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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA**NOTICE 1750 OF 2023****MS SIVIWE GWARUBE, MP****NOTICE OF INTENTION TO INTRODUCE A PRIVATE MEMBER'S BILL AND INVITATION FOR COMMENT ON THE DRAFT LOCAL GOVERNMENT: MUNICIPAL STRUCTURES AMENDMENT BILL, 2023, WHICH AIMS TO, *INTER ALIA*, INSERT AN ELECTORAL THRESHOLD**

Ms Siviwe Gwarube, MP, acting in accordance with section 73(2) of the Constitution of the Republic of South Africa, 1996, intends to introduce the Local Government: Municipal Structures Amendment Bill, 2023, ("the draft Bill") in Parliament. An explanatory summary of the draft Bill is hereby published in accordance with Rule 276(1)(c) of the Rules of the National Assembly (9th Edition).

South Africa is currently in a transitional phase where the ruling party no longer holds majorities in a number of metropolitan, district or local councils across South Africa. This has resulted in many coalition governments being formed at local government level. With the 2024 National elections around the corner, these elections are poised to be the first instance where the ruling party will slip below 50% of the votes. What this means for South Africa is that coalition governments will now be the "new norm", at a national, provincial and local government level. Parties and Independent Candidates will have to come together and form workable coalitions for the good of the Republic of South Africa.

However, the current issue with coalition governments at local government level is that a high number of political parties are needed to join together in order to gain a majority in the council. What this means is that coalition governments are sometimes made up of up to 10 or more political parties, the majority of these parties having obtained only one seat each in the council. Often, in practice, some of these parties gain a seat without even first obtaining the requisite votes needed for such seat (namely, the seat quota). Instead, such seat is obtained through the next highest remainder calculations. The effect of this is that opposition parties continuously lobby these smaller parties to retract from coalitions in exchange for positions or favour. These "one person" parties who obtain a fraction of the votes of a municipality, now become "king makers", which can destabilise entire governments which in turn affects service delivery to the very people who voted these parties in.

The draft Bill thus aims to prevent these circumstances from occurring by seeking to amend the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) ("the Act"), so as to insert an electoral threshold into the calculation and allocation of seats in councils so that parties must first obtain the number of the votes equal to the seat quota +1 before they are even entitled to be considered for seat calculations and allocations. This will ensure that smaller parties, who do not enjoy the confidence of the voters, are not let into council through "the

back door” by way of the second round highest remainder calculations. The practice of electoral thresholds is not a new concept and does not infringe upon the principle of general proportionality. Electoral thresholds are used in a number of countries such as Germany, Denmark, New Zealand, Turkey, Netherlands, Belgium, Greece, Romania, Ukraine and more.

In addition, the draft Bill also seeks to amend the Act by extending the period within which an executive mayor, speaker and whip should be elected in council. In this regard, the draft Bill will provide that such election must take place within 30 days after the council’s election. The purpose of the extended period is to provide more time for parties to engage with each other to form stable coalitions. It will also allow for parties to enter into the coalition with terms already agreed upon, so that the elections of persons to these positions is not done in a haphazard manner without the full agreement of every coalition partner involved. This will also permit all voices to be heard timeously and enable all partners to make an informed and timeous decision before the council sits.

Interested parties and institutions are invited to submit written representations on the proposed content of the draft Bill to the Speaker of the National Assembly within 30 days of the publication of this notice. Representations can be delivered to the Speaker, New Assembly Building, Parliament Street, Cape Town; mailed to the Speaker, PO Box 15, Cape Town, 8000; or emailed to speaker@parliament.gov.za and copied to legislation@da.org.za.

Copies of the draft Local Government: Municipal Structures Amendment Bill, 2023, may, after introduction, be obtained from:

Democratic Alliance
PO Box 15, Cape Town, 8000
Attention: Ms Siviwe Gwarube
Email: legislation@da.org.za

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