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We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 4

STEVE TSHWETE LOCAL MUNICIPALITY

AMENDMENTS TO SECTION 13 AND 14 OF THE BY-LAW RELATING TO THE RULES OF ORDER FOR COUNCIL

The Steve Tshwete Local Municipality hereby publishes in terms of Section 13 of the Local Government Municipal Systems Act, 2000 amendments to Sections 13 and 14 of the Rules of Order.

Amended Section 13 and 14 of Rules of Order

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments
 _____ Words underlined with a solid line indicate insertions in existing enactments

13. Absence from meetings

- (1) A councillor or traditional leader must, at least six hours before the meeting, lodge with the speaker or [the executive mayor **as**] in the case [may be] of the speaker with the executive mayor a written application for leave of absence from the whole or any part of the meeting or hearing concerned and, at the same time, furnish reasons for his or her application for leave of absence, if he or she –
 - (a) is unable to attend a meeting or hearing of which notice had been given;
 - (b) is unable to remain in attendance at a meeting or hearing; or
 - (c) will arrive after the stipulated time for a meeting or hearing.
- (2) A councillor or traditional leader who did not apply for leave of absence in terms of rule 13(1) and who was absent from a meeting or hearing or a part thereof must, after that meeting or hearing and within 14 working days, lodge with the [municipal manager] speaker or the executive mayor in the case of the speaker a written application for leave of absence from that meeting or hearing and such an application for leave of absence must state the reasons for the late submission of the application and the reasons for his or her absence from the meeting or hearing.
- (3) The speaker or executive mayor as the case may be must inform the chairperson of the meeting or hearing concerned of any application for leave of absence and submit a copy of the written application to the municipal manager for record purposes.
- (4) An application in terms of rules 13(1) or 13(2) is considered and granted or refused by –
 - (a) the speaker in the case of a council or council committee meeting [or] as well as a public hearing;
 - (b) the [relevant chairperson] executive mayor in the case of the speaker [any other committee meeting].

- (5) Whenever an application for leave of absence in terms of rules 13(1) or 13(2) was refused –
- (a) the relevant functionary must supply the reasons for the refusal; and
 - (b) the municipal manager must [immediately] within seven (7) days after the meeting or hearing in writing inform the councillor or traditional leader concerned accordingly and supply the reasons for the refusal.
- (6) A councillor or traditional leader is deemed absent without leave from the meeting concerned if –
- (a) he or she fails to apply in terms of rule 13(1) or 13(2) and he or she is absent from a meeting or hearing he or she is required to attend;
 - (b) his or her application for leave of absence has been refused and he or she is absent from the meeting he or she is required to attend;
 - (c) his or her application for leave of absence has been refused and he or she does not appeal in terms of rule 14;
 - (d) his or her appeal has been turned down; or
 - (e) he or she did not sign the attendance register contemplated in rule 17(1).
- (7) A councillor delegated by the council to attend to other official duties at the time of a meeting he or she is required to attend, is deemed to have been granted leave of absence for the meeting he or she is required to attend.
- (8) The municipal manager must keep a record of all cases in terms of rule 13(6) and must submit a written report thereon to the speaker at least once every three months.
- (9) Should a councillor or traditional leader be recorded absent from a meeting in terms of 13(6) the municipal manager shall deduct a fine, as determined from time to time by Council, from the Councillor's allowance and inform the councillor of such deduction.

14. Appeal against refusal of application for leave of absence or the imposition of a fine

- (1) A councillor or traditional leader whose application for leave of absence had been refused or a fine was imposed for not attending a meeting may appeal against the refusal or fine, and such appeal must be in writing and lodged with the municipal manager within 14 days after the date of the decision; provided that the council [**or the committee**] who must consider the appeal may in exceptional circumstances condone the late submission of an appeal.
- (2) The council considers an appeal in terms of rule 14(1) [**in the case of absence from a council meeting, public meeting, public hearing or any council committee meeting, as the case may be**] and if an appeal with regards to the imposition of a fine is upheld, the amount deducted without interest is refunded to the councillor.
- (3) A decision with regard to an appeal in terms of rule 14(1) is final.