corruption
watch

CORRUPTION WATCH'S
POCKET GUIDE
TO UNDERSTANDING
LOCAL GOVERNMENT

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STRUCTURE OF LOCAL GOVERNMENT

Local government is the sphere of government that governs **municipalities.** Each municipality is run by a **council** of elected politicians, led by a mayor. This council makes decisions for the municipality by determining budgets, making by-laws, and creating plans for service delivery and development.

There are three types of municipalities: **metropolitan, district and local.** Metropolitan municipalities exist in the big cities and are broken down into **wards.** Local municipalities exist outside the big cities and are also broken down into wards. A district municipality is a group of four to six municipalities, in areas with small populations.

Different local governments work together through a platform called the South African Local Government Association, which falls under the Department of Co-operative Governance and Traditional Affairs.

LOCAL GOVERNMENT ELECTIONS

Local government elections take place every five years, for constituents to elect a municipal council. Elections are overseen by the **Independent Electoral Commission** (IEC) to ensure a free and fair election process. The IEC manages voter registration, counting of votes and the declaration of election results. Municipal by-elections may also take place within 90 days of a seat on the council becoming vacant due, for example, to a member passing away.

All South African citizens aged 18 and over have the **right to vote.** You must register to vote in the ward or local municipality in which you live. According to Section 158 of the **Local Government: Municipal Structures Act,** any citizen who is qualified to vote may stand for election in local government, unless they are employed by the municipality or the state, or if they are a member of the National Assembly, or if they are a member of another municipal council.

In South Africa, a blend of two systems of representation is used: **proportional representation** and **direct representation.** In metropolitan municipalities, constituents vote for a councillor to represent their ward (direct), and for a political party to represent their municipality (proportional). In local and district municipalities, constituents follow the same process, and also vote for a political party to govern their district council (proportional).

RESOURCES

You can check your registration status by SMS-ing your ID number to 32810 (R1 per SMS) or by following this link and entering your ID number: https://www.elections.org.za/pw/Voter/Voter-Information
Find out more about the Independent Electoral Commission or your local IEC office at https://www.elections.org.za/pw/
Find out more about special votes at https://www.elections.org.za/pw/SpecialVotes/About-Special-Vote
Should you need assistance with understanding the voting process, find out more on the IEC website. Should you be unable to reach your voting station on election day owing to illness or some other cause, you may register for a **special vote** via an online application.

LOCAL GOVERNMENT LEGISLATION

Chapter 7 of the **Constitution of the Republic of South Africa (1996)** is the highest law governing local government. Section 151 states that municipalities must be established throughout the country, with the right to govern the affairs of the community. Municipalities function independently from provincial and national government, but with respect to provincial and national laws.

Local government must function democratically and with accountability to local communities. Municipalities have a duty to ensure sustainable provision of services to local communities, promote social and economic development, and provide a safe and healthy environment. In addition, they must encourage communities to get involved in matters of local government. These duties are governed by chapter 8 of the **Local Government Municipal Systems Act.**

The Act establishes municipal councils and sets out their duties. Municipal councils must review the needs of the community and prioritise ways to meet those needs, with the involvement of the community. It is essential that in exercising their powers and delivering their functions, councils involve their communities.

As noted in section 2, municipal or state employees, people who are members of the National Assembly, and people who are members of other municipal councils are ineligible to stand for election to local government.

A **municipal by-law** is a law established by a municipality, that will apply to that municipality. It may only be enforced after it has been published in the official gazette of the relevant province. Municipal by-laws must be accessible to the public.

RESOURCES

Read Chapter 7 of the Constitution of the Republic of South Africa, 1996 at https://www.justice.gov.za/legislation/constitution/SAConstitution-web-eng-07.pdf or peruse other chapters at
https://www.justice.gov.za/legislation/constitution/pdf.html
Find the Local Government Municipal System Act 32 of 2000 at
https://www.gov.za/documents/local-government-municipal-systems-act
Find the Local Government: Municipal Structures Act 117 of 1998 at
https://www.gov.za/documents/local-government-municipal-structures-act
Municipal by-laws can be difficult to access but Open By-laws South Africa keeps a record at
https://openbylaws.org.za/

As a government institution, a municipality is obligated to give effect to the democratic values of the Constitution, by providing basic services that are accessible to everyone. This includes **water supply, management of sewage, refuse removal, gas and electricity supply, health services, road management, storm water drainage, street lighting, and parks and recreation.**

Only indigent households qualify for free services provided by the municipality. These services include a minimum amount of electricity, water and sanitation that can cater for a household's basic needs.
Municipalities test all applications for free basic services against pre-determined criteria.

Municipalities subsidise sewerage, sanitation, and solid waste management at up to R50 per month or may provide a 100% subsidy to indigent households. Each household in a municipality receives at least 6kl (6 000 litres) of free essential water per month. This sum may differ between municipalities. Free electricity of 50kWh per household is provided by the municipality.

The **Batho Pele** campaign is a government initiative aimed at improving service delivery to the public. It follows eight key principles:

- regular consultation with customers,
- set service standards,
- increased access to services,
- higher levels of courtesy,
- more and better information about services,
- increased openness and transparency about services,
- remedying failures and mistakes, and
- giving the best possible value for money.

Municipal services are funded by government grants. The **equitable share grant** provides basic services for individuals with incomes below a certain threshold. The **municipal infrastructure grant** helps pay construction costs for infrastructure services. It is aimed at providing disadvantaged communities with basic services, overseen by the Department of Co-operative Governance and Traditional Affairs.

HOW CAN CORRUPTION MANIFEST

IN YOUR LOCAL MUNICIPALITY?

Based on reports received by Corruption Watch, it may look like:

PROCUREMENT IRREGULARITIES

- Company ABC was awarded a tender to improve water pipes in Khumalo Street, without proper processes being followed. The owner of Company ABC paid the municipal manager a kickback of R100 000 to get the tender. The project was never completed and there are still leaks all over Khumalo Street.

- Company XYZ put in a bid for an infrastructure tender in Bela-Bela Municipality. The bid was higher than others, but company XYZ still got the tender. It was revealed that Company XYZ is owned by a family member of a senior manager in the municipality.
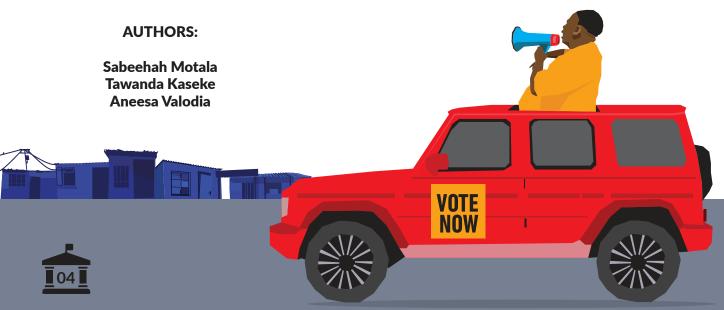
MISAPPROPRIATION OF RESOURCES

- A municipal manager was given a public vehicle to use for a site visit to a local park in Emalahleni municipality. Instead, he used it to pick up his kids from their friend's house, when he was supposed to use it for work.

- There was R100 000 allocated to upgrade a school in the Mangaung Municipality. Instead, it was used to upgrade the house of the local councillor.

EMPLOYMENT IRREGULARITIES

- Lebo applied for a job as a data capturer in the Sarah Baartman municipality. When submitting his application, the human resources officer told him that he can make sure he gets the job, if he pays R500.

- Mary wanted to work as an administrator for the eThekwini Municipality. A senior manager said he would give her the job, but only if she slept with him.

If you experience corruption in your local municipality, you can blow the whistle by visiting www.corruptionwatch.org.za / WhatsApp: 082 579 5220

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The communication is secured and your information will be treated with utmost care and security.

www.corruptionwatch.org.za

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011 242 3900

REPORT VIA WHATSAPP

082 579 5220

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