



Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF THE WESTERN CAPE

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PROVINCIAL NOTICE

The following Provincial Notice is published for general information.

ADV. B. GERBER,
DIRECTOR-GENERAL

Provincial Legislature Building,
Wale Street
Cape Town.

P.N. 263/2015

31 July 2015

WESTERN CAPE PROVINCIAL GOVERNMENT**PROVINCIAL INTERVENTION IN THE OUDTSHOORN MUNICIPALITY IN TERMS OF SECTION 139(1)(b) OF THE CONSTITUTION**

I, Anton Wilhelm Bredell, Provincial Minister for Local Government, duly authorized thereto by the Provincial Executive, hereby give notice of a provincial intervention in the Oudtshoorn Municipality in terms of section 139(1)(b) of the Constitution, as set out hereunder—

1. The appointment of Mr Kamalasen Chetty as Administrator, for a period of six (6) months with effect from the date of publication of this notice in the *Provincial Gazette*, with the powers and functions as set out in paragraph 2 herein below.
2. The Administrator is vested with all the powers and functions reasonably necessary to ensure that the proper functioning of the Municipal Council of Oudtshoorn is restored, excluding the following:
 - (a) Legislative powers
 - (b) Approval of policies
 - (c) The delegation of powers and functions to political office bearers, political structures and officials.
- 2.1 In the implementation of the powers and functions vested in the Administrator by the Provincial Executive :
 - 2.1.1 The Administrator shall ensure that the Municipal Council is enabled to take all and any decisions as may be necessary for the restoration of the proper executive functioning of the Municipal Council.
 - 2.1.2 In the event of a refusal or failure by the Municipal Council to take any decision referred to in paragraph 2.1.1 above, then the Administrator shall be entitled to take such decision himself; after consultation with the Municipal Council.
- 2.2 Any decision that is taken by the Municipal Council, in terms of paragraph 2.1.1 above, shall be valid and binding.
- 2.3 Any decision taken by the Administrator in terms of paragraph 2.1.2 above, after having afforded the Municipal Council an opportunity to be consulted, shall be valid and binding.
3. The Administrator shall be supported by a team of officials, the identity and expertise of which I shall determine as necessary and appropriate to that support from time to time.
4. Members of Municipal Council shall retain their current membership and salaries.
5. The Administrator is accountable to the Provincial Executive as represented by the Provincial Minister for local government.
6. The Administrator must on a monthly basis report in writing to the Provincial Minister for Local Government on the progress made in achieving the proper fulfilment of the executive obligation by the Municipal Council.
7. The terms and duration of this intervention are subject to amendment by the Provincial Executive as and when deemed necessary.

Anton Wilhelm Bredell
Provincial Minister for Local Government

DATE: 30 July 2015

PROVINSIALE KENNISGEWING

Die volgende Provinsiale Kennisgewings word vir algemene inligting gepubliseer.

ADV. B. GERBER,
DIREKTEUR-GENERAAL

Provinsiale Wetgewer-gebou,
Waalstraat
Kaapstad.

P.K. 263/2015

31 Julie 2015

WES-KAAPSE PROVINSIALE REGERING**PROVINSIALE INGRYPING IN OUDTSHOORN MUNISIPALITEIT INGEVOLGE ARTIKEL 139(1)(b) VAN DIE GRONDWET**

Ek, Anton Wilhelm Bredell, Provinsiale Minister vir Plaaslike Regering en behoorlik daartoe gemagtig deur die Provinsiale Uitvoerende Gesag, gee hiermee kennis van 'n provinsiale ingryping in die Oudtshoorn Munisipaliteit, ingevolge artikel 139(1)(b) van die Grondwet, soos verder hieronder uiteengesit—

1. Die aanstelling van Mnr Kamalasen Chetty as Administrator beklee met die bevoegdhede en funksies soos uiteengesit in paragraaf 2 hieronder, vir 'n tydperk van ses (6) maande, met ingang vanaf die datum waarop hierdie kennisgewing in die *Provinsiale Koerant* verskyn.
2. Die Administrator beskik oor al die magte en funksies wat redelikerwys nodig is om te verseker dat behoorlike funksionering van die Munisipale Raad herstel word, met die uitsluiting van die volgende:
 - (a) Wetgewende magte
 - (b) Goedkeuring van beleid
 - (c) Die delegasie van bevoegdhede en funksies aan politieke strukture, politieke ampsbekleërs en amptenare
- 2.1 In die uitvoering van die bevoegdhede en funksies wat die Provinsiale Uitvoerende Gesag aan die Administrator verleen:
 - 2.1.1 moet die Administrator verseker dat die Munisipale Raad toegerus word om alle besluite te neem wat nodig mag wees om behoorlike uitvoerende funksionering van die Munisipale Raad te herstel
 - 2.1.2 mag die Administrator, in geval van 'n weiering of versuim van die Munisipale Raad om 'n besluit, ingevolge paragraaf 2.1.1 te neem, sodanige besluit na konsultasie met die Raad neem
- 2.2 Enige besluit deur die Munisipale Raad geneem ingevolge paragraaf 2.1.1 hierbo is geldig en bindend
- 2.3 Enige besluit deur die Administrator geneem ingevolge paragraaf 2.1.2, nadat die Munisipale Raad die geleentheid gebied is om aangehoor te word, is geldig en bindend
3. Die Administrator word ondersteun deur 'n span amptenare wat ek sal identifiseer en aanwys na gelang van ervaring, soos en wanneer nodig.
4. Lede van die Munisipale Raad behou hul huidige lidmaatskap en salarisse.
5. Die Administrator is verantwoordbaar aan die die Provinsiale Uitvoerende Gesag, soos verteenwoordig deur die Provinsiale Minister vir Plaaslike Regering.
6. Die Administrator moet maandeliks skriftelik aan die Provinsiale Minister vir Plaaslike Regering verslag doen oor vordering wat die Munisipale Raad gemaak het om volkome nakoming van die uitvoerende verpligtinge te verseker
7. Die terme en termyn van ingryping kan soos en wanneer nodig deur die Provinsiale Uitvoerende Gesag gewysig word.

Anton Wilhelm Bredell
Provinsiale Minister vir Plaaslike Regering

Datum: 30 Julie 2015