



**EMBARGO: FOR IMMEDIATE RELEASE**

**MEDIA STATEMENT BY THE SOUTH AFRICAN LAW REFORM COMMISSION: ISSUE PAPER 37: REVIEW INTO REGULATORY, COMPLIANCE AND REPORTING BURDEN IMPOSED ON LOCAL GOVERNMENT BY LEGISLATION**

The South African Law Reform Commission (Commission) has included in its programme a review into regulatory, compliance and reporting obligations imposed on local government through legislation – Project 146. An issue paper relating to this inquiry – Issue Paper 37 - has now been published for general information and comments.

The supervision of local government by the other spheres of government through, among other things, legislation, is a constitutional imperative - intended to ensure that the values of accountability and transparency are not rendered meaningless. However, it appears that municipalities are buckling under the rigours of legislation intended to structure the institutions and processes of local government. This inquiry therefore seeks to establish the nature and extent of this problem and address it by identifying *burdensome* regulatory, compliance and reporting obligations placed on local government by national legislation; garnering evidence of the impacts of these obligations; and by exploring ways to remove or reduce these obligations. As not all regulation is bad, it is necessary to describe those legislative obligations that we seek information on and examples of. The Commission wants to seek out those obligations that impose unnecessary or excessive costs on local government because they are duplicative, unclear, complex, overly prescriptive, create unintended or unexpected workload, impose onerous requirements or cause unnecessary delays. The distinguishing feature of these obligations therefore is that the costs of complying with them often outweigh any benefits achieved by such compliance. It is these statutory obligations that are the focus of this review.

It is hoped that the outcome of this review will free up to the maximum extent possible local government resources to enable it to focus on delivering services to communities whilst maintaining accountability and good governance as required by the Constitution.

To this end, the Commission is calling on interested parties to make submissions about:

- onerous regulatory, compliance and reporting obligations as defined above;
- how, in practice, these obligations affect municipalities;
- any proposals on how to streamline or remove these obligations;

- what impact, if any, streamlining or removing these obligations would have for municipalities, other organs of state and communities.

Submissions may include issues stakeholders consider relevant to this review which are not covered in the issue paper.

**Submissions close on 31 July 2019.**

The issue paper published by the Commission contemporaneously with this call for submissions constitute the first step in a series of consultations the Commission intends embarking on during the course of this investigation. The Commission also plans to host workshops, seminars, and roundtable discussions to discuss issues germane to this inquiry. On the strength of these responses to the issue paper, call for submissions and consultation referred to above, the Commission will prepare a discussion paper setting out its preliminary proposals and draft legislation, if necessary. Responses to the discussion paper will be collated and evaluated to prepare a report setting out the Commission's final recommendations. This report (with draft legislation) will be submitted to the Minister of Justice and Correctional Services for onward transmittal to the Minister of Cooperative Governance and Traditional Affairs.

Respondents are requested to make submissions to the Commission by **31 July 2019** and mark them for the attention of Fanyana Mdumbe to the following address:

The Secretary

South African Law Reform Commission

Private Bag X668

Pretoria

0001

Email: [fmumble@justice.gov.za](mailto:fmumble@justice.gov.za)

Issue Paper 37 is available on the internet at the following site:  
<http://www.justice.gov.za/salrc/ipapers.htm>

Issue Paper can also be obtained free of charge from the SALRC on request. Kindly contact Mr Jacob Kabini at [jkabini@justice.gov.za](mailto:jkabini@justice.gov.za) or (012) 622 6346

Contact for enquiries in respect of media statement: Fanyana Mdumbe  
[fmumble@justice.gov.za](mailto:fmumble@justice.gov.za) and/or (012) 622 6353

**ISSUED BY THE SECRETARY, SA LAW REFORM COMMISSION**

**3 May 2019**