

CITY OF CAPE TOWN
Revenue Department

SEMINAR PROGRAMME: 2007

DAY ONE SEMINAR

**Statutory and Legislative Framework of Municipal
Financial Management with specific reference to Revenue**

PROGRAMME

Three-day seminar

PROGRAMME PURPOSE

To provide the participants with a practical working knowledge of the content and principles of public law as it relates to Municipal Financial Revenue Management and the statutory ethos and principles for service delivery (Batho Pele).

FACILITATOR

Dr HH Ballard

OBJECTIVE

To contextualize the municipal finance statutory, legislative and policy provisions and requirements as it relates to the revenue department. This seminar attempts to provide a general understanding of the origin and sources of our South African law and the principles of the *Republic of South Africa Constitution Act, 1996 (108 of 1996)* as well as the applicable legislative provisions guiding municipal finance and accounting.

COMPETENCIES

- Basic knowledge on the background of law.
- Understand how municipal financial law fits into the main legal framework.
- Understand and define the concept law.
- Understand the classification of the law.
- Explain the different norms that govern human behaviour.
- Name and discuss the sources of South African law.
- Explain the hierarchy of the courts and identify which court will be approached in a specific case scenario.
- Apply the doctrine of *stare decises*.
- Critically analyse basic constitutional concepts.
- Critically analyse and evaluate the separation of powers doctrine and relate it to SA system of government.
- Introduce the Republic of SA Constitution Act, 1996 (108 of 1996).
- Introduce the applicable legislation to municipal finance.

OUTCOMES

Constitution of the Republic of South Africa, 1996 (Act 108 of 1996)

- Describe the key principles and responsibilities relating to financial management as recorded in the Constitution.
- Explain the executive and legislative authority of a municipality.
- Describe the categories of municipalities as required by the Constitution.

Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)

- Briefly describe the impact of the Act on municipal financial management.

Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)

- Describe the fundamental concepts that give effect to the local government system.
- Explain the levels of community participation in building local democracy.
- Describe the alignment of the Local Government Systems Act with the Municipal Finance Management Act.

Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003)

- Describe the underlying principles as a basis for the key reforms envisaged by the MFMA.
- Explain the object of the MFMA by referring to specific norms and standards.
- Briefly describe the contents of the MFMA.

Local Government: Municipal Property Rates Act, 2004 (Act 6 of 2004)

- Describe the underlying principles regarding municipal property rate administration as required by the Local Government Municipal Property Rates Act.
- Briefly describe the contents of the Local Government Municipal Property Rates Act.

Public Audit Act, 2004 (Act 25 of 2004)

- Describe the status and functions of the Auditor-General.
- Describe the duties, powers and functions of the Auditor-General regarding the audit of municipalities.
- Describe the basis and process for the determination of audit fees.

Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005)

- Explain the objectives of the Intergovernmental Relations Framework Act.

PROGRAMME			
			TIME
WELCOME			09h00 – 09h10
ICE-BREAKER			09h10 – 09h25
INTRODUCTION			09h25 – 09h30
OUTPUT		LEARNING OUTCOMES	
UNIT 1	Concept and Definition of Law	<ul style="list-style-type: none"> To be able to understand and distinguish between the concepts and definition of law and other normative systems. 	09H30 – 11H00
UNIT 2	The Legal Subject and Object	<ul style="list-style-type: none"> To be able to understand the concepts of different types of persons and rights and duties. 	
UNIT 3	History of SA Law	<ul style="list-style-type: none"> To be able to understand the history and origin of South African Law. 	
UNIT 4	Sources of Law	<ul style="list-style-type: none"> To be able to understand various sources of law. 	
UNIT 5	The SA Courts	<ul style="list-style-type: none"> To be able to understand how the courts work. 	
UNIT 6	Divisions of Law	<ul style="list-style-type: none"> To be able to understand how law is classified. 	
UNIT 7	Administration of Justice	<ul style="list-style-type: none"> To be able to understand how the law works. 	
TEA/COFFEE			11H00 – 11H20
UNIT 8	Introduction and Sovereignty	<ul style="list-style-type: none"> Understand basic concepts and definitions, differences between constitutional and parliament sovereignty. 	11H20 – 13H00
UNIT 9	Separation of powers	<ul style="list-style-type: none"> Understanding and evaluation of concept. 	
UNIT 10	Constitution of the Republic of SA, 1996 (Act 108 of 1996)	<ul style="list-style-type: none"> Describe the key principles and responsibilities relating to financial management as recorded in the Constitution. Explain the executive and legislative authority of a municipality. Describe the categories of municipalities as required by the Constitution. 	
LUNCH			13H00 – 13H45

PROGRAMME			
OUTPUT		LEARNING OUTCOMES	TIME
UNIT 11	Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)	<ul style="list-style-type: none"> ▪ Briefly describe the impact of the Act on municipal financial management. 	13H45 – 14H30
UNIT 12	Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)	<ul style="list-style-type: none"> ▪ Describe the fundamental concepts that give effect to the local government system. ▪ Explain the levels of community participation in building local democracy. ▪ Content of the Act. ▪ Describe the alignment of the Local Government Systems Act with the Municipal Finance Management Act. 	
UNIT 13	Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003)	<ul style="list-style-type: none"> ▪ Describe the underlying principles as a basis for the key reforms envisaged by the MFMA. ▪ Explain the object of the MFMA by referring to specific norms and standards (section 2). 	14H30 – 16H00
UNIT 14	Local Government: Municipal Property Rates Act, 2004 (Act 6 of 2004)	<ul style="list-style-type: none"> ▪ Describe the underlying principles regarding municipal property rate administration as required by the Local Government Municipal Property Rates Act. ▪ Briefly describe the contents of the Local Government Municipal Property Rates Act. 	
UNIT 15	Public Audit Act, 2004 (Act 25 of 2004)	<ul style="list-style-type: none"> ▪ Background. ▪ Objects of the Act. ▪ Describe the status and functions of the Auditor-General. ▪ Describe the duties, powers and functions of the Auditor-General regarding the audit of municipalities. ▪ Describe the basis and process for the determination of audit fees. 	
UNIT 16	Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005)	<ul style="list-style-type: none"> ▪ Explain the objectives of the Intergovernmental Relations Framework Act. 	
WRAP-UP AND CLOSURE			16H15

SOURCES

Literature

Du Plessis, LM and AG. *An Introduction to Law* (2nd Edition) Cape Town: Juta & Co.

Kleyn, D & Viljoen, F. Beginner's Guide: *Beginner's Guide for Law Students* Cape Town: Juta & Co.

Fourie, ML., Opperman, L., Scott, D. 2007. *Municipal Finance and Auditing*. Van Schaik's. Pretoria.

Visser C.B & Erasmus P.W. *The Management of Public Finance*. Oxford University Press.

Legislation

The Constitution of the Republic of South African Act, 1996 (108 of 1996).

Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).

Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003).

Local Government: Municipal Property Rates Act, 2004 (Act 6 of 2004).

Public Audit Act, 2004 (Act 25 of 2004).

Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005).