



**REPORT ON CONSTITUTION SIXTEENTH
AMENDMENT BILL AND CROSS-BOUNDARY
MUNICIPALITY LAWS REPEAL AND RELATED
MATTERS AMENDMENT BILL**

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NORTH WEST PROVINCIAL LEGISLATURE

REPORT ON CONSTITUTION SIXTEENTH AMENDMENT BILL AND CROSS-BOUNDARY MUNICIPALITY LAWS REPEAL AND RELATED MATTERS AMENDMENT BILL ON THE 25/02/009 AT MERAFONG CARLTONVILLE CIVIC CENTRE

1. Introduction

- ❖ The Portfolio Committee on Developmental, Local Government Housing and Provincial Affairs of the North West and Gauteng Provincial Legislatures embarked on a Public Hearing with regard to the Constitution Sixteenth Amendment Bill and Cross-boundary Municipality Laws Repeal and Related Matters Amendment Bill in Merafong Carletonville Civic Center.

2. The purpose of the Bill

- ❖ The purpose of the Constitution Sixteenth Amendment Bill (B 1-2009) is to amend the Constitution of the Republic of South Africa, 1996, in order to re-determine the geographical areas of the provinces of Gauteng and North West and to provide for matters connected therewith.
- ❖ The purpose of the Cross-boundary Municipalities Laws Repeal and Related matters Amendment Bill [B3B -2009] is to amend the Cross-boundary Municipalities Laws Repeal and Related Matters as a result of the re-determination of the geographical areas of certain provinces, and to provide matters connected therewith.

3. Presentation of the Bills

Hon. M. Mahlakeng explained that following Consequently Merafong Local Municipality was incorporated into the Southern District Municipality in the North West Province. Following the thirtieth Amendment Bill in 2005 where by the whole of Merafong Local Municipality was incorporated into the North West. The communities in these areas raised their objection and had protracted marches and stay aways etc. As a cabinet decided to introduce the sixteenth Amendment Bill which was a subject matter for the public hearing.

4. Participants

- ❖ The Portfolio Committees on Developmental, Local Government Housing and Provincial Affairs of North West and Gauteng Provincial Legislatures
- ❖ Support staff
- ❖ Departmental of Provincial and Local Government
- ❖ National Department of Justice
- ❖ Merafong Demarcation Forum
- ❖ Treatment Action Campaign
- ❖ ANCYL
- ❖ UDM
- ❖ SACP
- ❖ ANC
- ❖ DA
- ❖ Business people
- ❖ Schools representations and
- ❖ The entire communities were present

5. The list of the people who participated in the debate:

- ❖ The African National Congress (ANC) is in support of the Bills.
- ❖ The Pan-African Congress (PAC) also in support of the Bills.
- ❖ The United Democratic Movement (UDM) argued for the reincorporation of the **whole** of Merafong City Local Municipality into Gauteng and therefore supports the Bills.
- ❖ SACP forum in Khutsong also in support of the bills, they want to go back to Gauteng.
- ❖ National union of Mineworkers is in support of the Bills.
- ❖ The Democratic Alliance (Fochville), argued against the incorporation of the Merafong City Local Municipality the incorporation was said to be unconstitutional and unlawful in that they alleged there was no proper consultation in some areas such as Fochville, Kokosi and Green Park.
- ❖ Most of the schools representations whilst acknowledging the efforts made by the North West Department of Education in supporting some of the schools in and around Merafong, it was said that the Gauteng Department of Education is doing better on the development and implementation of educational policies. In addition, due to

demographics in the North West Province some schools do not take other languages into cognizance therefore supported the Bills.

- ❖ Kamogelo Public School is also in support of the Bills because there is no service delivery in the North West Province.
- ❖ Rooipoort farm school near Khutsong also in support of the Bills because in the North West sports facilities are still a problem. There are no playing sports grounds for learners.
- ❖ The Losberg Primary School is not in support of the Bills, they want to remain in the North West Province because they receive text books and stationary for learners in time and there is feeding schemes.
- ❖ Hoerskool Fochville is not in support of the Bills based on the fact that Gauteng does not offer any Learning teaching and support Materials; hence it will be a great financial burden on school.
- ❖ Disgruntled educators of Thuto-kitso School in Fochville are not in support of the bills, they want to remain in the North West because in Gauteng Technical schools will no longer be provided with expensive equipment that are catered with by North West Department of Education. Furthermore, they feel that the demarcation is going to result in administrative disruption in terms of salaries, pensions and benefits.
- ❖ Merafong Scholar Transport and Education sector are in support of the Bills, they want to fall under Gauteng because in North West they are faced with many challenges like permits for transporting scholars, no insurance for scholars and roads of North West Province are not in good conditions full of potholes.

- ❖ The Treatment Action Campaign (TAC) reported that the ability of the Health system to roll out anti-retroviral in public hospitals is commendable. Furthermore, it was reported that health facilities are within reach as compared to those of the North West Province and therefore in support of the Bills .
- ❖ Khutsong Artists reported that the North West Province is lacking in artistic development and support e.g. sponsoring of artists; art exhibitions and festivals therefore in support of the Bills.
- ❖ The Local Government made a comparison between the capacity of Local Government in the North West and Gauteng. Generally the feeling pointed to the impressive track record of Municipalities in Gauteng. The general sentiment is that the reincorporation of Merafong into the Gauteng Province would lead to the address of service delivery backlog experienced by the affected communities support the Bills.
- ❖ Workers, Trade Unions and Labour Organizations from Merafong strongly argued for the reincorporation of Merafong into Gauteng. A large part of the Merafong population is said to be employed in Gauteng. It was argued that there are strong job creation opportunities in Gauteng than in the North West. Furthermore, they indicated that Merafong is linked to Gauteng by an extensive road network system and the main economic activities of the area are residing within the Gauteng Province.

6. The following organizations and individuals who made their submissions:

- ❖ Workers, Trade Unions and Labour Organizations
- ❖ Khutsong Artists
- ❖ Merafong Scholar Transport and Education sector

- ❖ SACP forum

- ❖ National Department of Justice
- ❖ Merafong Demarcation Forum
- ❖ Treatment Action Campaign
- ❖ ANCYL
- ❖ UDM
- ❖ SACP
- ❖ ANC
- ❖ DA
- ❖ Business people
- ❖ Schools representations

7. Conclusion

- ❖ The large majority of the people of Merafong who attend the public hearing were in support of Constitution Sixteenth Amendment Bill and Cross-boundary Municipality Laws Repeal and Related Matters Amendment Bill.

- ❖ The chairperson thanked the public for their cooperation and participation and also thanked members of both Legislatures North West and Gauteng for attending the Public hearing. He also

indicated that the negotiating and final Mandates will be send to
National Council of Province.

M. M. Mahlakeng 03/03/2009

Hon. M. Mahlakeng

Chairperson: Portfolio Committee on Local Government