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GOVERNMENT NOTICE
GOEWERMENTSKENNISGEWING

DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS
DEPARTEMENT VAN SAMEWERKENDEREGERING EN TRADISIONELE SAKE

No. R. 469

5 July 2013

PUBLIC SERVICE ACT, 1994

(Promulgated under Proclamation No. 103 of 1994)

**ADMINISTRATION AND OPERATIONS: MUNICIPAL INFRASTRUCTURE SUPPORT
AGENT**

I, Masenyani Richard Baloyi, Minister for Cooperative Governance and Traditional Affairs, acting in terms of section 7A(4) of the Public Service Act, 1994 (Proclamation No. 103 of 1994), read with Proclamation No. R. 29 of 11 May 2012 promulgated by the President of the Republic of South Africa, which established the Municipal Infrastructure Support Agent ("MISA") as a government component, hereby determine in the attached Schedule the object, duties and functions of MISA, the powers and duties of the head of MISA, as well as the reporting, administrative, organisational, oversight and other management objects, processes and procedures of MISA.

As provided for in Proclamation No. R. 29 of 11 May 2012 promulgated by the President of the Republic of South Africa, the Municipal Infrastructure Support Agent is established as a government component with effect from 11 May 2012.

Signed at Pretoria on this 03 day of June 2013.



MINISTER M.R. BALOYI

MINISTER FOR COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

Date: 2013/06/03

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GOVERNMENTNOTICE: MUNICIPAL INFRASTRUCTURE SUPPORT AGENT**SCHEDULE****PART ONE****1 Definitions**

In this Schedule, unless the context indicates otherwise –

- 1.1 **“Advisory Board”** means a board that may be established for MISA by the executive authority in accordance with section 7A(4) of the Public Service Act, 1994 (Proclamation 103 of 1994);
- 1.2 **“capacity-building and support initiatives”** means initiatives to support and strengthen the capacity of municipalities to manage their own affairs, exercise their powers and perform their functions necessary for the development, maintenance and operation of municipal infrastructure;
- 1.3 **“department”** means the department in the national sphere of government responsible for local government affairs;
- 1.4 **“Director-General”** means the Director-General of the department;
- 1.5 **“government component”** means a government component as defined in section 1 of the Public Service Act, 1994 (Proclamation 103 of 1994);
- 1.6 **“Head of MISA”** means a person formally appointed as the accounting officer for MISA and whose duties and functions are defined in terms of 7A(2) of the Public Service Act, 1994 (Proclamation 103 of 1994);
- 1.7 **“Minister”** means the member of Cabinet responsible for local government affairs;

- 1.8 “MISA” means the Municipal Infrastructure Support Agent;
- 1.9 “municipal infrastructure” means infrastructure necessary to enable a municipality to provide basic municipal services;
- 1.10 “municipality” means a municipality contemplated in section 155 of the Constitution;
- 1.11 “province” means a province contemplated in section 103 of the Constitution; and
- 1.12 “PSA” means the Public Service Act, 1994 (Proclamation No. 103 of 1994).

PART TWO

2 Object, powers and functions of MISA

- 2.1 The objective of MISA is to render technical advice and support to municipalities so that they optimise municipal infrastructure provisioning.
- 2.2 MISA must perform the functions listed below to support and strengthen the capacity of municipalities to provide access to basic service, exercise their powers and perform the functions required to develop, maintain and operate municipal infrastructure. The functions of MISA are, subject to paragraph 3 –
- 2.2.1 to support municipalities to conduct effective infrastructure planning to achieve sustainable service delivery;
- 2.2.2 to support and assist municipalities with the implementation of infrastructure projects as determined by the municipal Integrated Development Plans (IDPs);
- 2.2.3 to support and assist municipalities with the operation and maintenance of municipal infrastructure;
- 2.2.4 to build the capacity of municipalities to undertake effective planning, delivery, operations and management of municipal infrastructure; and
- 2.2.5 any function that may be deemed ancillary to that listed in this subparagraph.
3. In rendering services and performing its functions, the following protocols should be observed:

-
- 3.1 MISA may only do what it is authorised to do by law, including agreements that it enters into with the department and relevant stakeholders; and
- 3.2 MISA is subject to all applicable legislative and other legal requirements, as well as the terms of the agreements that it enters into with the department, relevant stakeholders and municipalities.
- 4 MISA shall perform its functions subject to general guidance provided by the Minister and the Advisory Board should such be appointed.
- 5 The Minister, provided that it is permitted in terms of applicable legislation, may at any time, after consultation with the Director-General, in writing notify the Head: MISA that MISA is instructed to perform other functions previously performed by the department and which are complementary or additional to the functions listed in subparagraph 2.2 or items (a), (b), (c), (d) or (e) above. The Head: MISA and the Director-General should then enter into an agreement for the orderly and efficient transfer of that function and concomitant funding to MISA, in terms of the written instruction from the Minister.
- 6 The Head: MISA is responsible and accountable for any function transferred to MISA in terms of subparagraph 5 as from the date of transfer recorded in the agreement contemplated in subparagraph 5.
- 7 Any instruction issued by the Minister in terms of subparagraph 5 must be recorded in MISA's annual report.
- 8 The Head of MISA shall be appointed in accordance with the Public Service Act and shall have such powers and duties as conferred, assigned, delegated and/or allocated by the Minister in terms of section 7A of the Public Service Act, 1994 (Proclamation 103 of 1994, as amended).

PART THREE

9 Administrative and operational matters

9.1 MISA is a government component for purposes of the Public Service Act (Proclamation No. 103 of 1994) and is subject to the provisions of that Act and the Public Finance Management Act, 1999 (Act 1 of 1999).

9.2 The Minister is the Executive Authority of MISA for purposes of the Public Finance Management Act, 1999 (Act 1 of 1999).

9.3 MISA must submit to the Minister for approval its strategic plan setting out its policy priorities, programmes and project plans for a three-year period.

9.4 MISA must, at least three months before the end of each financial year or at a later date determined by the Minister, submit to the Minister for approval a business and financial plan-

9.4.1 containing a projection of the revenue and expenditure of MISA in respect of the ensuing financial year;

9.4.2 detailing the national municipal infrastructure support plan for the ensuing financial year; and

9.4.3 detailing the sector capacity development plan for the ensuing financial year.

9.5 MISA must-

9.5.1 keep full and proper records of its financial year;

9.5.2 prepare an annual report and financial statements for each financial year in accordance with generally accepted accounting practice;

9.5.3 submit those financial statements within three months after the end of the financial year to the Auditor-General for auditing.

9.6 The annual report and financial statements referred to in subsection 9.5.1 must-

9.6.1 fairly present the state of affairs of MISA and its performance against predetermined objectives for the financial year concerned;

9.6.2 include particulars of-

- (i) any material losses through criminal conduct and any irregular expenditure and fruitless and wasteful expenditure that occurred during the financial year;
- (ii) any criminal or disciplinary steps taken as a consequence of such losses or irregular expenditure or fruitless and wasteful expenditure;
- (iii) any losses recovered or written off;
- (iv) any other matter that may be prescribed.

10 Shared services

10.1 On establishment, MISA and the department, with the guidance of the Executive Authority and in consultation with the Minister for the Public Service and Administration, will conclude a Memorandum of Understanding on Shared Services determining, *inter alia*, the nature and scope of shared services and the financial and operational obligations and arrangements of MISA and the department in this regard.

10.2 MISA and the department shall support and co-operate with one another in mutual trust and good faith in order to support and strengthen the capacity of municipalities to manage their own affairs, exercise their powers and perform their functions necessary for the development, maintenance and operation of municipal infrastructure.

10.3 MISA will share the services with the Department in accordance with a memorandum of understanding entered into and by duly authorised signatories of the two parties; such services may include:

10.3.1 security;

10.3.2 facilities management;

10.3.3 human resources management systems;

- 10.3.4 documents and record management;
- 10.3.5 auditing and risk management; and
- 10.3.6 legal services.

PART FOUR: REPORTING REQUIREMENTS

11 Reporting responsibilities

- 11.1 In this regard MISA must on a quarterly basis report to the Executive Authority on –
 - 11.1.1 measures taken by MISA on the implementation of, and compliance with, the MISA Strategic Plan, which includes:
 - 11.1.2 the national municipal infrastructure support plan;
 - 11.1.3 the sector capacity development plan;
 - 11.1.4 the administrative and operational performance of MISA during the preceding quarter; and
 - 11.1.5 any other matter related to the shared services arrangement concluded between the department and MISA as contemplated in subparagraph 9 earlier in this document.
- 11.2 To support departmental reporting to regulatory authorities –
 - 11.2.1 MISA must provide the Director-General with such information and documentation as may be required to enable the Director-General to report on departmental policy implementation, performance, integrated planning, budgeting and service delivery;
 - 11.2.2 MISA must submit within five months of the end of the financial year to the Director-General-
 - 11.2.2.1 the annual report on the activities of MISA during that financial year;

11.2.2.2 audited financial statements of MISA for that financial year; and

11.2.2.3 the report of the Auditor-General on those statements.

PART FIVE: ADVISORY BOARD OF MISA

12 Establishment and composition of Advisory Board

12.1 The Minister may, in terms of section 7A(4)(e) of the PSA, at any time appoint an Advisory Board for MISA, subject to and in accordance with the provisions of this Part, but nothing in this Schedule obligates the Minister to appoint an Advisory Board.

12.2 In the event that an Advisory Board is appointed, the Board would be required to advise the Minister and the head of MISA on matters related to:

12.2.1 measures to support and strengthen the capacity of municipalities to manage their own affairs, exercise their powers and perform their functions necessary for the development, maintenance and operation of municipal infrastructure;

12.2.2 strategic support and leadership on technical matters and procurement for municipal capacity-building and support initiatives;

12.2.3 the strategic leadership, governance and performance of MISA; and

12.2.4 any other matter that the Minister may, from time to time determine in writing.

12.3 The Board is an Advisory Board and does not have any executive functions, duties or powers.

12.4 The Board may consist of-

12.4.1 not more than 10 members appointed by the Minister on the basis of their knowledge, experience and expertise relating to the functions of MISA; and

12.4.2 the Head: MISA in an *ex officio* capacity.

12.5 The Minister must designate a chairperson and a deputy-chairperson from the members contemplated in subsection 11.4.1.

12.6 For purposes of appointing the members of the Board, the Minister must by notice in the *Gazette* and in two newspapers published and circulating nationally, invite nominations for membership of the Board.

12.7 The notice contemplated in subsection 12.6 must specify a period of at least 30 days for nominations to be submitted to the Minister.

12.8 The Minister must-

12.8.1 appoint the members of the Board from nominations submitted in response to the notice;

12.8.2 strive to ensure that the composition of the Board is broadly representative, with due regard to race, gender and regional representation; and

12.8.3 publish the names of persons appointed as members of the Board and the dates of commencement of their terms of office in the publications contemplated in subsection 11.6.

13 Terms of office of Board members

13.1 A member of the Board-

13.1.1 holds office for a period of three years from the date of their appointment by the Minister; and

13.1.2 is eligible for reappointment on expiry of their term of office, but may not serve more than two consecutive terms of office.

13.2 Despite subsection 12.1, the Minister may, by notice in the *Gazette*, extend the period of office of all members of the Board for a maximum period of 12 months.

14 Disqualifications from membership of Board

14.1 A person may not be appointed as a member of the Board if that person-

14.1.1 is an un-rehabilitated insolvent;

14.1.2 has been declared by a court to be mentally ill;

- 14.1.3 is a member of Parliament, a provincial legislature or a municipal council;
- 14.1.4 has been convicted of an offence in the Republic or elsewhere, other than an offence committed prior to 27 April 1994 associated with a political objective, and sentenced to imprisonment without the option of a fine or, in the case of fraud or any other offence involving dishonesty, to a fine or imprisonment or both;
- 14.1.5 has at any time been removed from an office of trust on account of breach of fiduciary duties; or
- 14.1.6 is otherwise disqualified in terms of the Companies Act, 1973 (Act 61 of 1973).

15 Duties of Advisory Board members

A member of the Board must-

- 15.1 act with fidelity, honesty, integrity and in the best interests of MISA;
- 15.2 comply with the code of conduct and disclosure obligations contemplated in section 16;
- 15.3 not act in a way that is inconsistent with the responsibilities of the Board in terms of this Act; and
- 15.4 not use the position or privileges of, or confidential information obtained as a member of the Board, for personal gain or to improperly benefit another person.

16 Code of good conduct and disclosure of interests

- 16.1 The Minister must approve a code of conduct for the members of the Board.
- 16.2 Members of the Board-
- 16.2.1 must make full disclosure to the Board of any conflict of interest including any potential conflict of interest;
- 16.2.2 may not vote, attend or participate in any proceedings of the Board in relation to any matter before the Board in respect of which they have a conflict or potential conflict of interest; and

16.2.3 must comply with any decision of the Board as to whether they are entitled to participate in any particular proceedings of the Board.

16.3 For the purposes of this section a member has a conflict of interest if-

16.3.1 the member, or a family member, partner or business associate of the member is applying for, or has a financial or other interest in a business that is involved with MISA; or

16.3.2 the member has any other interest that may preclude, or may reasonably be perceived as precluding the member from performing the functions of a member in a fair, unbiased and proper manner.

16.4 Any disclosure in terms of subsection 10.2 (a) and any decision of the Board in terms of subsection 10.2 (c) must be recorded in the minutes of the Board.

17 Vacation of office and filling of vacancies

17.1 A member of the Board must vacate office if the member-

17.1.1 resigns in writing addressed and delivered to the Minister;

17.1.2 ceases to qualify for appointment to the Board in terms of section 14;

17.1.3 is removed from office by the Minister-

- in the public interest and for just cause;
- after consulting the Board; and
- after a fair hearing.

17.2 Every vacancy of the Board arising from the death of a member or from circumstances referred to in subsection 16.1 must, within three months of the vacancy occurring, be filled for the unexpired portion of that member's term of office by a suitable person appointed by the Minister in terms of section 11.4.

18 Remuneration of members of Board and committees

A member of the Board or a member of any committee of the Board, who is not in the full time employment of the State, may be paid such remuneration and allowances from the funds of MISA as determined by the Minister with the approval of the Minister of Finance.

19 Meetings of Board

19.1 The Board must hold at least four ordinary meetings each year at times and places determined by the chairperson of the Board.

19.2 The chairperson of the Board-

19.2.1 may convene special meetings of the Board; and

19.2.2 must convene a special meeting within 14 days of receiving a written request to do so, signed by a majority of Board members.

19.3 The request referred to in subsection 19.2.1 must clearly state the reason for the request and only those matters may be discussed at the special meeting.

19.4 The Minister may request a meeting of the Board at any time, should the need arise.

19.5 If the chairperson and deputy-chairperson are not present, the members present must appoint another member to preside at the meeting.

19.6 At any meeting, a majority of the members of the Board constitutes a quorum.

19.7 A decision of the majority (how many of the 10 members constitutes the majority?) of members present at any quorate meeting constitutes a decision of the Board and in the event of an equality of votes, the chairperson of the meeting has a casting vote in addition to a deliberative vote.

19.8 A decision taken by a majority of members present at a quorate meeting, or an act performed in terms of such a decision, is not invalid merely by reason of-

19.8.1 a vacancy on the Board; or

19.8.2 the fact that any person not entitled to sit as a member of the Board participated at the meeting at the time the decision was taken.

19.9 Minutes of the proceedings of every meeting of the Board must be-

19.9.1 recorded and kept in a manner that cannot be altered or tampered with; and

19.9.2 submitted to the next meeting of the Board for consideration and, if adopted, signed by the chairperson.

19.10 The Board may-

19.10.1 permit members to participate in a particular meeting by telephone or via audio-visual technology and any member who participates in this manner is regarded as being present at the meeting; and

19.10.2 invite any person to attend a meeting for the purpose of advising or informing the Board on any matter.

19.11 The Board may by resolution make rules to further regulate its proceedings.

20 Resolution of Board without meeting

20.1 The Board may adopt a resolution without a meeting if at least a majority of the members indicate their support for the resolution in a manner and in accordance with a procedure determined by the Board.

20.2 A resolution in terms of subsection 19.1-

20.2.1 has the same status as if it was adopted at a meeting; and

20.2.2 must be regarded as having been adopted on a day determined in accordance with the procedure contemplated in subsection 19.1.

21 Committees of Board

21.1 The Board may establish any committees to assist the Board in the performance of its functions and duties and may determine their composition, terms of reference, procedures and duration.

21.2 The Board may appoint any suitably qualified person to serve on a committee, including any person in the full-time employment of the State.

21.3 A committee must be chaired by a member of the Board.

No. R. 469

5 Julie 2013

STAATSDIENSWET, 1994

(Gepromulgeer onder Proklamasie 103 van 1994)

ADMINISTRASIE EN OPERASIES: MUNISIPALE INFRASTRUKTUURSTEUNAGENT

Ek, Masenyani Richard Baloyi, Minister van Samewerkende Regering en Tradisionele Sake, handelende ingevolge van artikel 7A(4) van die Staatsdienswet, 1994 (Proklamasie 103 van 1994) gelees met Proklamasie R. 29... van 11. May 2012 gepromulgeer deur die President van die Republiek van Suid-Afrika, wat die Munisipale Infrastruktuursteunagent (MISA) gevestig het as 'n regeringskomponent, bepaal hiermee in die aangehegte skedule die doel, pligte en funksies van MISA, die magte en pligte van die hoof van MISA, sowel as die verslaggewings-, administratiewe, organisatoriese, oorsig- en ander bestuursdoelwitte, -prosesse en -prosedures van MISA.

Soos waarvoor daar voorsiening gemaak is in Proklamasie R. 29... van 11. May 2012, gepromulgeer deur die President van die Republiek van Suid-Afrika, is die Munisipale Infrastruktuursteunagent gevestig as 'n regeringskomponent met effek vanaf 1 Mei 2012.

Geteken te Pretoria op hierdie 03... dag van June... 2013.


MINISTER M.R. BALOYI

MINISTER VAN KOÖPERATIEWE REGERING EN TRADISIONELE SAKE

Datum

2013/06/03

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REGERINGSKENNISGEWING: MUNISIPALE INFRASTRUKTUURSTEUNAGENT**SKEDULE****DEEL EEN****1 Definisies**

In hierdie Skedule, tensy dit anders aangedui word in die konteks, beteken –

- 1.1 **“Adviserende Raad”** beteken ‘n Raad wat ingestel kan word vir MISA deur uitvoerende magte in ooreenstemming met artikel 7A(4) van die Staatsdienswet, 1994 (Proklamasie 103 van 1994);
- 1.2 **“kapasiteitsbou en steuninisiatiewe”**, beteken inisiatiewe om die kapasiteit van munisipaliteite te ondersteun en te versterk om sodoende hulle eie sake te bestuur en dié magte en funksies uit te oefen wat nodig is vir die ontwikkeling, instandhouding en funksionering van die munisipale infrastruktuur;
- 1.3 **"departement"** beteken die departement in die nasionale sfeer van die regering wat verantwoordelik is vir plaaslikeregeringsaangeleenthede;
- 1.4 **"Direkteur-Generaal"** beteken die Direkteur-Generaal van die departement;
- 1.5 **"regeringskomponent"** beteken ‘n regeringskomponent soos gedefinieer in artikel 1 van die Staatsdienswet, 1994 (Proklamasie 103 van 1994);
- 1.6 **“Hoof van MISA”** beteken ‘n persoon amptelik aangestel as die rekenpligtige beampte vir MISA en die pligte en funksies is gedefinieer in terme van artikel 7A(2) van die Staatsdienswet, 1994 (Proklamasie 103 van 1994);
- 1.7 **"Minister"** beteken die kabinetslid wat verantwoordelik is vir plaaslikeregeringsaangeleenthede;

- 1.8 “MISA” beteken die Munisipale Infrastruktuursteunagent;
- 1.9 “munisipale infrastruktuur” beteken die infrastruktuur wat nodig is om die munisipaliteit te bemagtig om basiese munisipale dienste te lewer;
- 1.10 “munisipaliteit” beteken ‘n munisipaliteit soos bedoel word in artikel 155 van die Grondwet;
- 1.11 “provinsie” beteken ‘n provinsie soos bedoel word in artikel 103 van die Grondwet; en
- 1.12 “SDW” die Staatsdienswet, 1994 (Proklamasie 103 van 1994).

DEEL TWEE

2 Doel, magte en funksies van MISA

- 2.1 Die doelwit van MISA is om tegniese advies en steun te verleen aan munisipaliteite sodat hulle munisipale infrastruktuurvoorsiening tot ‘n optimum kan uitbrei.
- 2.2 MISA moet die funksies uitvoer wat hieronder genoem word om die kapasiteit van munisipaliteite te steun en te versterk om toegang tot basiese diens te voorsien, hulle magte uit te oefen en die funksies te verrig wat vereis word om die munisipale infrastruktuur te ontwikkel, instand te hou en te bedryf. Onderhewig aan paragraaf 3, is die funksies van MISA om –
 - 2.2.1 munisipaliteite te ondersteun om doeltreffende infrastruktuurbeplanning uit te voer om volhoubare dienslewering te bereik;
 - 2.2.2 munisipaliteite te ondersteun en by te staan met die implementering van infrastruktuurprojekte soos bepaal word deur die munisipale Geïntegreerde Onwikkelingsplanne (GOP’s);
 - 2.2.3 munisipaliteite te ondersteun en by te staan met die bedryf en instandhouding van munisipale infrastruktuur;
 - 2.2.4 die kapasiteit van munisipaliteite uit te bou om doeltreffende beplanning, lewering, werksaamhede en bestuur van die munisipale infrastruktuur te onderneem; en

- 2.2.5 enige funksie te verrig wat geag mag word as bykomend tot dié wat in hierdie subparagraaf gelys is.
- 3 In die lewering van dienste en die uitvoering van sy funksies, moet die volgende protokol gevolg word:
- 3.1 MISA mag slegs doen wat hy deur die wet gemagtig is om te doen met inbegrip van ooreenkomste wat hy met die departement en tersaaklike insethouders aangegaan het; en
- 3.2 MISA is onderworpe aan die toepaslike wetgewing en ander regsvereistes, sowel as die terme van die ooreenkomste wat hy aangegaan het met die Departement, tersaaklike insethouders en munisipaliteite.
- 4 MISA moet sy funksies uitvoer onderworpe aan die algemene leiding wat verskaf word deur die Minister en die Adviserende Raad indien sodanige Raad aangewys sou word.
- 5 Die Minister, indien die toepaslike wetgewing dit toelaat, mag te eniger tyd, na oorlegpleging met die Direkteur-Generaal, skriftelik kennis gee aan die Hoof: MISA dat MISA opdrag gegee word om funksies uit te voer wat voorheen deur die Departement uitgevoer is en wat bydraend of bykomend is tot die funksies wat gelys is in subparagraaf 2.2 of items 2.2.1, 2.2.2, 2.2.3, 2.2.4 of 2.2.5 hierbo. Die Hoof: MISA en die Direkteur-Generaal moet dan 'n ooreenkoms aangaan vir die ordelike en doeltreffende oordrag van die funksies en meegaande befondsing en hulpbronne van MISA ingevolge van die skriftelike opdrag van die Minister.
- 6 Die Hoof: MISA is verantwoordelik en toerekenbaar vir enige funksie wat oorgedra is aan MISA ingevolge van subparagraaf 5, vanaf die datum van oordrag wat aangeteken is in die ooreenkoms soos bedoel in subparagraaf 5.
- 7 Enige instruksie wat deur die Minister uitgereik is ingevolge van subparagraaf 5 moet aangeteken word in MISA se jaarverslag.
- 8 Die Hoof van MISA sal aangestel word in ooreenstemming met die Staatsdienswet en sal die magte en pligte he soos ooreengekom, toegewys, gedelegeer en/of geallokeer deur die Minister in terme van artikel 7A van die Staatsdienswet, 1994 (Proklamasie 103 van 1994, soos gewysig).

DEEL DRIE**9 Administratiewe en operasionele aangeleenthede**

- 9.1 MISA is 'n regeringskomponent vir die doeleindes van die Staatsdienswet (Proklamasie 103 van 1994) en is onderworpe aan die bepalings van dié Wet en die Wet op Openbare Finansiële Bestuur (Wet 1 of 1999).
- 9.2 Die Minister is die Uitvoerende Gesag van MISA.
- 9.3 MISA moet sy strategiese plan vir goedkeuring voorlê aan die Minister waarin sy beleidsvoorkeure, programme en projekplanne vir 'n driejaartydperk uiteengesit word.
- 9.4 MISA moet, ten minste drie maande voor die einde van die finansiële jaar, of op 'n datum wat deur die Minister bepaal word, 'n sake- en finansiële plan vir goedkeuring aan die Minister voorlê waarin vervat word –
- 9.4.1 'n vooruitskouing van inkomste en uitgawes van MISA met betrekking tot die komende finansiële jaar;
- 9.4.2 die gedetailleerde munisipale infrastruktuursteunplan vir die komende finansiële jaar; en
- 9.4.3 'n gedetailleerde sektorkapasiteitontwikkelingsplan vir die komende finansiële jaar.
- 9.5 MISA moet –
- 9.5.1 volledige en behoorlike rekord hou van sy finansiële jaar;
- 9.5.2 'n jaarverslag en finansiële state voorberei in ooreenstemming met algemeen aanvaarde rekeningkundige praktyk; en
- 9.5.3 hierdie finansiële state binne drie maande na die einde van die finansiële jaar aan die Ouditeur-Generaal voorlê vir ouditering.
- 9.6 Die jaarverslag en finansiële state waarna daar in subartikel 8.5.2 verwys word, moet –

- 9.6.1 op eerlike wyse die stand van MISA se sake en sy prestasie teen voorafbepaalde doelwitte vir die betrokke finansiële jaar aanbied;
- 9.6.2 die besonderhede insluit van –
- (i) enige materiële verliese weens kriminele optrede en enige onreëlmatige uitgawes en vrugtelose en spandabele uitgawes wat gedurende die jaar plaasgevind het;
 - (ii) enige kriminele en dissiplinêre stappe wat gedoen is as gevolg van sodanige verliese of onreëlmatige uitgawes of vrugtelose en spandabele uitgawes;
 - (iii) enige verliese wat verhaal of afgeskryf is; en
 - (iv) enige ander aangeleentheid wat voorgeskryf mag word.

10 Gedeelde dienste

- 10.1 By vestiging moet MISA en die Departement onder leiding van die Uitvoerende Gesag, 'n 'n Memorandum van Verstandhouding oor Gedeelde Dienste aangaan wat, onder andere, die aard en omvang van die gedeelde dienste en die finansiële en operasionele verpligtinge en reëlings van die MISA en die Departement in hierdie verband bepaal.
- 10.2 MISA en die Departement moet mekaar ondersteun en saamwerk in wederkerige vertroue en te goeder trou om die kapasiteit van munisipaliteite te ondersteun en te versterk om sodoende hulle eie sake te bestuur, hul magte uit te oefen en die funksies te vervul wat nodig is vir die ontwikkeling, instandhouding en werking van munisipale infrastruktuur.
- 10.3 MISA sal die dienste van die Departement deel in ooreenstemming met 'n Memorandum van Verstandhouding aangegaan is deur behoorlik gemagtigde ondertekenaars van die twee partye. Sodanige dienste mag die volgende insluit:
- 10.3.1 sekuriteit
 - 10.3.2 fasiliteitebestuur
 - 10.3.3 bestuurstelsels vir menslike hulpbronne
 - 10.3.4 dokumente- en verslagbestuur

10.3.5 ouditering en risikobestuur

10.3.6 regsdiens

DEEL VIER: VERSLAGGEWINGSVEREISTES

11 Verslaggewingsverantwoordelikhede

11.1 In hierdie verband moet MISA op 'n kwartaallikse grondslag verslag doen aan die Uitvoerende Gesag oor –

11.1.1 maatreëls wat getref is deur MISA oor die implementering van en voldoening aan die MISA Strategiese Plan wat die volgende insluit:

11.1.2 die nasionale infrastruktuursteunplan;

11.1.3 die sektorkapasiteitontwikkelingsplan;

11.1.4 die administratiewe en operasionele prestasie van MISA gedurende die voorafgaande kwartaal; en

11.1.5 enige ander saak wat verband hou met die gedeelddienstereëling tussen die Departement en MISA soos bedoel word in subparagraaf 9 vroeër in hierdie dokument

11.2 Om departementele verslaggewing aan die regulingsowerhede te ondersteun –

11.2.1 moet MISA die Direkteur-Generaal voorsien van sodanige inligting en dokumentasie wat nodig mag word om die Direkteur-Generaal instaat te stel om verslag te doen aangaande die implementering van departementele beleid, prestasie, geïntegreerde beplanning, begroting en dienslewering;

11.2.2 moet MISA binne vyf maande voor die einde van die finansiële jaar die volgende aan die Direkteur-Generaal voorlê-

11.2.2.1 die jaarverslag oor die werksaamhede van MISA gedurende die finansiële jaar;

11.2.2.2 ge-ouditeerde finansiële state van MISA vir daardie finansiële jaar; en

11.2.2.3 die verslag van die Direkteur-Generaal op daardie state.

DEEL VYF: ADVISERENDE RAAD VAN MISA**12 Vestiging en samestelling van die Adviserende Raad**

- 12.1 Die Minister mag ingevolge artikel 7A(4)(e) van die SDW, te eniger tyd 'n Adviserende Raad vir MISA aanstel, onderworpe aan en in ooreenstemming met die bepalings van hierdie Deel, maar niks in hierdie skedule verplig die Minister om 'n Adviserende Raad aan te stel nie.
- 12.2 Indien 'n Adviserende Raad aangestel word, sal daar van die Raad verwag word om die Minister en die Hoof van MISA te adviseer oor aangeleenthede wat verband hou met die volgende:
- 12.2.1 maatreëls om die kapasiteit van munisipaliteite te ondersteun en te versterk om hulle eie sake te bestuur, hul eie magte uit te oefen en hul eie funksies uit te voer vir die ontwikkeling, instandhouding en uitvoering van die munisipale infrastruktuur;
- 12.2.2 strategiese ondersteuning en leierskap oor tegniese aangeleenthede en verkryging van munisipale kapasiteitsbou en ondersteuningsinisiatiewe;
- 12.2.3 die strategiese leierskap, regering en prestasie van MISA;
- 12.2.4 enige ander aangeleentheid wat die Minister van tyd tot tyd skriftelik mag bepaal.
- 12.3 Die Raad is 'n Adviserende Raad en het geen uitvoerende funksies, pligte of magte nie.
- 12.4 Die Raad mag bestaan uit –
- 12.4.1 nie meer as 10 lede wat aangestel is deur die Minister op grond van hulle kennis, ondervinding en kundigheid in verband met die funksies van MISA; en
- 12.4.2 die Hoof van MISA in 'n *ex officio* hoedanigheid.
- 12.5 Die Minister moet 'n voorsitter en ondervoorsitter aanwys uit die lede bedoel in subartikel 11.4.1.

- 12.6 Vir die doeleindes van aanstelling van lede van die Raad moet die Minister deur middel van kennisgewing in die *Gazette* en in twee koerante wat landwyd gepubliseer en versprei word nominasies vir lidmaatskap van die Raad uitnooi.
- 12.7 Die kennisgewing bedoel in subartikel 11.6 moet 'n tydperk van ten minste 30 dae spesifiseer vir nominasies wat aan die Minister voorgelê moet word.
- 12.8 Die Minister moet –
- 12.8.1 die lede van die Raad aanstel uit die nominasies wat voorgelê is in reaksie op die kennisgewing;
 - 12.8.2 poog om te verseker dat die samestelling van die Raad breedweg verteenwoordigend is met behoorlike inagneming van ras, geslag en kontreiverteenwoordiging; en
 - 12.8.3 die name van die persone wat aangestel is en die datums van hulle dienstermyne publiseer in die publikasies bedoel in subartikel 11.6.

13 **Dienstermyne van Raadslede**

- 13.1 'n Lid van die Raad –
- 13.1.1 word verkies vir 'n termyn van drie jaar vanaf hulle aanstellingsdatum deur die Minister; en
 - 13.1.2 is herkiesbaar aan die einde van hulle dienstermyne, maar mag nie meer as twee aaneenlopende dienstermyne dien nie.
- 13.2 Ondanks subartikel 12.1, mag die Minister, deur kennisgewing in die *Gazette*, die dienstermyne van alle Raadslede verleng met 'n maksimum tydperk van 12 maande..

14 **Diskwalifikasies vir lidmaatskap van die Raad**

- 14.1 'n Persoon mag nie aangestel word as 'n Raadslid nie indien daardie persoon –
- 14.1.1 'n ongerehabiliteerde insolvent is;
 - 14.1.2 deur 'n hof as geestelik siek verklaar is;

- 14.1.3 'n lid van die Parlement, 'n provinsiale wetgewer of 'n munisipale raad is;
- 14.1.4 skuldig bevind is aan 'n oortreding in die Republiek of elders en gevonnissen is tot tronkstraf sonder die keuse van 'n boete, of in die geval van bedrog of enige ander misdryf wat oneerlikheid insluit, tot 'n boete of tronkstraf of albei, behalwe as die oortreding voor 27 April 1994 begaan is en geassosieer word met 'n politieke doelwit;
- 14.1.5 te eniger tyd afgedank is of uit 'n posisie van trust verwyder is weens 'n verbreking van fidusionêre pligte; of
- 14.1.6 op 'n ander wyse gediskwalifiseer is ingevolge die Maatskappyyewet (Wet 61 van 1973).

15 **Pligte van lede van die Adviserende Raad**

'n Raadslid moet –

- 15.1 optree met getrouheid, eerlikheid en integriteit en in belang van MISA;
- 15.2 voldoen aan die gedragsreëls en onthullingsverpligtinge wat bedoel word in artikel 15;
- 15.3 nie op enige manier optree wat afwyk van die verantwoordelikhede van die Raad ingevolge van hierdie Wet nie; en
- 15.4 nie die posisie of voorregte, of vertroulike inligting wat as lid van die Raad bekom is, gebruik tot persoonlike voordeel of onbehoorlike begunstiging van 'n ander persoon nie.

16 **Gedragsreëls en onthulling van belange**

- 16.1 Die Minister moet gedragsreëls vir lede van die Raad goedkeur.
- 16.2 Lede van die Raad –
 - 16.2.1 moet 'n volledige onthulling aan die Raad doen van enige konflik of belang of enige potensiële konflik of belang;

- 16.2.2 mag nie stem, 'n vergadering bywoon of deelneem aan verrigtinge van die Raad rakende enige aangeleentheid wat voor die Raad dien ten opsigte waarvan hulle 'n konflik of potensiële konflik of belang het nie; en
- 16.2.3 moet voldoen aan enige besluit van die Raad aangaande hulle reg om deel te neem aan enige spesifieke werksaamhede van die Raad.
- 16.3 Vir die doeleindes van hierdie artikel het 'n lid 'n konflik of belang indien –
- 16.3.1 die lid of 'n familielid, vennoot of sakevennoot van die lid aansoek doen vir of 'n finansiële of ander belang het in 'n aangeleentheid wat by MISA betrokke is; of
- 16.3.2 die lid enige ander belang het wat die lid mag verhinder, of wat in redelikheid gesien kan word dat dit die lid mag verhinder, om sy of haar funksies op 'n billike, onbevooroordeelde en behoorlike wyse uit te voer.
- 16.4 Enige onthulling ingevolge van subartikel 15.2.1 en enige besluit van die Raad ingevolge van subartikel 15.2.3 moet aangeteken word in die notule van die Raad.

17 Vakature en die vulling van vakatures

- 17.1 'n Raadslid moet sy of haar pos ontruim indien sodanige lid –
- 17.1.1 skiftelik bedank en die bedanking aan die Minister geadresseer en afgelewer word;
- 17.1.2 ophou om te kwalifiseer vir die aanstelling op die Raad ingevolge artikel 13;
- 17.1.3 uit sy amp verwyder word deur die Minister-
- in openbare belang of vir 'n regverdige rede;
 - na konsultasie met die Raad; en
 - na 'n regverdige verhoor.
- 17.2 Enige vakature op die Raad wat voortspruit uit die dood van 'n lid of weens omstandighede waarna daar in subartikel 16.1 verwys word, moet binne drie maande nadat sodanige vakature ontstaan het, gevul word deur 'n geskikte persoon wat deur die Minister aangestel word ingevolge van artikel 11.4 vir die onverstreke gedeelte van daardie lid se dienstermyn.

18 Vergoeding van lede van die Raad en komitees

‘n Lid van die Raad of van enige komitee van die Raad wat nie voltyds in diens is van die Staat nie, mag sodanige vergoeding en toelaes uit die fondse van MISA betaal word soos wat bepaal word deur die Minister met die goedkeuring van die Minister van Finansies.

19 Raadsvergaderings

19.1 Die Raad moet ten minste vier gewone vergaderings elke jaar hou op plekke en tye wat deur die voorsitter van die Raad bepaal word.

19.2 Die voorsitter van die Raad –

19.2.1 mag spesiale vergaderings van die Raad belê; en

19.2.2 moet binne 14 dae na ontvangs van ‘n skriftelike versoek wat geteken is deur die meerderheid van die Raadslede om dit te doen ‘n spesiale vergadering belê.

19.3 Die versoek waarna in subartikel 18.2.2 verwys word, moet die rede vir die versoek duidelik uitspel en slegs daardie aangeleenthede mag by dié spesiale vergadering bespreek word.

19.4 Die Minister mag ‘n vergadering van die Raad versoek te eniger tyd wat die behoefte daaraan hom voordoën.

19.5 Indien die voorsitter en ondervoorsitter nie teenwoordig is nie, moet die lede ‘n ander lid aanwys om die vergadering te lei.

19.6 By enige vergadering vorm ‘n meerderheid van die Raad ‘n kworum.

19.7 ‘n Besluit van die meerderheid (hoeveel van die 10 lede vorm ‘n meerderheid ?) van die lede wat teenwoordig is by enige vergadering met ‘n kworum konstitueer ‘n besluit van die Raad en in die geval van ‘n gelykop getal stemme het die voorsitter ‘n bepalende stem bykomend tot ‘n gewone stem.

19.8 ‘n Besluit wat geneem is deur die meerderheid van lede wat teenwoordig is by ‘n vergadering met ‘n kworum, of ‘n daad wat ingevolge sodanige besluit uitgevoer is, is nie ongeldig nie bloot weens –

- 19.8.1 'n vakature op die Raad; of
- 19.8.2 die feit dat enige persoon wat nie gemagtig is om as lid van die Raad te sit nie deelgeneem het aan die vergadering ten tye van die besluitneming.
- 19.9 Notules van die werksaamhede van elke vergadering van die Raad moet –
- 19.9.1 aangeteken en gebêre word op 'n wyse sodat daar nie aan verander of gepeuter kan word nie; en
- 19.9.2 by die volgende vergadering van die Raad voorgelê word vir oorweging en indien dit aanvaar word deur die voorsitter onderteken word.
- 19.10 Die Raad mag –
- 19.10.1 lede toelaat om telefonies deel te neem aan 'n spesifieke vergadering of deur oudiovisuele tegnologie en enige lid wat op hierdie wyse deelneem, word geag as teenwoordig te wees by die vergadering; en
- 19.10.2 enige persoon nooi om 'n vergadering by te woon met die doel om die Raad te adviseer of in te lig aangaande enige aangeleentheid.
- 19.11 Die Raad mag deur 'n besluit reëls daarstel om sy werksaamhede verder te reguleer.

20 **Besluit van die Raad sonder 'n vergadering**

- 20.1 Die Raad mag 'n besluit aanvaar sonder om 'n vergadering te hou indien die meerderheid van die lede hulle steun vir die besluit aandui op 'n wyse wat deur die Raad bepaal is en in ooreenstemming is daarmee.
- 20.2 'n Besluit ingevolge van subartikel 19.1 –
- 20.2.1 het dieselfde status asof dit by 'n vergadering geneem is; en
- 20.2.2 moet geag word as aanvaar te wees op 'n dag wat bepaal is in ooreenstemming met die prosedure wat in subartikel 19.1 bedoel is.

21 Raadskomitees

- 21.1 Die Raad mag enige komitees aanstel om hom (die Raad) te help in die uitvoering van sy funksies en pligte en mag hulle samestelling, opdragte, prosedures en dienstermyn bepaal.
- 21.2 Die Raad mag enige behoorlik gekwalifiseerde persoon aanstel om op 'n komitee te dien, met inbegrip van 'n voltydse staatsamptenaar.
- 21.3 'n Komitee moet 'n lid van die Raad as voorsitter hê.
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