
GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF CO-OPERATIVE GOVERNANCE

NOTICE 2855 OF 2024

INTERGOVERNMENTAL RELATIONS FRAMEWORK AMENDMENT BILL OF 2024

The Minister of Cooperative Governance and Traditional Affairs intends introducing the Intergovernmental Relations Framework Amendment Bill, 2024 in the National Assembly.

The Bill and the explanatory summary of the Bill are hereby published in accordance with Rule 276(1)(c) of the Rules of the National Assembly, for public comments.

Members of the public are invited to submit written comments on or before 17 January 2025 by—

(a) posting such comments to the following address:

Department of Cooperative Governance
Private Bag X804
PRETORIA
0001;

(b) delivering such comments by hand at the following address:

Department of Cooperative Governance
87 Hamilton Street
Arcadia
PRETORIA; or

(c) e-mailing such comments to the following address: ashleyl@cogta.gov.za

Comments must be addressed to the Director-General: Cooperative Governance and marked for the attention of Mr Ashley Losch.

Comments received after the closing date will not be considered.

REPUBLIC OF SOUTH AFRICA

INTERGOVERNMENTAL RELATIONS FRAMEWORK AMENDMENT BILL

*(As introduced in the National Assembly (proposed section 76); explanatory
summary of Bill and prior notice of its introduction published in Government Gazette
No. ----of----) (The English text is the official text of the Bill)*

(MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS)

[B – 2024]

050224nb

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.

BILL

To amend the Intergovernmental Relations Framework Act, 2005, so as to insert certain definitions; to establish new intergovernmental structures and increase the composition of the existing intergovernmental structures; to prescribe the minimum number of meetings each intergovernmental structure must hold in a year; to assign the administrative functions for meetings of the President's Coordinating Council to the Minister in the Presidency; to provide for the coordination of intergovernmental assignment of powers and functions; to provide for the coordination of intergovernmental planning, budgeting and implementation; to introduce a timeframe within which parties to an intergovernmental dispute must convene a meeting between themselves after the dispute has been declared; to empower the Minister to request a Cabinet member responsible for the function affected by an intergovernmental dispute to convene the meeting of the parties to that dispute; to empower the MEC for local government in a province to request the MEC responsible for the function affected by an intergovernmental dispute in a province to convene the meeting of the parties to that dispute; to provide afresh for intervals at which the Minister is required to table a report in Parliament; to require Cabinet members and

premiers to submit reports to the Minister once every six months; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows—

Amendment of section 1 of Act 13 of 2005

1. Section 1 of the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005) (hereinafter referred to as the principal Act) is hereby amended—

(a) by the insertion before the definition of “**consultation**” of the following definitions:

“**agency agreement**”, in relation to a municipality, means an agreement contemplated in section 238(b) of the Constitution in terms of which a municipality undertakes to exercise a power or function on behalf of an executive organ of state on an agency basis;

“**assignment**” means a legislative or executive assignment contemplated in sections 99 and 126 of the Constitution in terms of which an assignment of power or function from national to a province or from a province to local government is undertaken;”;

(b) by the insertion after the definition of “**council**” of the following definition:

“**delegation**” in relation to a municipality, means delegation to a municipality—

(a) in terms of section 238(a) of the Constitution; or

(b) in terms of a power contained in national or provincial legislation;”;

(c) by the insertion after the definition of “**district**” of the following definition:

“**district spaces**” means geographical areas whose extent and boundaries coincide with those of Category C municipalities as described in section 155(1) of the Constitution and represent focal areas for the convergence of all three spheres of government in undertaking and ensuring integrated planning, budgeting, implementation and monitoring.”;

- (d) by the insertion in the definition of “**intergovernmental development plan**” of the following definition:

“**intergovernmental development plan**” means one plan as defined in the regulations framing the institutionalisation and implementation of District Development Model in terms of section 47(1)(b) of the Intergovernmental Relations Framework Act, 2005 (Act No.13 of 2005).

- (e) by the insertion in the definition of “**intergovernmental forum**” after paragraph (e) of the following paragraph:

“(eA) a metropolitan intergovernmental forum established in terms of section 23A.”;

- (f) by the insertion after the definition of “**MEC for local government**” of the following definitions:

“**metropolitan**” means the area of jurisdiction of a metropolitan municipality;

“**metropolitan spaces**” means geographical areas whose extent and boundaries coincide with those of Category A municipalities as described in terms of section 155(1) of the Constitution and represent focal areas for the convergence of all three spheres of government in

undertaking and ensuring integrated planning, budgeting, implementation and monitoring;

- (g) by the insertion after the definition of “**Municipal Systems Act**” of the following definition:

“**MunMec**” means an intergovernmental body consisting of the MEC or provincial Minister responsible for local government in the province and mayors of municipalities; and

- (h) by the insertion after the definition of “**provincial organ of state**” of the following definition:

“**service provider**” means any company, close corporation or trust that meets the definition of “**personal service provider**” as defined in the **Income Tax Act, 1962 (Act No. 58 of 1962);**”.

Amendment of section 6 of Act 13 of 2005

2. Section 6 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) There is a President’s Co-ordinating Council consisting of—

- (a) the President;
- (b) the Deputy President;
- (c) the Minister in the Presidency;
- (d) the Minister;
- (e) the Cabinet member responsible for finance;
- (f) the Cabinet member responsible for the public service;
- (g) the Premiers of the nine provinces;

- (h) A member of the Executive Councils of each of the nine provinces nominated by the Premiers;
- (i) the mayors of the metropolitan municipalities;
- (j) a local government representative from each province designated by the national organisation representing organized local government; and
- (k) a representative designated by the National House of Traditional and Khoi-San leaders.”

Amendment of section 8 of Act 13 of 2005

3. Section 8 of the principal Act is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

“(2) Suggestions for inclusion in the agenda for a meeting may be submitted to the Minister in the Presidency in terms of a framework determined by the President.”;

(b) by the substitution for subsection (3) of the following subsection:

“(3) The Minister in the Presidency is responsible for providing administrative and other support services to the Council.”; and

(c) by the addition after subsection (3) of the following subsection:

“(4) Meetings of the Council must be held at least once in three months.”.

Amendment of section 14 of Act 13 of 2005

4. Section 14 of the principal Act is hereby amended by the addition after subsection (3) of the following subsection:

- “(4) Meetings of the forum must be held at least once in three months.”
- (5) The President may convene a special meeting of the forum if necessary.
- (6) Two or more members may request the chairperson in writing—
 - (a) to convene a special meeting of the forum at a proposed place and time set out in the request.”

Amendment of section 17 of Act 13 of 2005

5. Section 17 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for paragraph (e) of the following paragraph:

“(e) the administrator of any of those municipalities if the municipality is subject to an intervention in terms of section 139 of the Constitution; **[and]**”;

(b) by the substitution in subsection (1) for paragraph (f) of the following paragraph:

“(f) a municipal councillor designated by organised local government in the province[.]; and”;

(c) by the addition in subsection (1) after paragraph (f) of the following paragraph:

“(g) a representative from the relevant provincial house of traditional and Khoi-San leaders.”.

Amendment of section 18 of Act 13 of 2005

6. Section 18 of the principal Act is hereby amended by the substitution for paragraph (b) of the following paragraph:

“(b) to consider reports from—

- (i) other provincial intergovernmental forums on matters of mutual interest to the province and local governments in the province; and
- (ii) district, metropolitan and inter municipal intergovernmental forums in the province.”.

Amendment of section 19 of Act 13 of 2005

7. Section 19 of the principal Act is hereby amended—

(a) by the addition after subsection (3) of the following subsections:

“(4) Meetings of the forum must be held at least once in three months.

(5) The Premier may convene a special meeting of the forum if necessary.

(6) Two or more members may request the chairperson in writing—

- (b) to convene a special meeting of the forum at a proposed place and time set out in the request."

Insertion of sections 20A,20B,20C and 20D in Act 13 of 2005

8. The following sections are hereby inserted after section 20 of the principal Act:

"Establishment of MunMEC or similar intergovernmental forums

20A. A MunMEC or similar intergovernmental forums are hereby established to promote and facilitate intergovernmental relations between a province and local governments in the province.

Composition of MunMEC or similar intergovernmental forums

- 20B.** (1) A MunMEC and similar intergovernmental forums consists of—
- (a) the Member of the Executive Council of a province who is responsible for local government in the province;
 - (b) the Member of the Executive Council of the province who is responsible for finance in the province;
 - (c) the Director-General of the province;
 - (d) Any other Member of the Executive Council of the province who is responsible for a matter under discussion;

- (e) the mayors of district and local municipalities in the province;
- (f) the Director-General of the province;
- (g) the Head of Department responsible for local government in the province;
- (h) the administrator of any of those municipalities if the municipality is subject to an intervention in terms of section 139 of the Constitution;
- (i) where applicable, a representative from the provincial house of traditional and Khoi-San leaders; and
- (j) the chairperson of organised local government in the province.

(2) The MEC or Minister of a province who is responsible for local government in the province is the chairperson of the forum.

(3) The chairperson may invite any person not mentioned in subsection (1) to a meeting of the forum.

Role of MunMEC or similar intergovernmental forum

20C. A MunMEC or similar intergovernmental forum is a consultative forum for the MEC or Minister of a province who is responsible for local government in the province and local governments in the province—

(a) to discuss and consult on matters of mutual interest, including—

- (i) the implementation in the province of legislation affecting local government interests;
- (ii) matters arising in the Premier's intergovernmental forum affecting local government interests in the province;

- (iii) draft national policy and legislation relating to matters affecting local government's interests in the province;
 - (iv) the implementation of municipal legislation;
 - (v) the implementation of provincial policy and legislation with respect to such matters;
 - (vi) the co-ordination and alignment of the strategic and performance plans and priorities, objectives and strategies of the provincial government and local governments in the province; and
 - (vii) any other matters of strategic importance that affect the interests of local governments in the province; and
- (b) to consider reports from—
- (i) other provincial intergovernmental forums on matters of mutual interest to the province and local governments in the province; and
 - (ii) district, metropolitan and inter municipal intergovernmental forums in the province.

Meetings of MunMEC or similar intergovernmental forum

20D. (1) The chairperson referred to in section 20B(2)—

(a) convenes the meetings of the MunMEC or similar intergovernmental forum;

and

(b) determines the agenda for a meeting of the forum.

(2) Suggestions for inclusion in the agenda for a meeting may be submitted to the relevant support office as defined in a framework determined

by the MEC or provincial Minister responsible for local government in a province.

(3) The support office contemplated in subsection (2) is responsible for providing administrative and other support services to the forum.

(4) Meetings of the forum must be convened at least once in three months.

(5) The chairperson of the forum may convene a special meeting of the forum if necessary.

(6) Two or more mayors in a province may request the chairperson in writing—

(a) to convene a special meeting of the forum at a proposed place and time set out in the request.”

Insertion of sections 21A,21B, 21C and 21D in Act 13 of 2005

9. The following sections are hereby inserted after section 21 of the principal Act:

“Establishment of sectoral intergovernmental forums

21A. (1) The Executive Council may authorise any member of the Executive Council to establish a sectoral intergovernmental forum—

(a) for any specific function to promote and facilitate effective and efficient intergovernmental relations between a sector department in the province and municipalities with respect to that function; or

(b) for any specific geographical area in the province to promote and facilitate effective and efficient intergovernmental relations between the province and municipalities in that part.

(2) Any provincial intergovernmental forum established for a purpose referred to in subsection (1) that existed when this Act took effect must for the purpose of this Act be regarded as having been established in terms of subsection (1), until disestablished by the Premier.

(3) Decisions taken by a sectoral intergovernmental forum are binding.

Composition of sectoral intergovernmental forums

21B. (1) A sectoral intergovernmental forum comprises of—

- (a) The MEC or provincial Minister responsible for the function for which the sectoral intergovernmental forum is established;
- (b) the relevant mayors;
- (c) representatives of the relevant provincial departments;
- (d) provincial representatives of state-owned entities, with the necessary decision making authority;
- (e) representatives of provincial public entities, with the necessary decision making authority.”

Role of sectoral intergovernmental forums

21C. A sectoral intergovernmental forum is a forum to discuss, consult and agree on matters of mutual interest, including—

- (a) information sharing, best practice, and capacity building;
- (b) co-operating on sectoral developmental challenges affecting municipalities in the province;
- (c) matters relating to policy development;
- (d) matters relating to conflict resolution;
- (e) matters relating to resource mobilisation; and
- (f) any other matter of strategic importance which affects the interests of the affected sector.

Meetings of sectoral intergovernmental forums

21D. (1) The MEC or provincial Minister responsible for the function for which the sectoral intergovernmental forum is established—

- (a) convenes the meetings of the forum; and
- (b) determines the agenda for a meeting of the forum.

(2) The MEC or provincial Minister responsible for the function for which the sectoral intergovernmental forum is established presides at meetings of the forum, but if that MEC or provincial Minister is absent from a meeting, the members present must elect another member to preside at the meeting.

(3) The support office in terms of a framework determined by the MEC or provincial Minister responsible for the sectoral intergovernmental forum is responsible for providing administrative and other support services to the forum.

(4) Meetings of the forum must be convened at least once in three months.

(5) The MEC or provincial Minister responsible for the function for which the sectoral intergovernmental forum is established may convene a special meeting of the forum if necessary.

(6) Two or more mayors in a province may request the chairperson in writing—

(a) to convene a special meeting of the forum at a proposed place and time set out in the request.”

Insertion of sections 23A,23B, 23C and 23D in Act 13 of 2005

10. The following sections are hereby inserted after section 23 of the principal Act:

“Establishment of metropolitan intergovernmental forums

23A. There is a metropolitan intergovernmental forum, where a metropolitan municipality exist, to promote and facilitate intergovernmental relations between the metropolitan municipality, national and provincial government departments.

Composition of metropolitan intergovernmental forums

23B. (1) The metropolitan intergovernmental forum consists of—

(a) the mayor of the metropolitan municipality as the chairperson;

- (b) the municipal manager of the metropolitan municipality;
- (c) senior managers of the metropolitan municipality as directed by the municipal manager of the metropolitan municipality;
- (d) representatives from national and provincial departments and organs of state as invited by the chairperson;
- (e) representatives from organised local government as invited by the chairperson; and
- (f) where applicable a representative from the provincial house of traditional and Khoi-San leaders as invited by the chairperson.

(2) The chairperson may invite any person not mentioned in subsection (1) to a meeting of the forum.

Role of metropolitan intergovernmental forums

23C. (1) The role of a metropolitan intergovernmental forum is to serve as a consultative forum for the metropolitan municipality, national and provincial departments to discuss and consult each other on matters of mutual interest, including—

- (a) draft national and provincial legislation relating to matters affecting local government interests in the metropolitan municipality;
- (b) the implementation of national and provincial policy and legislation with respect to such matters in the metropolitan municipality;
- (c) matters arising in the Premier's intergovernmental forum affecting the metropolitan municipality;
- (d) the provision of services in the metropolitan municipality;

- (e) coherent planning and development in the metropolitan municipality; and
- (f) any other matter of strategic importance which affects the interests of the metropolitan municipality.

(2) A metropolitan intergovernmental forum may refer a matter arising in the forum to—

- (a) the Premier's intergovernmental forum; or
- (b) any other provincial intergovernmental forum established in terms of section 21.

Meetings of metropolitan intergovernmental forums

23D. (1) The chairperson of the metropolitan intergovernmental forum—

- (a) convenes the meetings of the forum; and
- (b) determines the agenda for a meeting of the forum.

(2) The chairperson of the metropolitan intergovernmental forum presides at meetings of the forum, but if that chairperson is absent from a meeting, the members present must elect another member to preside at the meeting.

(3) The metropolitan municipality is responsible for providing administrative and other support services to the forum.

(4) Meetings of the forum must be convened at least once in three months.

(5) The forum must meet at least once in three months with service providers and other role players concerned with development in the

metropolitan municipality to co-ordinate effective provision of services and planning.”.

Amendment of section 25 of Act 13 of 2005

11. Section 25 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for paragraph (b) of the following paragraph:

“(b) the mayors of the local municipalities in the district or, if a local municipality does not have a mayor, a councilor designated by the municipality; [**and**]”;

(b) by the substitution in subsection (1) for paragraph (c) of the following paragraph:

“(c) the administrator of any of those municipalities if the municipality is subject to an intervention in terms of section 139 of the Constitution[.]; and”;

(c) by the addition in subsection (1) after paragraph (c) of the following paragraph:

“(d) a representative from the local house of traditional and Khoi-San leaders.”.

Amendment of section 28 of Act 13 of 2005

12. Section 28 of the principal Act is hereby amended by the addition after subsection (2) of the following subsection:

“(3) An intermunicipality forum may include representatives from designated national and provincial sector departments determined by agreement between the participating municipalities as envisaged in subsection (2).”.

Amendment of section 29 in Act 13 of 2005

13. Section 29 of the principal Act is hereby amended by the substitution for the words preceding paragraph (a) of the following words-

29. The role of an intermunicipality forum, that is convened by mutual agreement amongst members, is to serve as a consultative and implementation forum for the participating municipalities and designated national and provincial sector departments to discuss, [and] consult and agree with each other on matters of mutual interest, including—

Amendment of section 32 of Act 13 of 2005

14. Section 32 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) **[Although it is not an executive decision-making body],** It [may]must adopt resolutions and make recommendations that are binding, in terms of agreed procedures where required.”

Amendment of section 33 of Act 13 of 2005

15. Section 33 of the principal Act is hereby amended—

(a) by the insertion subsection (1) after paragraph (e) of the following paragraph:

(fA) “procedures to address non-adherence to the adopted resolutions and recommendations;”; and

(b) by the substitution for subsection (4) of the following subsection:

“(4) Any intergovernmental body not established in terms of this Act must comply with subsection (1) within [**one year**]six months unless an Act of Parliament in terms of which it was established specifically regulates the rules of such intergovernmental body.”.

Amendment of section 34 of Act 13 of 2005

16. Section 34 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“The Minister [**may**]must, by notice in the *Gazette*”—

Insertion of sections 34A and 34B in Act 13 of 2005

17. The following sections are hereby inserted after section 34 of the principal Act:

“Coordination of intergovernmental assignment of powers and functions

34A. (1) A Cabinet member and the Member of Executive Council, when assigning a function or power through an Act of Parliament or any related

provincial Act, to another sphere of government must consider the following guiding principles—

- (a) assignment of a function or power must be executed in a manner that avoids sectoral mismatch of functions and powers across spheres of government;
- (b) assignment of a function or power, regardless of the precise permutations, must ensure predictability and order to enable provinces and municipalities to plan and budget accordingly;
- (c) assignment of a function or power must be done in consultation with the relevant sphere that will be implementing the function or power to ensure it's involvement and accountability;
- (d) the location of a function or power at provincial or municipal level may not compromise essential interests of national government, including equity of access, and must foster specialisation of that sphere;
- (e) emphasis must be placed on locating the primary responsibility for any function with any sphere of government to avoid challenges associated with concurrency;
- (f) specialisation of services must be considered when assigning a function or power within a sphere in order to align with the geographic, settlement and the socio economic context;
- (g) each sphere executing a function or power must ensure efficient provision of a function;
- (h) spheres must consider integrating services which have technical relationships to be provided by a single organisation; and

(i) the source of finance should be aligned with the function, and tariff-based services must be provided by the organisation collecting the tariffs.

(2) The application of principles of rationality must translate into a clear governance scheme for managing concurrency within the three spheres of government.

(3) National government must focus on providing—

(i) the development of a coherent policy;

(ii) securing appropriate funding to provincial and local service delivery;

(iii) monitoring provincial and local government performance;

(iv) detecting and intervening to ensure the fulfillment of provincial and local government executive obligations; and

(v) providing financial and technical support to provinces and municipalities;

(4) National government must provide services if and when it is in the national interest to do so;

(5) Provinces must provide core functions such as primary health care, basic education, provincial roads and agricultural services;

(6) Devolutions of functions to local government must be fully funded, including with requisite capacity in the year that is being devolved and through the Medium-Term Revenue and Expenditure Framework.

Managing coordination of intergovernmental planning, budgeting and implementation

34B. (1) The national sphere of government, including all national organs of state must develop and implement funded intergovernmental development plans in each district and metropolitan space utilising the intergovernmental structures outlined in this Act.

(2) The formulated intergovernmental development plans of the national sphere of government and organs of state must be explicit in all municipal integrated development plans and municipal spatial development framework.

(3) The provinces, including all provincial organs of state must develop and implement funded intergovernmental development plans covering each district and metropolitan space within the province utilising the intergovernmental structures outlined in this Act.

(4) The formulated intergovernmental development plans of the provincial sphere of government and organs of state must be explicit in all municipal integrated development plans.

(5) A district municipality and local municipalities under its jurisdiction, including entities of the district municipality and the local municipalities concerned, must participate in the development and implementation of the intergovernmental development plans affecting the district utilising the intergovernmental structures outlined in this Act.

(6) A metropolitan municipality and entities of the metropolitan municipality must participate in the development and implementation intergovernmental development plans within the requirements of this Act.

(7) Participation and alignment of designated private sector and communities and priorities need to be coordinated within the intergovernmental structures outlined in this Act.

(8) An intergovernmental development plan contemplated in this section must be developed as a 10–15-year long-term intergovernmental development plan, providing a strategic framework to guide government and private sector investment within the district and metropolitan space.

(9) All departments across government must review and reprioritise their relevant operational functions, capabilities and budgets towards the implementation of intergovernmental development plans where required.

(10) The review and reprioritization of plans and budgets must be aligned to the regulated national, provincial and local government planning cycle.

(11) The spheres of national, provincial and local government and all organs of state must periodically report on the implementation of the plans in line with the regulated planning cycle.

(12) An intergovernmental development plan does not replace any legally prescribed development and strategic plan or a departmental or entity annual performance plan in operation at any of the three spheres of government.

(13) Intergovernmental development plans may influence the review of existing legally prescribed development and strategic plans or a departmental or entity annual performance plan in operation at any of the three spheres of government.

(14) Intergovernmental development plans may influence more strategic and impact-oriented budgeting and reprioritisation of budgets across the three spheres of government.

(15) The Minister must issue regulations in terms of section 47(1)(b) outlining the prescribed framework for the coordination and implementation of intergovernmental development plans.

(16) Any pronouncements at national, provincial and local government sphere must be made within the regulated planning and budgeting frameworks.”.

Amendment of section 41 of Act 13 of 2005

18. Section 41 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) An organ of state that is a party to an intergovernmental dispute with another government or organ of state [~~may~~]must declare the dispute a formal intergovernmental dispute by notifying the other party of such declaration in writing.”.

Amendment of section 42 of Act 13 of 2005

19. Section 42 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“Once a formal intergovernmental dispute has been declared, the parties to the dispute must [**promptly**]within 30 days convene a meeting between themselves, or their representatives—

”;

(b) by the substitution for subsection (3) of the following subsection:

“(3) If the parties to a dispute fail to convene a meeting in terms of subsection (1) [**the Minister must convene the meeting**]the President must request the Cabinet member responsible for the function to convene the meeting within 30 days after receiving such a notice if—

- (a) a national organ of state is involved in the dispute;
- (b) the dispute is between different provinces, provincial organs of state, or provincial organs of state from different provinces; or
- (c) the dispute is between organs of state from different governments that do not fall under paragraph (a) or (b) of this subsection or subsection (4).”;

(c) by the substitution in subsection (4) for the words preceding paragraph (a) of the following words:

“If the parties to a dispute in a province fail to convene a meeting in terms of subsection (1) [**the MEC for local government in the province may**]the Premier or a MEC designated by the Premier, must convene the meeting within 30 days after receiving such a notice if the dispute is—

- (a) between a provincial organ of state and a local government or a municipal organ of state in the province; or

- (b) between local governments or municipal organ of state from different local governments in the province.
- (d) by the substitution for subsection (5) of the following subsection:

“(5) If the parties fail to attend a meeting convened by the President **[Minister]** or Cabinet member responsible for the function or Premier or MEC designated by the Premier [or MEC responsible for the function] or to designate a facilitator referred to in subsection (1)(d), the President or Cabinet member responsible or the function or Premier or MEC designated by the Premier [Minister or MEC][may]must designate a facilitator or team of facilitators on behalf of the parties for the costs of the party as awarded by the facilitator that is in line with the outcomes of the facilitation process.

Amendment of section 43 of Act 13 of 2005

20. Section 43 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

- “(1) A person designated as facilitator must—
- (a) assist the parties to settle the dispute in any manner necessary within the requirements of this Act; and
- (b) submit to the President, or Cabinet member responsible for the function, or Premier or MEC as designated by the Premier [or the MEC for local government in the relevant province], [or the MEC responsible for the function in the province]—
- (i) an initial report concerning—

- (aa) the nature of the dispute and the precise issues that are in dispute;
 - (bb) the mechanism or procedure to be used to settle the dispute; and
 - (cc) any other matter that may be prescribed by regulation in terms of section 47; and
- (ii) progress reports containing such information as may be prescribed by regulation in terms of section 47.”

Amendment of section 46 in Act 13 of 2005

21. Section 46 of the principal Act is hereby amended by the substitution for the words preceding paragraph (a) of the following words:

46. The Minister [**may, from time to time when necessary**]must, at least once in a calendar year, table a report in both Houses of Parliament with regard to

Insertion of section 46A in Act 13 of 2005

22. The following section is hereby inserted in the principal Act after section 46:

“Reports to Minister

46A. (1) A Cabinet Member must at least every six months in a calendar year submit a report to the Minister with regard to—

- (a) the general conduct of intergovernmental relations in the sector;
- (b) the incidence and settlement of intergovernmental disputes; and
- (c) any other relevant matters.

(2) A Premier in a province must at least every six months in a calendar year submit a report to the Minister with regard to—

- (a) the general conduct of intergovernmental relations in the province;
- (b) the incidence and settlement of intergovernmental disputes; and
- (c) any other relevant matters.”.

Short title and commencement

23. This Act is called the Intergovernmental Relations Framework Amendment Act, 2024, and comes into operation on a date to be determined by the President by proclamation in the *Gazette*.