



cooperative
governance

Department:
Cooperative Governance
REPUBLIC OF SOUTH AFRICA

LOCAL GOVERNMENT:
MUNICIPAL STRUCTURES AMENDMENT BILL, 2026
(“Municipal Coalitions Bill”)

Presented to:

Portfolio Committee on Cooperative Governance and Traditional Affairs

27 August 2026

PURPOSE OF THE PRESENTATION

Overview of the Local Government: Municipal Structures Amendment Bill, 2026,
as submitted to Parliament.

1

WHY THE BILL?



Background and Legislative Context

- Growth in coalition municipalities
- Governance and service delivery challenges
- Rationale for legislative reform

2

HOW DID THE BILL EVOLVE?



Development and Refinement Process

- DCoG 2024 Bill
- Private Member's Bill proposals
- Public consultation
- Legal review and OCSLA process

3

WHAT CHANGED DURING DEVELOPMENT?

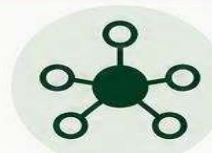


Consolidation and Legal Refinement

- Consolidated provisions
- Refinements from consultation
- Legal and constitutional revisions
- Provisions not included in the final Bill

4

WHAT DOES THE FINAL BILL DO?



Thematic Reform Areas

- Coalition agreements
- Institutional formation
- Office bearer requirements
- Governance stability
- Voting procedures
- Executive governance continuity
- Whip functions
- MPAC reforms
- Regulations and parliamentary scrutiny



The presentation explains the need for reform, the Bill's development, the key changes made, and the final thematic reform areas.



WHY REFORM THE MUNICIPAL STRUCTURES ACT?

A changing municipal governance environment exposed the need for clearer rules on stability, continuity, accountability and coalition arrangements.

1

CHANGING MUNICIPAL LANDSCAPE



More complex governance arrangements

- Growth in coalition municipalities
- Hung councils and coalition arrangements are now a sustained feature
- Increased need for institutional certainty



2

GOVERNANCE CHALLENGES



Instability and disruption

- Political instability
- Frequent leadership changes
- Governance and service delivery disruptions



3

LEGISLATIVE GAPS



Rules and processes need strengthening

- No framework for coalition agreements
- Inconsistent governance practices
- Limited guidance on stability, continuity and institutional arrangements



4

LEGISLATIVE RESPONSE



A broader municipal governance reform package

- Coalition agreements
- Governance stability
- Institutional formation
- Office bearer requirements
- Voting procedures
- Executive continuity
- Accountability mechanisms



The Bill seeks to strengthen municipal governance through a package of reforms addressing coalition arrangements, institutional continuity, governance stability, capable leadership and accountability.



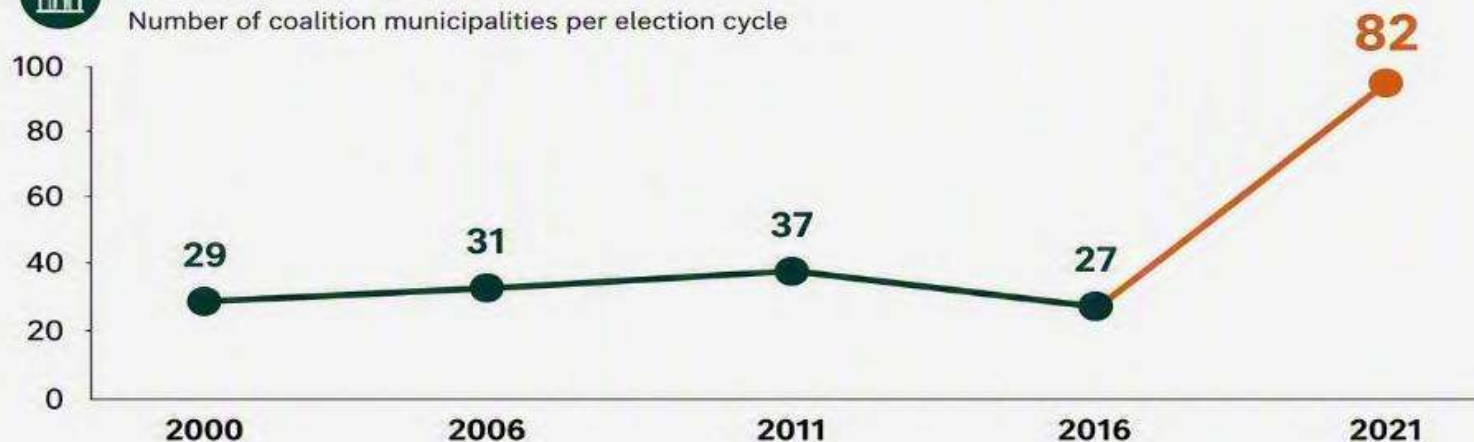
COALITION MUNICIPALITIES: HISTORICAL GROWTH AND 2021 SHIFT

Coalition municipalities have existed since 2000, but the 2021 elections marked a sharp increase.



HISTORICAL TREND

Number of coalition municipalities per election cycle



82

coalition municipalities
in 2021

+55

from 2016
to 2021



Provincial figures must be read against
each province's municipal base.



GP: 10 of 11
municipalities



EC: 4 of 39
municipalities



The increase shows that coalition municipalities are no longer
isolated occurrences, creating the need for clearer rules to
guide coalition formation and management.

THE CASE FOR COALITION REFORM

The growth in coalition municipalities has exposed governance instability, lack of institutionalisation and the need for a legislative framework.



FROM HISTORICAL SHIFT TO GOVERNANCE RESPONSE

Following the sharp increase in coalition municipalities after the 2021 local government elections, the central question is how these coalitions are governed and sustained.

1. GOVERNANCE CHALLENGES



Coalition arrangements have resulted in:

- ✓ Political instability
- ✓ Governance challenges
- ✓ Service delivery related challenges



2. INSTITUTIONAL GAP



Coalitions are not yet institutionalised:

- ✗ No rules or guidelines govern coalition governments.
- ✗ A framework, guidelines or legislation is needed to guide their formation and management.
- ✗ The challenges associated with coalitions highlight the need to strengthen guidance in municipalities.



3. LEGISLATIVE RESPONSE



The Bill provides the mechanism:

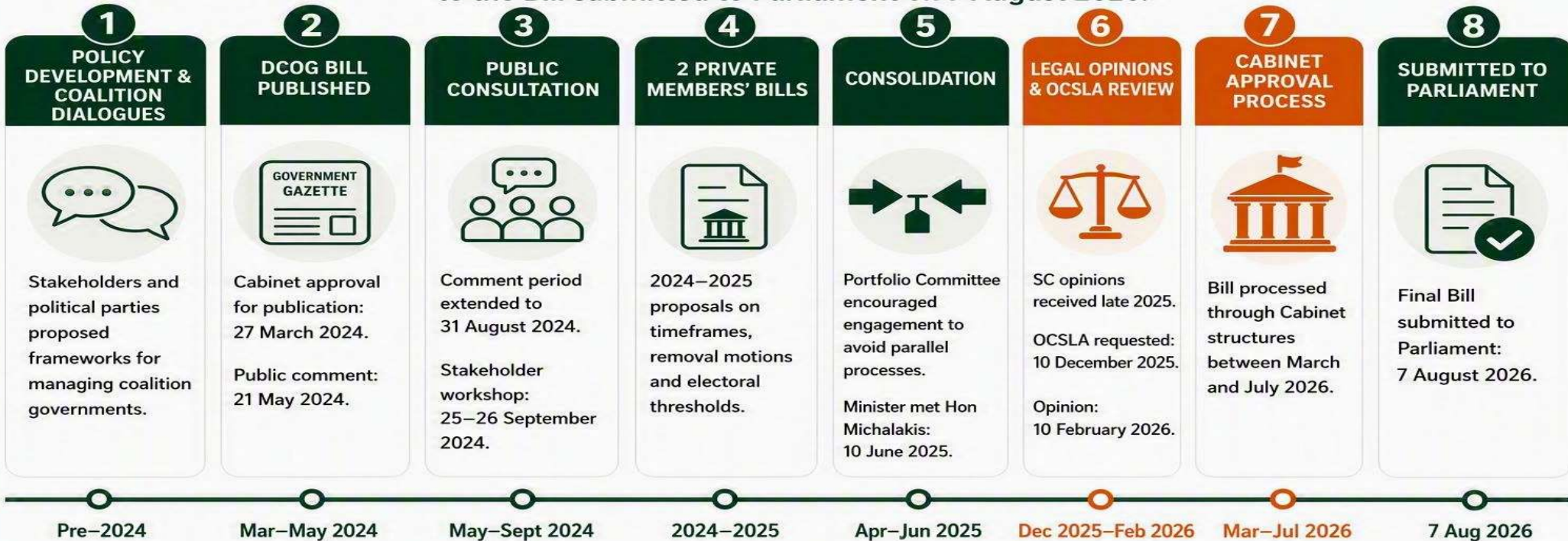
- ✓ Provides a legislative framework.
- ✓ Guides the formation and management of coalitions.
- ✓ Provides systems to minimise challenges associated with coalitions.
- ✓ Uses the Municipal Structures Act, 1998, as the vehicle to institutionalise coalitions.



The Bill responds to the governance risks of coalition municipalities by **institutionalising coalition arrangements** through mandatory coalition agreements and related stability measures.

EVOLUTION OF THE BILL

From policy development, consultation and legislative proposals to the Bill submitted to Parliament on 7 August 2026.



The Bill evolved through consultation, consolidation, legal scrutiny and the Cabinet approval process before submission to Parliament.

BILL SCRUTINY, CONSULTATION AND CERTIFICATION PROCESS

The Bill underwent a comprehensive process of public consultation, stakeholder engagement, refinement and legal scrutiny before submission to Parliament.

1 PUBLIC CONSULTATION



21 MAY 2024
Bill published
for comment.



31 AUGUST 2024
Comment period
extended.



25–26 SEPT 2024
Stakeholder
workshop held.



51
stakeholder
submissions
received

BROAD REPRESENTATION ACROSS SECTORS



Municipalities



Provincial
Governments



National
Departments



Political
Parties



Academia



Constitutional
Institutions



Civil Society
Organisations

2 BILL REFINEMENT



COMMENTS ANALYSED AND BILL REFINED

- ✓ Public submissions considered
- ✓ Portfolio Committee engagements
- ✓ Private Members' Bill proposals considered
- ✓ Internal policy refinement

3 LEGAL CERTIFICATION (OCSLA)



26 MAY 2026
Preliminary OCSLA comments
provided during the Cabinet process.



JUNE–JULY 2026
Bill revised and finalised
following Cabinet deliberations
and internal reviews.



6 AUGUST 2026
Final OCSLA certification
issued immediately prior
to submission to Parliament.



7 AUGUST 2026
The final Bill submitted
to Parliament.

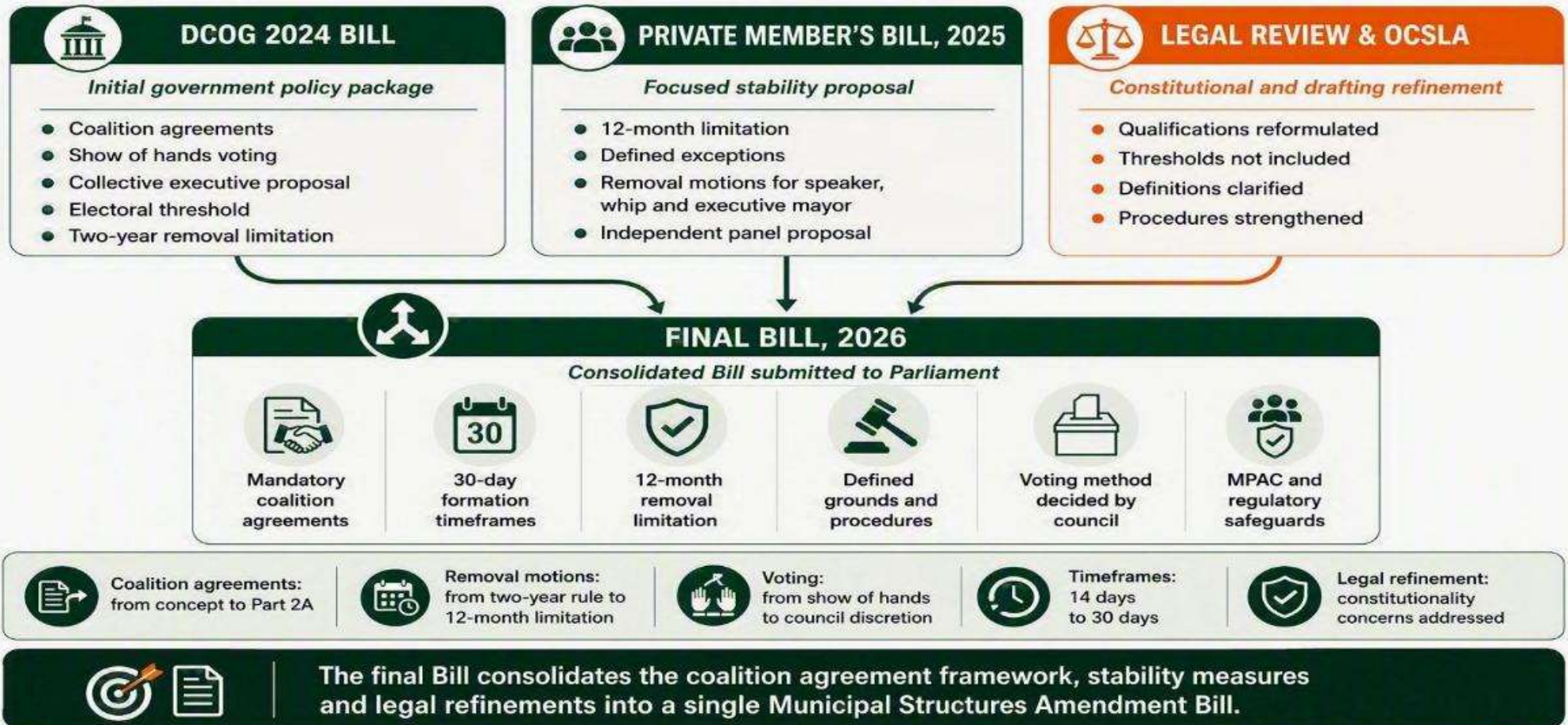


The Bill was subjected to public consultation, stakeholder engagement, careful refinement, legal scrutiny and OCSLA certification before submission to Parliament.



CONTENT EVOLUTION OF THE BILL

The final Bill consolidates government proposals, Private Member's Bill provisions and legal refinements into one legislative package.

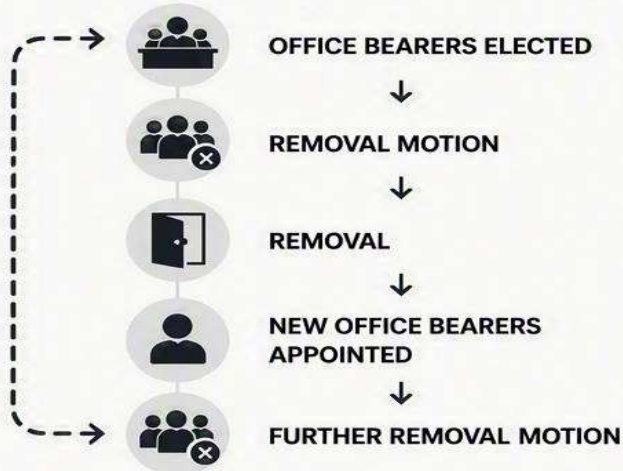


FROM FREQUENT CHANGES TO GREATER STABILITY

Key stability measures introduced by the Municipal Structures Amendment Bill

BEFORE: FREQUENT LEADERSHIP CHANGES

Municipal leadership can change repeatedly, disrupting governance and service delivery.



This cycle leads to instability, uncertainty and poor outcomes.

AFTER: STABILITY MEASURES IN THE BILL

- | | | | |
|---|--|---|---|
| 1 | | MANDATORY COALITION AGREEMENT | Required in hung councils and published through the prescribed process.
(Clause 14 / Section 60A) |
| 2 | | OFFICE BEARERS ELECTED | Speaker, Whip, Executive Committee, Mayor or Executive Mayor elected in accordance with the Act. |
| 3 | | 12-MONTH STABILITY PERIOD | Only one removal motion may be tabled within a 12-month period, subject to specified exceptions.
(Clauses 6, 8, 10 & 12) |
| 4 | | REMOVAL ONLY ON DEFINED GROUNDS | Removal remains possible on specified grounds, including constitutional violations, criminal convictions, financial misconduct, serious Code of Conduct breaches, or inability to perform legislated functions.
(Clauses 6, 8, 10 & 12) |
| 5 | | REPLACEMENT WITHIN PRESCRIBED TIMEFRAMES | Key vacancies must be filled within prescribed periods to support continuity of governance. <ul style="list-style-type: none"> • Speaker: within 14 days • Executive Mayor: within 14 days • Mayoral Committee: within 14 days of election of Executive Mayor (Clauses 5 & 13) |



The Bill introduces coalition agreements, defined removal grounds, procedural safeguards and continuity measures intended to promote **stability, accountability** and **effective municipal governance**.



MEASURES INTENDED TO SUPPORT STABILITY, ACCOUNTABILITY AND CONTINUITY

AMENDMENTS TO THE DRAFT BILL BEFORE SUBMISSION TO PARLIAMENT

Selected provisions were refined, reformulated or omitted following legal review and stakeholder consultation.

1 COUNCILLOR QUALIFICATIONS

REFORMULATED IN THE FINAL BILL

ORIGINAL PROPOSAL
Mandatory experience, skills or qualifications for municipal office bearers.

REFINEMENT
OCSLA concerns addressed through redrafting.

FINAL BILL
Allows relevant experience, skills or qualifications, or **capacity development**, to perform functions optimally.

✓ Key provision retained in a refined form.

2 COLLECTIVE EXECUTIVE SYSTEM

NOT INCLUDED IN THE FINAL BILL

ORIGINAL PROPOSAL
Automatic conversion to a collective executive system where no party had a majority.

CONSULTATION OUTCOME
Provision was reconsidered during political consultation.

FINAL BILL
Provision not included in the final Bill.

✗ Provision not included in the final Bill.

3 ELECTORAL THRESHOLDS

NOT INCLUDED IN THE FINAL BILL

ORIGINAL PROPOSAL
Minimum thresholds for representation and eligibility for certain positions.

LEGAL ADVICE
OCSLA advised the provisions were constitutionally problematic.

FINAL BILL
Threshold provisions not included in the final Bill.

✗ Provision not included in the final Bill.



OUTCOME

The Bill submitted to Parliament reflects amendments arising from legal review and stakeholder consultation during the drafting process.



Coalition Agreements



Stability Measures



Defined Removal Grounds



Institutional Formation



Accountability & Oversight

THE BILL IN 8 KEY REFORM AREAS

Overview of the key amendments in the Municipal Structures Amendment Bill, 2026

1 DEFINITIONS AND MUNICIPAL LEADERSHIP

- New definitions: coalition, coalition agreement, independent ward councillor, municipal office bearer and rules of order
- Experience, skills, qualifications or capacitation for office bearers and committee chairpersons

 **Clauses: 1, 2**

2 INSTITUTIONAL FORMATION

- Extended 14 to 30 day timeframes for:
 - District council representatives
 - First council meeting
 - Executive committee determination
 - Election of mayor, executive mayor or executive deputy mayor
 - Establishment of MPACs

 **Clauses: 3, 4, 9, 11, 15**

3 GOVERNANCE STABILITY

- 12-month limitation on removal motions (with specified exceptions)
- Defined grounds for removal of municipal office bearers
- Procedures for removal motions and decision-making

 **Clauses: 6, 8, 10, 12**

4 VOTING PROCEDURES

- Voting in elections of municipal office bearers may be by show of hands or secret ballot
- Amendment to Schedule 3, Item 6(a)

 **Clause: 17**

5 WHIP FUNCTIONS

- Additional function of the whip in coalition municipalities
- Assist parties and independent ward councillors to adhere to the terms of the coalition agreement

 **Clause: 7**

6 EXECUTIVE GOVERNANCE CONTINUITY

- Consequences when an executive mayor vacates office
- Dissolution of mayoral committee
- Election of new executive mayor within 14 days
- Appointment of new mayoral committee within 14 days

 **Clause: 13**

7 MPAC REFORMS

- MPAC established within 30 days of election of the Speaker
- Chairperson must be from specified parties or independent ward councillors who meet the requirements
- Chairperson removal only on reasonable grounds with MEC concurrence

 **Clause: 15**

8 REGULATORY FRAMEWORK AND PARLIAMENTARY SCRUTINY

- Minister may make regulations related to the Act
- Regulations made under section 60A(3) must be submitted to Parliament at least 30 days before promulgation

 **Clause: 16**



The Bill seeks to strengthen municipal governance through measures relating to coalition agreements, **governance stability, capable leadership, institutional continuity and accountability.**



Coalition Agreements



Stability Measures



Institutional Continuity



Capable Leadership



Accountability & Oversight

(Memorandum, pp. 9–10, 15–16, 23)

DEFINITIONS AND OFFICE BEARER REQUIREMENTS

Clauses 1 and 2: Building the foundation for effective municipal governance



CLAUSE 1 (SECTION 1): NEW DEFINITIONS

The Bill introduces key definitions to provide clarity and common understanding in the Act.



COALITION

An arrangement between two or more political parties and one or more independent ward councillor.



COALITION AGREEMENT

A written agreement between two or more political parties and one or more independent ward councillor to form a coalition in a municipality.



INDEPENDENT WARD COUNCILLOR

A person elected as an individual, not as a representative of any political party.



MUNICIPAL OFFICE BEARER

Includes the speaker, whip, executive mayor, deputy executive mayor, mayor, deputy mayor, member of the executive committee or member of the mayoral committee.



RULES OF ORDER

A by-law prescribing the rules and orders of the council for its internal arrangements, business and proceedings, and the establishment of committees.



CLAUSE 2 (SECTION 21): OFFICE BEARER REQUIREMENTS

Municipal office bearers and committee chairpersons **must possess at least one** of the following:



EXPERIENCE

Experience relevant to local government.

OR



SKILLS

Skills relevant to local government.

OR



QUALIFICATIONS

Qualifications relevant to local government.

OR



CAPACITATION

Capacitated to perform such functions optimally.



TO PERFORM THEIR FUNCTIONS OPTIMALLY
in order to promote the efficiency of the municipality.



PURPOSE

To promote the efficiency of the municipality.



Clauses 1 and 2 lay the foundation for **clear terminology** and **office bearer requirements** to enhance the effectiveness and efficiency of municipal governance.



CONSTITUTING MUNICIPAL GOVERNANCE STRUCTURES

The Bill extends key formation timeframes from **14 to 30 days** to allow councils sufficient time to constitute governance structures.



PURPOSE:

To provide municipalities with additional time to constitute governance structures while reducing pressure during the immediate post-election transition.



These timeframes strengthen the orderly establishment of governance structures and support **stability** and **effective local governance**.



OVERSIGHT AND CONTINUITY SAFEGUARDS

The Bill strengthens council oversight and continuity through Speaker vacancy rules and MPAC protections.



1. SPEAKER VACANCY

CLAUSE 5 / SECTION 36



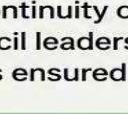
Speaker vacates office



14 DAYS



New Speaker must be elected within **14 days**



Continuity of council leadership is ensured



Where the Speaker vacates office during a term, a new Speaker must be elected within **14 days**.



Purpose: Ensures continuity of council leadership and decision-making.



2. MPAC ARRANGEMENTS

CLAUSE 15 / SECTION 79A



30

ESTABLISHMENT

A municipal council must establish an MPAC within **30 days** of the election of the Speaker.



CHAIRPERSON REQUIREMENTS

The chairperson must be appointed from political parties or independent ward councillors who meet the requirements in the Act.



REMOVAL SAFEGUARD

The chairperson may only be removed on reasonable grounds.



MEC CONCURRENCE

Removal requires the written concurrence of the MEC for local government.



These safeguards support continuity, independent oversight and accountability in municipal governance.



Continuity



Independent Oversight



Accountability



Good Governance

12-MONTH STABILITY PERIOD WITH DEFINED GROUNDS FOR REMOVAL

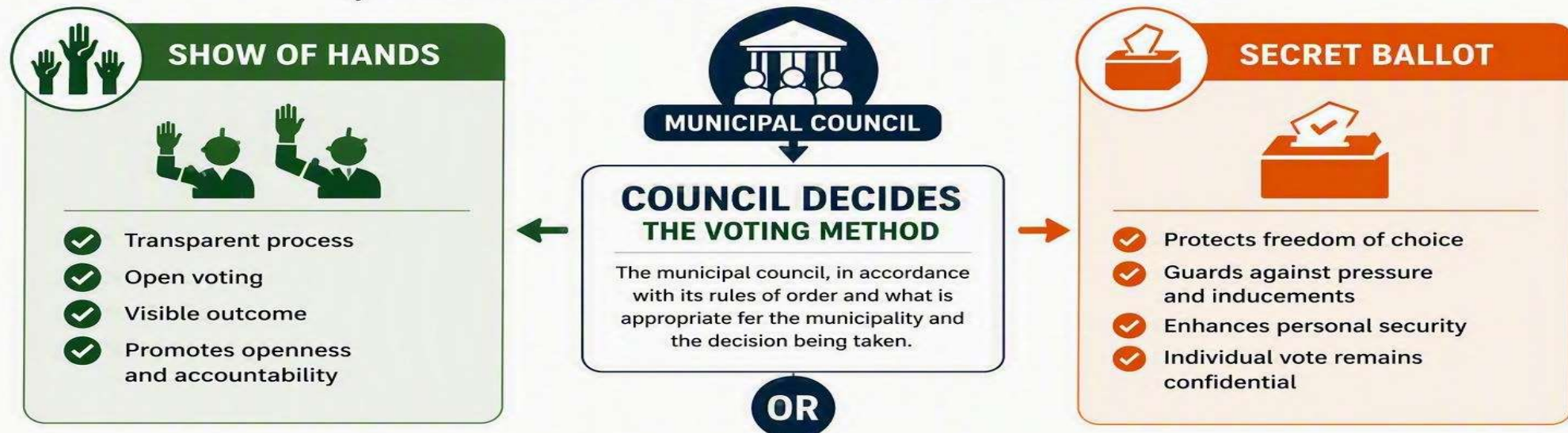
Balancing stability in municipal leadership with accountability to communities



(Clauses 6, 8, 10 & 12 – Sections 40, 41E, 53 & 58)

ELECTION OF MUNICIPAL OFFICE BEARERS: COUNCIL DECIDES THE VOTING METHOD

The Bill allows the municipal council to decide whether voting will take place by show of hands or secret ballot in accordance with its rules of order.



PURPOSE OF THIS AMENDMENT



Provides flexibility



Promotes transparency and accountability where appropriate



Recognises differing municipal circumstances



Allows councils to choose the voting method



LEGISLATIVE AMENDMENT

Clause 17 amends Item 6(a) of Schedule 3 to allow voting by show of hands or secret ballot, as decided by the municipal council.



Reference:
Clause 17; Schedule 3, Item 6(a) (pp. 23–24).

ADDITIONAL FUNCTION OF THE WHIP

Clause 7 amends section 41B to support adherence to coalition agreements.

WHEN DOES IT APPLY?



In a municipality with a coalition.



A coalition agreement is in place.

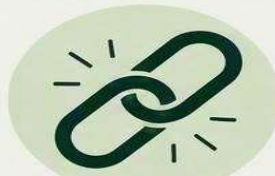


Political parties and independent ward councillors are party to the agreement.



MUNICIPAL WHIP

ADDITIONAL STATUTORY FUNCTION



Assists political parties and independent ward councillors who have entered into a coalition agreement to adhere to the terms of that agreement.



CLAUSE 7



Amends section 41B of the Municipal Structures Act.



Applies in municipalities with a coalition.



Adds a function of the whip.



Supports adherence to the terms of coalition agreements.



The amendment assigns the municipal whip a supporting function to assist parties and independent ward councillors to adhere to the terms of a coalition agreement.



LEGISLATIVE REFERENCE:

Clause 7: Amendment of Section 41B – Additional function of the whip
(Proposed s 7, p. 11 of the Memorandum).



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EXECUTIVE MAYOR VACANCY: ENSURING CONTINUITY OF GOVERNANCE

The Bill sets clear timeframes to ensure that leadership vacancies are filled promptly and governance structures are re-established without delay.



PURPOSE:

To ensure that executive leadership and governance structures are re-established quickly, supporting continuity and effective municipal governance.



Promotes continuity, certainty and effective executive governance.



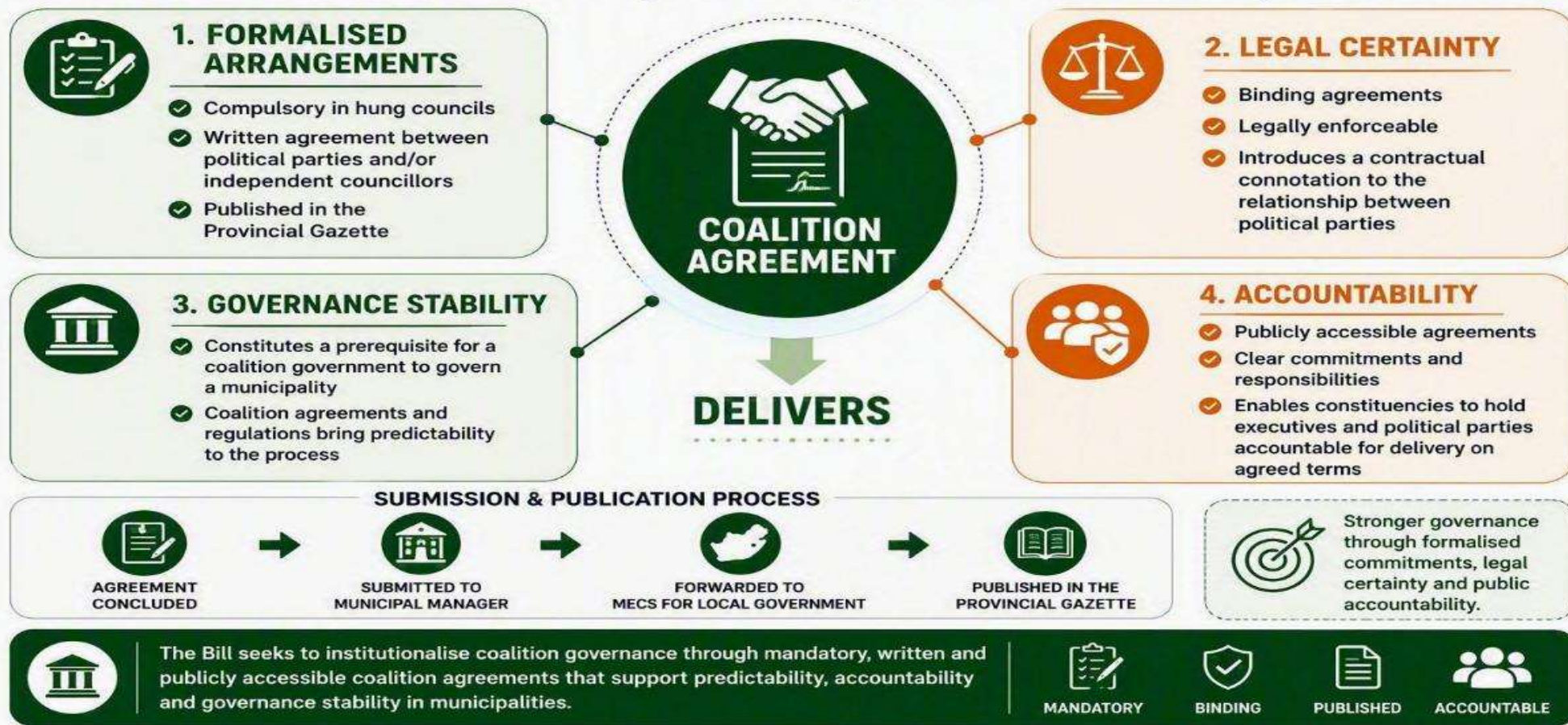
Clear timeframes support stable leadership, minimise disruption and strengthen accountable governance.



LEGAL BASIS:
 Clause 13 – Amendment of Section 60
 Municipal Structures Act, 1998

WHY COALITION AGREEMENTS?

The Bill introduces coalition agreements as a governance mechanism for hung councils.



STRENGTHENING MPAC INDEPENDENCE

Clause 15: Amendment of Section 79A – Municipal Public Accounts Committees (MPACs)



The Bill enhances the establishment, independence and accountability of Municipal Public Accounts Committees to strengthen oversight of financial management and promote good governance.

1

ESTABLISHMENT



WITHIN 30 DAYS

A municipal council must establish an MPAC within **30 days** of the election of the Speaker.

2

CHAIRPERSON REQUIREMENTS



- ✓ The chairperson must be appointed from political parties or independent ward councillors who meet the requirements in the section.
- ✓ Ensures qualified and appropriate leadership of the MPAC.
- ✓ Promotes effective oversight and accountability for public finances.

3

REMOVAL SAFEGUARDS



The chairperson may only be removed on **reasonable grounds**.



Removal requires the **written concurrence** of the **MEC** for local government in the province.



These measures protect the independence and integrity of MPACs and support effective oversight, financial accountability and good governance in municipalities.



LEGISLATIVE REFERENCE:

Clause 15: Amendment of Section 79A – Municipal Public Accounts Committees (Proposed s 15, pp. 21–22) of the Memorandum).

REGULATIONS AND PARLIAMENTARY OVERSIGHT

Clause 16: Amendment of Section 92 – Regulations



The Bill ensures that the Minister retains the general power to make regulations under section 92 and introduces a parliamentary scrutiny requirement for regulations under section 60A(3).



1. GENERAL REGULATION-MAKING POWER

The Minister may make regulations prescribing:



MATTERS THAT MAY OR MUST BE PRESCRIBED IN TERMS OF THE ACT

Relating to any matter that the Act requires or empowers the Minister to prescribe.



MATTERS THAT MAY FACILITATE THE APPLICATION OF THE ACT

Relating to any matter that may assist in the effective implementation of the Act.



This preserves the Minister's existing powers under section 92(1) of the Municipal Structures Act.



2. ADDITIONAL PARLIAMENTARY SCRUTINY

(APPLIES ONLY TO REGULATIONS MADE UNDER SECTION 60A(3))

Regulations made in terms of section 60A(3) must be submitted to Parliament **at least 30 days** before promulgation.



1

DRAFT REGULATION

Prepared by the Minister.



2

SUBMITTED TO PARLIAMENT

Regulation is tabled in Parliament.



3

AT LEAST 30 DAYS

Minimum period before promulgation.



4

PARLIAMENTARY REVIEW OPPORTUNITY

Parliament has the opportunity to consider the regulation.



This enhances transparency, accountability and democratic oversight of regulations relating to coalition agreements.



These provisions balance effective regulation-making with democratic strengthening governance, transparency and accountability in local government.



EFFECTIVE REGULATION



TRANSPARENCY



DEMOCRATIC OVERSIGHT



GOOD GOVERNANCE



LEGISLATIVE REFERENCE:

Clause 16: Amendment of Section 92 – Regulations
(Proposed s 16, pp. 22–23 of the Memorandum).

TECHNICAL AND CONSEQUENTIAL AMENDMENTS

Clauses 18 and 19 ensure the Bill is updated, clearly structured and ready for implementation.



18. TECHNICAL AMENDMENTS (CLAUSE 18)



TABLE OF CONTENTS UPDATED

The Table of Contents of the Municipal Structures Act is amended to reflect:



NEW HEADINGS

Relating to removal provisions



INSERTION OF PART 2A

And section 60A on coalition agreements



Ensures the Act is accurately updated and easy to navigate.



19. SHORT TITLE AND COMMENCEMENT (CLAUSE 19)



SHORT TITLE

Local Government: Municipal Structures Amendment Act, 2026.



COMMENCEMENT

Provides for a date of commencement to be determined by the President by proclamation.



Provides certainty on the name and effective date of the Act.



These technical and consequential amendments ensure the Bill is correctly structured, aligned with the Act and ready for effective implementation.



LEGISLATIVE REFERENCE:

Clause 18: Amendment of the Table of Contents
Clause 19: Short title and commencement



Ensuring clarity, accuracy and readiness for implementation.

RECOMMENDATIONS

It is recommended that the Portfolio Committee on Cooperative Governance and Traditional Affairs –

- ☐ Notes the submission of the Local Government: Municipal Structures Amendment Bill, 2026 to Parliament;
- ☐ Considers the Bill in accordance with the Rules of Parliament and the Committee's work plan; and
- ☐ Notes that the Department will provide support to the Committee, as and when needed.

THANK YOU

Ngiyabonga | Re a leboga | Ndo livhuwa | Nndza nkhenisa | Ke a leboha haholo | Dankie | Enkosi