

MPUMALANGA PROVINCIAL GOVERNMENT
DEPARTMENT OF CO-OPERATIVE GOVERNANCE
AND TRADITIONAL AFFAIRS



**PROVINCIAL GUIDELINES ON THE ELECTION OF WARD COMMITTEE MEMBERS AND
ESTABLISHMENT OF WARD COMMITTEES**

TABLE OF CONTENTS

HEADER	PAGES
Cover Page	1
Table of Content	2
Purpose of the Guidelines	3
Problem Statement	3-4
Legislative Mandate	4-6
Term of Office for Ward Committee members	6-7
Composition of Ward Committees	7-8
Election Criteria	8-9
Screening Criteria	9-10
Role of Municipalities	10
Role of District Municipalities	10
Role of Provincial Government	11
Conclusion	11

1. PURPOSE OF THE GUIDELINES

1.1 The establishment of Ward Committees is a legislative mandate and the responsibility of Local Municipalities. This is a process that requires Municipalities to work within the relevant legislation to enhance democracy and matters of public participation. The Provincial Government is tasked with the responsibility of ensuring that Municipalities are given all the necessary support and to ensure that they operate in a manner that upholds and promotes participatory governance. The purpose of this document is to provide uniform and simplified guidelines to municipalities and communities on the election of Ward Committee Members and establishment of Ward Committee structures.

1.2 The proper implementation of the guidelines will alleviate a number of challenges experienced in the past. Therefore, through the correct implementation of the guidelines, communities will have an opportunity to elect genuine and legitimate Ward Committee structures that focus on developing communities and ensure that service delivery is realized. The guidelines also seek to ensure that the people elected in these structures are responsible citizens and that they represent particular communities or interest groups rather than individual or personal interests. Subsequently, Ward Committees are established to serve as a cord which articulates the system of Government to the communities and to ensure that it achieves its purpose as required by the Constitution of the Republic of South Africa, 1995.

2. PROBLEM STATEMENT

2.1 Our current challenges point at the previous establishment of Ward Committees and therefore provide crucial lessons for us to consider as we approach the 2021 / 2022 Ward Committee elections. At the heart of our ward participatory system there should be an element of responsibility on the part of the community. Our communities are organized and that should be recognized and promoted. This is a culture that promotes unity and collectiveness. Therefore, interests and sector groups, Non-Governmental Organizations, Community Based Organizations and Faith-based Organizations must be fully recognized, as they represent the communities.

2.2 Ward Committee Members elected into the structure through the sectoral electoral model are not reporting back the structures where they are accountable to, hence they have been perceived to be using this model to ascend the ward committee member status for their individual interests rather than that of communities. The failure of the community to report service delivery issues to the Ward Committee Members is also linked to the negligence by the Ward Committee Members of their responsibilities.

2.3 Amongst the challenges Municipalities face with respect to the establishment process of Ward Committees are the following:

- Lack of adequate commitment and capacity
- Slow pace in the adoption of establishment processes to be adopted by Council
- Ward Voters Roll not used for the election of Ward Committees.
- Lack of screening of candidates for Ward Committees
- Politicization of structures
- Geographic vastness – ward boundaries Election of ward committees must be held same day for all ward in the Municipality and must be done through ballot.

3. LEGISLATIVE MANDATE

3.1 Background

Mpumalanga Province has a critical role to uphold and promote a governance system that ensures that communities have a say in the affairs of their Municipalities. Therefore, the Province has a critical role to ensure that legislation is implemented by all Municipalities in the Province. The guidelines are in line with key legislation that guides Government and all role-players or stakeholders on the issues of public participation. These include the following:

- Constitution of the Republic of South Africa, 1996
- Municipal Structures Act, 1998 (Act No. 117 of 1998)
- Municipal Systems Act, 2000 (Act No. 32 of 2000)
- Local Government: Municipal Regulations for the Term Office of Ward Committee Members, 2009

- National Framework: Criteria for determining “Out-of-Pocket” expenses for Ward Committee Members, 2009
- Guidelines for the Establishment and Operation of Municipal Ward Committees, 2005
- Ward Committees Resource Book, 2005.
- Code of conduct for Ward Committee Members: SALGA

3.2 Constitution of the Republic of South Africa, 1996

Section 152, Chapter 7 of the Constitution places an obligation on local government to encourage the involvement of communities and community organizations in the matters of local government.

Section 155(6)(a) and (b), Chapter 7 of the Constitution provides that each provincial government by legislative and other measures must:

- Provide for monitoring and support of local government.
- Provide the development of local government capacity to enable municipalities to perform their functions and manage their own affairs.

3.3 Municipal Structures Act, 1998

The legislative provisions for the establishment, operations and de-establishment of Ward Committees are contained in **sections 72 to 78**.

3.4 Municipal Systems Act, 2000

Chapter 4 provides that municipalities must develop a culture of municipal governance, including community participation by encouraging and create conditions for the community to participate in the affairs of the municipality as well as capacity building of the local community.

3.5 Local Government: Municipal Regulations for the Term Office of Ward Committee Members, 2009

The Regulations seek to, in the interim, align all the terms of ward committees to the term of Municipal Councils with effect from the local government election in 2011.

3.6 National Framework: Criteria for determining “Out-of-Pocket” expenses for Ward Committee Members, 2009

This Framework requires that all Municipalities with established Ward Committees, must budget for all the “Out-of-Pocket” expenses incurred by Ward Committee Members while performing their Council duties. Municipalities must also develop their own policies, guided by the National and Provincial Frameworks and determine the criteria for the calculation of these “Out-of-Pocket” expenses. The Regulations determine the criteria for “Out-of-Pocket” expenses for Ward Committee Members.

3.7 Guidelines for the Establishment and Operation of Municipal Ward Committees, 2005

The Guidelines provide uniform and simplified Guidelines to Ward Committee Members, Ward Councilors and Municipalities on the establishment and operation of Ward Committees. **Clause 8** provides that a Municipal Council is required to make rules regulating the criteria and procedure to elect Ward Committee Members. **Clause 9** states that a Municipality must make rules regulating the procedure to elect Ward Committee Members.

3.8 Ward Committees Resource Book, 2005

The Book provides practical guidance on the election and establishment of Ward Committees, including best practice and lessons learned from past experiences.

3.9 Code of conduct for Ward Committee Members: SALGA

List the responsibilities of Ward Committees Members and recommend standards of ethical conduct with which each member of a Ward Committee must comply.

4. TERM OF OFFICE FOR WARD COMMITTEES

4.1 Section 75(1) of the Structures Act provides that Ward Committee Members are elected for a term that corresponds with the term of the Municipal Council. The Local Government: Municipal Regulations for the Term Office of Ward Committee Members, 2009, provides to align all the terms of Ward Committees with the term of Municipal Councils with effect from the local government election in 2011. Therefore, these Regulations aligns the term of the

Municipal Council, as provided for in section 24 of the Structures Act, with the term of Ward Committees, which commences on the day following the date set by the Minister through a Notice in the *Government Gazette*.

4.2 The election of the Ward Committee must be done within 3 (three) months after the inauguration of the new Council.

4.3 Vacancies

- Accordance with a procedure determined by the local council if a vacancy occurs among members of a ward committee, it must be filled in the following procedure:
 - The ward councillor must fill a vacancy by declaring as elected the person who received the second highest number of votes in terms of the previous election; and
 - If nobody can be declared elected in the above manner, the election process must be repeated.

4.4 Termination of membership

- The following may serve as sufficient motivation to terminate the membership of a ward committee member:
 - Death;
 - Resignation
 - Relocation from ward Voting District
 - Election to position of councillor
 - Failure to attend three consecutive meetings of the ward committee without apology
 - Proven involvement in corruption
 - Failure to adhere to meeting procedures or misconduct during ward committee meetings
 - Not submitting priorities with the mandate of the community
 - Being involved in proven activities that undermine the council or ward councillor's authority
 - Dismissed in accordance with a resolution of the ward committee
 - Ceases to be a member of the organisation he/she represents
 - Is insolvent or declared mentally incompetent by a competent court.

5. Composition of Ward Committees

- A ward committee consists of the councillor representing that ward in the council who must also be the chairperson of the committee, and not more than ten other persons.
- Unless a ward councillor, or municipality, wishes to appoint a secretary, the ward committee may appoint a secretary and assistant secretary from its membership to fulfil relevant duties of the ward committee.
- A ward committee may establish one or more sub-committees necessary for the performance of its functions and involve organisations more broadly.
- The ward committee and sub-committees may meet together as a ward forum for

major discussions.

- The procedure for electing members must take into account the need for women to be equitably presented in a ward committee and for a diversity of interests in the ward to be represented.
- Gender equity may be pursued by ensuring that there is an even spread of men and women on a ward committee.
- A diversity of interests may be pursued by ensuring the inclusion of as many as possible of the following interest groups on a ward committee:
 - ❖ Youth;
 - ❖ Women;
 - ❖ Religious groupings;
 - ❖ Sports and culture;
 - ❖ Health and welfare;
 - ❖ Business;
 - ❖ Environment;
 - ❖ Education;
 - ❖ Senior citizens;
 - ❖ Community safety forums;
 - ❖ Community based organisations;
 - ❖ Ratepayers' associations;
 - ❖ Traditional leaders' and Traditional groupings
 - ❖ Agricultural associations;
 - ❖ Informal traders' associations;
 - ❖ People living with disabilities;
 - ❖ Farmworkers;
 - ❖ Employment;
 - ❖ Tourism; and

6. ELECTION CRITERIA

- A council is required to make rules regulating the procedure and criteria to elect members of ward committees.
- The following election criteria may be applied for electing ward committee members:
 - To be elected as a member of a ward committee, a person must be a registered voter in the ward / voting district
 - A person is not eligible for election if he or she works for the metro, local municipality or the district municipality within which the local municipality is demarcated;
 - A person should not be in arrears to the municipality for rates and service charges for a period longer than three months
 - A person who has been placed under curatorship should not be elected

- A Municipal Voters Roll must be used to verify the legibility of participants.
- A Council must resolve on the best model before the election of Ward Committees
 - Sectoral Election Model as per clause 9(3) of the Guidelines for the Establishment and Operation of Municipal Ward Committees, 2005
 - Geographical Election Model as per clause 9(4) of the Guidelines for the Establishment and Operation of Municipal Ward Committees, 2005
- Municipalities may choose from the two models based on their proximity of the area and population diversity without compromising point 5.
- A database of Ward stakeholders and interest groups must be used for confirmation where the council has adopted the sectoral model.
- The Election Procedure must be:
 - Majority show of hands
 - Formal Ballot box
- Election Process to be coordinated by the Office of the Speaker in consultation with the relevant District Municipality and the Department of Co-operative Governance.
- Municipalities must ensure that there is equitable representative of women in all structures of Ward Committees.
- Ward Committees are not political structures, hence, political formations cannot be represented in a Ward Committee.

7. SCREENING CRITERIA

- Ward Committee Members are community leaders, and community leaders must lead by example. A proper criterion as stated below attempts to ensure that responsible citizens are elected to these positions of responsibility. The following criteria are applicable to a person to be elected as a Ward Committee Member:
- A Registered Voter residing in the Ward
- Be an active member of a sector represented (if the Council will adopt a Sectoral Model)
- Not be an employee of a Local or District Municipality within which the Local Municipality is demarcated

- Not be in arrears to the Municipality for rates and service charges for a period longer than 3 (three) months, unless such an individual is registered as an indigent and is covered by the Indigent Policy or has made payment arrangements with the Municipality
- Not be placed under curatorship
- Not be an rehabilitated insolvent
- Not be declared as of unsound mind
- Not have a criminal record

8. ROLE OF LOCAL MUNICIPALITIES

- The Local municipalities must provide a report of screening criteria process to the Department of Co-operative Governance and Traditional Affairs, of each member per ward.
- Work very close with the IEC in order to be provided by the election process or if possible a one-day workshop.
- Municipalities may work with the South African Police Services where possible
- Customize the Provincial Guidelines on Ward Committee establishments and adopt accordingly
- Compile stakeholder register / interest groups / sectors
- Prepare an election schedule and communicate it to the relevant District Municipality and the Department of Co-operative Governance and Traditional Affairs and communities
- Sensitize the community on the screening criteria by using available communication mechanisms within that community
- Facilitate and conduct elections
- Submit annually a new Ward Committee Database to the relevant District Municipality and the Department of Co-operative Governance and Traditional Affairs
- Induct and provide capacity building for Ward Committees
- Provide administrative support to Ward Committees as outlined in the National Framework: Criteria for determining "Out-of-Pocket" expenses for Ward Committee Members, 2009
- The names of elected Ward Committee Members must be published

- Signing the Code of Conduct pertaining to Ward Committee Members
- Delegate duties and powers to Ward Committees as stated in section 74(b) of the Structures Act and in line with section 59 of the Systems Act.

9. ROLE OF DISTRICT MUNICIPALITIES

- Coordination of new Councilors / Speakers for the workshop on the Ward Committee Establishment Process
- Provide on- going support to Ward Committees
- Support in the roll-out of the “Know-Your-Ward Committee Campaign”
- Support in the roll-out of Ward Committee Skills Development Programme to newly elected Ward Committees
- Monitor the submission of Ward Committee Database to the Department of Co-Operative Governance and Traditional Affairs Provincial Department
- Provide support on the capacity building programmes for Ward Committees

10. ROLE OF THE PROVINCIAL DEPARTMENT

The Department of Co-operative Governance and Traditional Affairs provide support and monitors Municipalities during the elections of Ward Committees.

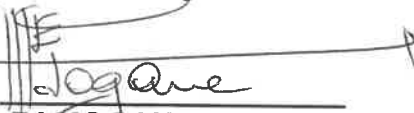
- Develop guidelines on the establishment of Ward Committees and elections
- Monitor coordination of Capacity Building Programme for ward committees by municipalities
- Ensure dedicated support personnel per district
- Conduct workshop on Ward Committee Establishment Process to new Councilors / Speakers
- Monitor the roll-out of the “Know Your Ward Committee Campaign”
- Monitor the roll-out Ward Committee Skills Programme to newly elected Ward Committees


11. CONCLUSION

A Council resolution must be taken by a Municipality on these Guidelines before elections of Ward Committee Members can be undertaken. The Speaker must play a leading role in the implementation of the Guidelines, as the custodian of Public Participation and is responsible for Ward Committees. These Guidelines must be implemented in accordance with the National Guidelines for the Establishment and Operation of Municipal Ward Committees, 2005.

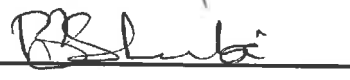
These guidelines will cease to exist after the announcement of the 2025 Local Government Elections.

Departmental Signatories:

1. 
 MR FJ MOGANE
 (A) DIRECTOR: PUBLIC PARTICIPATION
 DATE 01/03/2021

2. 
 MR S KUNENE
 CHIEF DIRECTOR: LOCAL GOVERNANCE
 DATE 01/03/2021

3. 
 MR S NGUBANE
 ACTING HEAD: CO-OPERATIVE GOVERNANCE AND
 TRADITIONAL AFFAIRS
 DATE 05/03/2021

4. 
 MS BP SHIBA (MPL)
 MEC: CO-OPERATIVE GOVERNANCE AND
 TRADITIONAL AFFAIRS
 DATE 05.03.2021