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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

NO. 832 **10 September 2021**

PUBLIC SERVICE ACT, 1994

(Promulgated under Proclamation No. 103 of 1994)

ADMINISTRATION AND OPERATIONS: MUNICIPAL INFRASTRUCTURE SUPPORT AGENT

I, Dr Nkosazana Dlamini Zuma, 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:

(a) amend Government Notice No. R 469 published in *Gazette* No. 36634 of 5 July 2013 on the Administration and Operations: Municipal Infrastructure Support Agent, as set out in the attached Schedule; and

(b) establish an Advisory Board for MISA.

NC Zuma

DR NKOSAZANA DLAMINI ZUMA, MP

MINISTER

DATE: 01.09.2021

MINISTER FOR COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

GENERAL EXPLANATORY NOTE:

[ ] Words that are between square brackets and in bold typeface, indicate deletions from the existing notice

_____ Words that are underlined with a solid line, indicate insertions in the existing notice

SCHEDULE

AMENDMENT OF SCHEDULE TO NOTICE NO. R. 469 OF 5 JULY 2013

Substitution of Part One of Schedule to Government Notice No. R. 469 of 5 July 2013

1. The following Part is hereby substituted for Part One of the Schedule to Government Notice No. R 469 published in *Gazette* No. 36634 of 5 July 2013:

"**PART ONE**

1. Definitions

In this Schedule, unless the context indicates otherwise—

"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;

"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;

"Department" means the department in the national sphere of government responsible for local government affairs;

"Director-General" means the Director-General of the department;

"District Development Model" means an integrated, district based approach to addressing service delivery challenges and localised procurement and job creation that promotes and supports local businesses and communities, with joint and collaborative planning at local, district and metropolitan level by all spheres of governance resulting into a single, strategically focused One Plan;

"government component" means a government component as defined in section I of the Public Service Act, 1994 (Proclamation 103 of 1994);

"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);

"Minister" means the member of Cabinet responsible for local government affairs;

"MISA" means the Municipal Infrastructure Support Agent;

"municipal infrastructure" means infrastructure necessary to enable a municipality to provide basic municipal services;

"municipality" means a municipality contemplated in section 155 of the Constitution;

"province" means a province contemplated in section 103 of the Constitution;

"PSA" means the Public Service Act, 1994 (Proclamation No. 103 of 1994);

"spatial planning" means spatial planning as defined in the national spatial development framework; and

"spatial transformation" means spatial transformation as defined in the national spatial development framework.".

AMENDMENT OF SECTION 12 OF SCHEDULE TO GOVERNMENT NOTICE NO. R. 469 OF 5 JULY 2013

2. Section 12 of the Schedule to Government Notice No. R 469 published in Gazette No. 36634 of 5 July 2013 is hereby amended—

(a) by the substitution for subsection 12.2 of the following subsection:

"12.2 In the event that the 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 strategies and programmes of the MISA, including the implementation of the District Development Model, spatial planning and spatial transformation;

12.2.4 strategy, governance and performance of MISA and related functions; and

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

(b) by the substitution for subsection 12.4 of the following subsection:

"12.4 The Board—

12.4.1 must consist of—

(a) at least 10 and not more than 15 members appointed by the Minister, subject to subsections 12.4.3 and 12.8.1 and section 18; and

(b) the Head: MISA in an *ex officio* capacity;

12.4.2 may consist of certain members contemplated in subsection 12.4.1 drawn from the public sector, including—

(a) the Departments of Cooperative Governance, National Treasury and Public Service and Administration; and

(b) representative bodies for local government and institutions of traditional leadership; and

12.4.3 members must collectively have knowledge, experience and expertise relating to the functions of MISA, including in the fields of arts, culture and heritage, development economics, finance and investment, human settlement, land and agriculture, ocean economy, public administration, public infrastructure, regional development and planning infrastructure procurement, trade and investment, transport, waste management and environment, and water and sanitation.".

DEPARTEMENT VAN SAMEWERKENDE REGERING EN TRADISIONELE SAKE

NO. 832 **10 September 2021**

STAATSDIENSWET, 1994

(Uitgevaardig kragtens Proklamasie No. 103 van 1994)

ADMINISTRASIE EN BEDRYF: MUNISIPALE INFRASTRUKTUUR-ONDERSTEUNINGSAGENT

Ek, Dr Nkosazana Dlamini Zuma, Minister van Samewerkende Regering en Tradisionele Sake, handelende ingevolge artikel 7A(4) van die Staatsdienswet, 1994 (Proklamasie No. 103 van 1994), gelees met Proklamasie No. R. 29 van 11 Mei 2012 uitgevaardig deur die President van die Republiek van Suid Afrika, ingevolge waarvan die Munisipale Insfrastruktuurondersteuningsagent ("MISA") as 'n staatskomponent gestig is:

(a) wysig hierby Goewermentskennisgewing No. R. 469 in *Staatskoerant* No. 36634 van 5 Julie 2013 gepubliseer, oor die Administrasie en Bedryf: Munisipale Infrastruktuurondersteuningsagent, luidens die aangehegde Bylae; en

(b) stig hierby 'n Adviesraad vir MISA.

NC Zuma

DR NKOSAZANA DLAMINI ZUMA, MP

MINISTER

DATE: 01. 09. 2021.

MINISTER VIR SAMEWERKENDE REGERING EN TRADISIONELE SAKE

ALGEMENE VERDUIDELIKENDE NOTA:

[ ] Woorde wat tussen vierkantige hake en in vetdruk is, dui op weglatings uit die bestaande kennisgewing

_____ Woorde met 'n volstreep daaronder, dui op invoegings in die bestaande kennisgewing

BYLAE

WYSIGING VAN BYLAE TOT KENNISGEWING NO. R. 469 VAN 5 JULIE 2013

Vervanging van Deel Een van die Bylae tot Govermentskennisgewing No. R. 469 van 5 Julie 2013

1. Deel Een van die Bylae tot Goewermentskennisgewing No. R. 469 in *Staatskoerant* No. 36634 van 5 Julie 2013, gepubliseer, word hierby deur die volgende Deel vervang:

"**DEEL EEN**

1. Woordomskrywing

In hierdie Bylae, tensy dit uit die samehang anders blyk, beteken—

"Adviesraad" 'n raad wat vir MISA ingestel kan word deur die uitvoerende owerheid ooreenkomstig artikel 7A(4) van die Staatsdienswet, 1994 (Proklamasie 103 van 1994);

"Departement" die departement in die nasionale regeringsfeer vir plaaslike regeringsake;

"Direkteur-generaal" die Direkteur-generaal van die departement;

"Distrikontwikkelingsmodel" 'n geïntegreerde, distriksgebaseerde benadering tot die hantering van dienslewering suitdagings en gelokaliseerde verkrygings en werkskepping wat plaaslike besighede en gemeenskappe bevorder en ondersteun, met gesamentlike en samewerkende beplanning op plaaslike, distriks- en metropolitaanse vlak deur alle regeringsfere wat uitloop in 'n enkele, strategies gefokusde Een Plan;

"Hoof van MISA" iemand wat formeel as die rekenpligtige beampte vir MISA aangestel is en wie se pligte en werksaamhede ingevolge artikel 7A(2) van die Staatsdienswet, 1994 (Proklamasie 103 van 1994), omskryf is;

"kapasiteitsbou- en ondersteuningsinisiatiewe" inisiatiewe om die kapasiteit van munisipaliteite om hulle eie sake te bestuur, hulle bevoegdhede uit te voer en hulle werksaamhede te verrig wat nodig is vir die ontwikkeling, onderhoud en bedryf van munisipale infrastruktuur, te ondersteun en te versterk;

"Minister" die Kabinetslid verantwoordelik vir aangeleenthede van plaaslike regering;

"MISA" die Munisipale Infrastruktuurondersteuningsagent;

"munisipale infrastruktuur" die infrastruktuur nodig om 'n munisipaliteit in staat te stel om basiese munisipale dienste te verskaf;

"munisipaliteit" 'n munisipaliteit in artikel 155 van die Grondwet beoog;

"provinsie" 'n provinsie in artikel 103 van die Grondwet beoog;

"regeringskomponent" 'n regeringskomponent soos omskryf in artikel 1 van die Staatsdienswet, 1994 (Proklamasie 103 van 1994);

"ruimtelike beplanning" beteken ruimtelike beplanning soos omksryf in die nasionale ruimtelike beplanningsraamwerk;

"ruimtelike transformasie" ruimtelike transformasie soos omksryf in die nasionale raamwerk vir ruimtelike beplanning;

"Staatsdienswet" die Staatsdienswet, 1994 (Proklamasie No. 103 van 1994).".

WYSIGING VAN ARTIKEL 12 VAN BYLAE TOT GOEWERMENTSKENNISGEWING NO. R. 469 VAN 5 JULIE 2013

2. Artikel 12 van die Bylae tot Goewermentskennisgewing No. R 469 in *Staatskoerant* No. 36634 van 5 Julie 2013, gepubliseer, word hierby gewysig—

(a) deur subartikel 12.2 deur die volgende subartikel te vervang:

"12.2 Indien die Adviesraad aangestel word, sal van die Raad vereis word om die Minister en die hoof van MISA te adviseer oor aangeleenthede wat verband hou met:

12.2.1 maatreëls om die kapasiteit van munisipaliteite om hulle eie sake te bestuur, hulle eie bevoegdhede uit te oefen en hulle werksaamhede nodig vir die ontwikkeling, onderhoud en bedryf van munisipale infrastruktuur, te verbeter en te versterk;

12.2.2 strategiese ondersteuning en leierskap oor tegniese aangeleenthede en verkryging van inisiatiewe vir munisipale kapasiteitsbou en ondersteuning;

12.2.3 strategieë en programme van MISA, met inbegrip van die instelling van die Distriksontwikkelingsmodel, ruimtelike beplanning en ruimtelike transformasie;

12.2.4 strategie, beheer en prestasie van MISA en verwante werksaamhede; en

12.2.4 enige ander aangeleentheid wat die Minister, van tyd tot tyd, skriftelik kan bepaal."; en

(b) deur subartikel 12.4 deur die volgende subartikel te vervang:

"12.4 Die Raad—

12.4.1 moet bestaan uit—

(a) ten minste 10 en nie meer nie as 15 lede deur die Minister aangestel, behoudens subartikels 12.4.3 en 12.8.1 en artikel 18; en

(b) die Hoof: MISA in 'n *ex officio*-hoedanigheid;

12.4.2 kan bestaan uit sekere lede beoog in subartikel 12.4.1 wat uit die openbare sektor kom, met inbegrip van—

(a) die Departement van Samewerkende Regering, Nasionale Tesourie en Staatsdiens en Administrasie; en

(b) verteenwoordigende liggame vir plaaslike regering in instellings van tradisionele leierskap; en

12.4.3 lede moet gesamentlik kennis, ervaring en kundigheid hê wat met die werksaamhede van MISA verband hou, met inbegrip van in die velde van die kunste, kultuur en erfenis, ontwikkelingsekonomie, finansies en belegging, menslike nedersetting, grond en landbou, oseaanekonomie, staatsadministrasie, staatsinfrastruktuur, streeksontwikkeling en -beplanning, infrastruktuurverkryging, handel en belegging, afvalbestuur en omgewing, en water en sanitasie.".