



ADVISORY NOTE 8: LOCAL GOVERNMENT WHITE PAPER

The 1996 Constitution (Clause 152 (b)) mandates municipalities “to ensure the provision of services to communities in a sustainable manner”.

The White Paper on Local Government of 1998 spelled out the framework in terms of which the local government system would be transformed. In terms of this White Paper, together with the Municipal Demarcation Act of the same year, municipalities covering the whole country “wall-to-wall” were established and assigned powers and functions.

While many municipalities have, by and large, performed well, a sizeable number have been consistently failing in their primary purpose, i.e. to deliver services.

What needs to be done

The Academy recognises the need for comprehensive institutional, governance, administrative, financial and spatial reform of the current local government system. In particular:

- Municipalities must be encouraged to focus on their core service delivery functions, and must be freed of unfunded expectations.
- Municipalities vary in size, complexity, economy, financial resources, and capability – therefore “one size fits all” responses, whether they be of institutional or technical or financial nature, are not practical.
- Candidates for elected leadership of municipalities must have a minimum level (to be determined) of education and competence – particularly, an understanding of infrastructure and service delivery.
- Officials must have freedom from undue political interference.
- Appointments of officials must be made on merit, and merit alone.
- Greater accountability of elected and appointed officials is needed – and must be single-point as far as is practical.
- Reform of the local government fiscal framework must include inter alia:
 - obligating municipalities to apply life-cycle costing principles, and, when acquiring infrastructure, be supported by procurement processes appropriate to capital works;
 - obligating municipalities to set aside, from capital grants for new infrastructure, sufficient funding to address not only the maintenance and refurbishment costs of the infrastructure being acquired, but also funding to

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progressively, over a predetermined number of years, address the maintenance and refurbishment backlogs of existing infrastructure owned by the municipality;

- incentivising implementation where possible (acknowledging that in many smaller municipalities it will not be possible) of the Trading Services Programme of National Treasury, including ringfencing, to each trading service, of the revenue earned by that service; and
- requiring that municipalities charge for any trading services provided at levels above the free basic services level.

It is trusted that the final version of the Local Government White Paper will lay the above down as basic principles.

The Academy must, however, note its disappointment with the draft of the White Paper in that it makes no mention of the engineering expertise so essential to service delivery. While “technical capacity” is stated to be important, there is no specific reference to professional registration of engineers, or to the authority that they would need to enjoy in order to be effective. We strongly recommend that:

- The head of the engineering services of a municipality must be one level below the Municipal Manager, on a par with the head of Finance, and not a departmental head among many at a lower level, as is often the case.
- In metros and secondary cities, this head must be a registered professional engineer, and, in all other municipalities, at minimum a professional technologist.

The South African Academy of Engineering and its Fellows are very willing to support government in its efforts to improve local government and local government service delivery.

We are available to discuss the above.



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