



## **KWAZULU-NATAL PROVINCE**

**COOPERATIVE GOVERNANCE AND  
TRADITIONAL AFFAIRS**  
REPUBLIC OF SOUTH AFRICA

### **MINISTRY:**

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The Secretary  
KwaZulu-Natal Legislature  
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### **PARLIAMENTARY QUESTION NO. 33/2023 MR LM MEYER [DA] TO ASK THE MEC FOR COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS:**

In May 2022 Councillor Ngiba of Ward 101 in eThekweni was arrested, as he is a suspect in the murder of the ANC candidate for Ward 101. Councillor Ngiba still remains in custody, 9 months later.

#### **QUESTION 1**

Is Councillor Ngiba still earning his full salary as a Councillor in eThekweni?

#### **DEPARTMENTAL RESPONSE:**

Upon receipt of the question, the Department approached the Municipality for a response on the matter and the Municipality has confirmed that indeed Councillor Ngiba is still earning his salary.

#### **QUESTION 2**

As Councillor Ngiba has not attended any Council sittings in 9 months, not attended any Committee meetings of the Council, nor been able to call and attend Ward Committee meetings, all as per the duties of a Councillor, have COGTA advised the Speaker of eThekweni of necessary steps against Councillor Ngiba?

#### **DEPARTMENTAL RESPONSE:**

The Department was not aware of the non-attendance of Council meetings by Councillor Ngiba as the municipality did not report the matter to the Department during the quarterly reporting cycle. The Department has addressed a letter to the Speaker to establish facts around the matter and to advise on the processes to be undertaken in terms of the Code of Conduct for Councillors.



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### **QUESTION 3**

Considering that it is the right of every citizen in South Africa, including the residents of Ward 101 eThekweni, to have representation in their Local Government, is it the view of the MEC that it is in the best interest of the people of ward 101, who have not had a Ward Councillor for 9 months, that the situation remains as is?

### **DEPARTMENTAL RESPONSE:**

The concern is acknowledged and the eThekweni Municipality through the office of the Speaker will be advised to urgently address the matter in line with his oversight role on public participation matters and as the custodian of the Code of Conduct for Councillors.

### **QUESTION 4**

Does the Municipal Structures Act, or any other regulations of COGTA give any guidance on a situation like this, where a Councillor is unable to fulfil his duties for such an extended period of time?

### **DEPARTMENTAL RESPONSE:**

Yes. Schedule 7 of the Local Government: Municipal Structures Act, 1998 outlines processes to be followed by the Speaker, Council and the MEC if Council fails to act, in instances where a Councillor is in breach of the Code of Conduct for Councillors.

Yours faithfully,

  
**MRS B.N SITHOLE- MOLOI, MPL**  
**MEC FOR COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**  
**DATE: 10 / 03 / 2023**