), kunencazelo efanayo, futhi—

“uhlelo lokuphatha oluqoqela ndawonye” luqonde uhlelo lukahulumeni kamasipala oluvumela ukusetshenziswa kwegunya lokuphatha ngokusebenzisa ikomiti labaphathi lapho abaholi abaphethe bakamasipala benikwe khona igunya ndawonye;

“uhlelo lokuphatha lukameya” luqonde uhlelo lukahulumeni kamasipala oluvumela ukusetshenziswa kwegunya lokuphatha ngokuthi kube nomeya ophethe onikezwe ubuholi bokuphatha bukamasipala nophinde asizwe yikomiti likameya;

“uhlelo lokuphatha olubandakanya wonke amalungu omkhandlu” luqonde uhlelo lukahulumeni kamasipala olunqumela ukusetshenziswa kwegunya lokuphatha emkhandlwini kamasipala uqobo lwawo;

“isiFundazwe” siqonde isiFundazwe saseGauteng;

“uhlelo oluhlanganyela imikhandlu engaphansi” luqonde uhlelo lukahulumeni kamasipala oluvumela amandla adluliselwe ukuba asetshenziswe yimikhandlu engaphansi esungulelwe izingxenye zikamasipala; kanye

“nohlelo oluhlanganyela izigceme zedolobha” luqonde uhlelo lukahulumeni kamasipala oluvumela ukuthi izindaba ezithinta indawo ezigcemeni zedolobha zidingidwe ngamakomiti asungulelwe izigceme zedolobha.

Omasipala bohlobo A

2. Ohlotsheni A kungasungulwa izinhlobo zomasipala ezilandelayo esiFundazweni:

- (a) Umasipala onohlelo lokuphatha oluqoqela ndawonye;
- (b) umasipala onohlelo lokuphatha oluqoqela ndawonye luhlanganiswe nohlelo oluhlanganyela imikhandlu engaphansi;
- (c) umasipala onohlelo lokuphatha oluqoqela ndawonye luhlanganiswe nohlelo oluhlanganyela izigceme zedolobha;
- (d) umasipala onohlelo uluqoqela ndawonye lokuphatha luhlanganiswe nazo zombili izinhlelo ezihlanganyela imikhandlu engaphansi nezigceme zedolobha;
- (e) umasipala onohlelo lokuphatha lukameya;
- (f) umasipala onohlelo lokuphatha lukameya luhlanganiswe nohlelo oluhlanganyela imikhandlu engaphansi;

- (g) umasipala onohlelo lokuphatha lukameya luhlanganiswe nohlelo oluhlanganyela izigceme zedolobha;
- (h) umasipala onohlelo lokuphatha lukameya luhlanganiswe nazo zombili izinhlelo ezihlanganyela imikhandlu engaphansi nezigceme zedolobha.

Omasipala bohlobo B

3. Ohlotsheni B izinhlobo ezilandelayo zomasipala zingasungulwa esiFundazweni:

- (a) Umasipala onohlelo lokuphatha oluqoqela ndawonye;
- (b) umasipala onohlelo lokuphatha oluqoqela ndawonye luhlanganiswe nohlelo oluhlanganyela izigceme zedolobha;
- (c) umasipala onohlelo lokuphatha lukameya;
- (d) umasipala onohlelo lokuphatha lukameya luhlanganiswe nohlelo oluhlanganyela izigceme zedolobha;
- (e) umasipala onohlelo lokuphatha olubandakanya wonke amalungu omkhandlu; kanye
- (f) nomasipala onohlelo lokuphatha olubandakanya wonke amalungu omkhandlu luhlanganiswe nohlelo oluhlanganyela izigceme zedolobha.

Omasipala bohlobo C

4. Ohlotsheni C izinhlobo ezilandelayo zomasipala zingasungulwa esiFundazweni:

- (a) Umasipala onohlelo lokuphatha oluqoqela ndawonye;
- (b) umasipala onohlelo lokuphatha lukameya; kanye
- (c) nomasipala onohlelo lokuphatha olubandakanya wonke amalungu omkhandlu.

Isihloko esifushane kanye nokuqala kwawo

- 5. LoMthetho ubizwa ngokuthi uMthetho weziNhlobo zoMasipala baseGauteng, ka-2000.

IMEMORANDAMU YEZINCAZELO

1. ISENDLALELO

- 1.1 Ngokwezimiso zesigaba se-155(5) soMthethosisekelo ka-1996 kanye nesigaba se-11 soMthetho kaHulumeni weNdawo: Izakhiwo zoMasipala, ka-1988 (UMthetho onguNombolo 117 ka-1998), kufanele kushaywe umthetho wesifundazwe olungiselela ukunqunywa kwezinhlobo ezahlukene zomasipala abangahle basungulwe esiFundazweni.
- 1.2 Umthethosivinywa weZinhlobo zoMasipala baseGauteng ubhalelwe ukufeza izimiso zoMthethosisekelo kanye noMthetho ka-1998 kaHulumeni weNdawo: Izakhiwo zoMasipala.

2. INHLOSO YOMTHETHO OSAVIVINYWA

- 2.1 Inhloso yoMthetho osavivinywa ukunquma izinhlobo zikamasipala ezingasungulwa esiFundazweni.

3. INCAZELŌ YALESO NALESŌ SIGATSHANA**3.1 Izigatshana za-1:**

Lezi zigatshana ziqukethe izincazelo.

3.2 Izigatshana za-2:

Lezi zigatshana zenza amalungiselelo ngezinhlobo zomasipala abangasungulwa komasipala bohlobo A;

3.3 Izigatshana za-3:

Lezi zigatshana zenza amalungiselelo ngezinhlobo zomasipala abangasungulwa komasipala bohlobo B;

3.4 Izigatshana za-4:

Lezi zigatshana zenza amalungiselelo ngezinhlobo zomasipala abangasungulwa komasipala bohlobo C;

3.5 Izigatshana za-5:

Lezi zigatshana ziqukethe esifushane soMthethosivivinywa.

MOLAOKAKANYWA

Go kgonthiša mohuta wa mmasepala wo o ka hlongwago ka Profenseng; le go kgonagatša merero yeo e amanago le seo

Lekgotlatheramelao la Gauteng LE HLOMA Molao ka mo go latelago:—

Ditthaloso

1. Ka Molaong wo, ntle le go ya ka tihaloso ye e itšego, lentšu goba mmolelwana wo hlaloso ya wona e filwego Mmušo wa Selegae: Molao wa Mekgatlo ya Bommasepala, 1998 (Molao wa Nomoro 117 wa 1998), le na le tihaloso ye e swanago, le gona—

"lenaneophethiši la seboka" ke lenaneo la mmušo wa mmasepala, le le dumelelago tirišo ya maatlaphethiši ka komitiphethiši yeo ka go yona boetapele bja phethiši bja mmasepala bo beilwego sebokeng;

"lenaneophethiši la bomeyara" ke lenaneo la mmušo wa masepala le le dumelelago tirišo ya maatlaphethiši ka meyara wa go ba le maatlaphethiši, yo a filwego boetapele bja phethiši bja mmasepala, le gona a thušwa ke komiti ya meyara;

"lenaneophethiši la bohle" ke lenaneo la mmušo wa mmasepala leo le beyago maatlaphethiši go khansele ya mmasepala ka boyana;

"Profense" ke Profense ya Gauteng;

"lenaneo la go šomelwa ke dikhansele tša tlasana" ke lenaneo la mmušo wa mmasepala leo le dumelelago gore maatla rolelwe dikhansele tša tlasana tšeo di hlometšwego dikarolo tša mmasepala; mola

"lenaneo la go šomelwa ke dikarolokgetho" ke lenaneo la mmušo wa mmasepala, leo le dumelelago gore merero ye e amago dikarolokgetho e šongwe ke dikomiti tše di hlomilwego ke dikarolokgetho tšeo.

Bommasepala ba legoro la A

2. Legorong la A mehuta ye e latelago ya bommasepala e ka hlongwa ka Profenseng:

- (a) Mmasepala wa go ba le lenaneophethiši la seboka;
- (b) mmasepala wa go ba le lenaneophethiši la seboka le le kopantšwego le lenaneo la go šomelwa ke dikhansele tša tlasana;
- (c) mmasepala wa go ba le lenaneophethiši la seboka leo le kopantšwego le leo le direlwago ke dikarolokgetho;
- (d) mmasepala wo o nago le lenaneophethiši la seboka leo le kopantšwego le lenaneo la dikhansele tša tlasana gammogo le la go direlwa ke dikarolokgetho;
- (e) mmasepala wa go ba le lenaneophethiši la bomeyara;
- (f) mmasepala wa go ba le lenaneophethiši la bomeyara leo le kopantšwego le lenaneo leo le šomelwago ke dikhansele tša tlasana;
- (g) mmasepala wa go ba le lenaneophethiši la bomeyara leo le kopantšwego le lenaneo la go šomelwa ke dikarolokgetho;
- (h) mmasepala wa go ba le lenaneophethiši la bomeyara leo le kopantšwego le lenaneo la dikhansele tša tlasana le la go šomelwa ke dikarolokgetho.

Bommasepala ba legoro la B

3. Legorong la B, mehuta ye e latelago ya bommasepala e ka hlongwa ka Profenseng:
- (a) Mmasepala wa go ba le lenaneophethiši la seboka;
 - (b) mmasepala wa go ba le lenaneophethiši la seboka leo le kopantšwego le lenaneo la go šomelwa ke dikarolokgetho;
 - (c) mmasepala wa go ba le lenaneophethiši la bomeyara;
 - (d) mmasepala wo go ba le lenaneophethiši la bomeyara leo le kopantšwego le lenaneo la go šomelwa ke dikarolokgetho;
 - (e) mmasepala wa go ba le lenaneophethiši la bohle; le
 - (f) mmasepala wa go ba le lenaneophethiši la bohle leo le kopantšwego le lenaneo la go šomelwa ke dikarolokgetho.

Bommasepala ba legoro la C

4. Legorong la C, mehuta ye e latelago ya bommasepala e ka hlongwa ka Profenseng:
- (a) Mmasepala wa go ba le lenaneophethiši la seboka;
 - (b) mmasepala wa go ba le lenaneophethiši la bomeyara; le
 - (c) mmasepala wa go ba le lenaneophethiši la bohle.

Hlogo ye kopana le go thoma

5. Molao wo o bitšwa Molao wa Gauteng wa Mehuta ya Bommasepala, 2000.

MEMORANTAMO WA DITLHALOSO

1. BOTŠO

- 1.1 Go ya ka ditaelo tša karolo 15 (5) tša Molaotheo, 1996 le karolo 11 ya Mmušo wa Selegae: Molao wa Mekgatlo ya Bommasepala, 1998 (Molao wa Nomoro 117 wa 1998), go swanetše go bewa melao ya profense yeo e kgonagatšago kgonthišo ya mehuta ye e fapafapanago ya bommasepala bao ba ka hlongwago ka Profenseng.
- 1.2 Go dira gore ditaelo tša Molaotheo le tša Mmušo wa Selegae: Molao wa Mekgatlo ya Bommasepala, 1998 di dirišege, Molaokakanywa wa Mehuta ya Bommasepala ba Gauteng, 2000, o thadilwe.

2. MORERO WA MOLAOKAKANYWA

- 2.1 Morero wa Molaokakanywa wo ke go kgonthiša mehuta ya bommasepala bao ba ka hlongwago ka Profenseng.

3. DITLHLOSO TŠA TEMANA-KA-TEMANA

- 3.1 **Tema ya 1:**
Temana ye e na le ditlhaloso.
- 3.2 **Tema ya 2:**
Temana ye e kgonagatša mehuta ya bommasepala bao ba ka hlongwago legorong la A la bommasepala.
- 3.3 **Tema ya 3:**
Temana ye e kgonagatša mehuta ya bommasepala bao ba ka hlongwago legorong la B la bommasepala.
- 3.4 **Tema ya 4:**
Temana ye e kgonagatša mehuta ya bommasepala bao ba ka hlongwago legorong la C la bommasepala.
- 3.5 **Tema ya 5:**
Temana ye e na le Hlogo ye kopana ya Molaokakanywa.

