



# Municipal Oversight

What You Should Know



## Why Oversight Matters

Municipal oversight is essential, because local government is where constitutional promises are translated into lived reality.

Oversight matters because it protects constitutional rights, safeguards public resources, ensures accountability, improves service delivery, identifies and helps prevent governance failure, and maintains public trust in local government.

Without effective oversight, municipalities fail quietly, expensively, and at the direct cost to ratepayers and the communities they are meant to serve.

Oversight over municipal affairs is exercised by a combination of internal municipal structures, provincial and national institutions, and independent actors.

## Internal Municipal Oversight Structures

### Municipal Council

- The primary oversight authority within a municipality
- Holds the executive (Mayor and Mayoral Committee) and Administration accountable
- Approves policies, budgets, IDPs, and performance reports
- Can establish oversight committees and initiate investigations.

### Municipal Public Accounts Committee (MPAC)

- A Council committee focused on financial and performance oversight
- Reviews:
  - Annual reports
  - Auditor-General findings
  - Irregular, fruitless, and wasteful expenditure
- Makes recommendations to Council for corrective action
- Chaired by a minority party.

### Joint Audit and Performance Audit Committee (JAPAC)

- Established in terms of Section 166(2) of the Municipal Finance Management Act (MFMA), JAPAC is an independent advisory body, which advises Council, political office-bearers, accounting officer, and the management staff of the municipality, on matters relating to:
  - Internal financial control and internal audits
  - Risk management
  - Accounting policies
  - The adequacy, reliability and accuracy of financial reporting and information
  - Performance management, and
  - Effective governance.

## Portfolio Committees | Section 79 Committees

- Oversight of specific functional areas (e.g. infrastructure, community services)
- Monitor implementation of Council decisions and service delivery.

## Mayoral Committee (or Executive Committee)

- Exercises political oversight over the municipal administration
- Monitors performance of the municipal manager and senior officials
- Accountable to Council.

## Ward Committees

- Provide limited but important community-level oversight (grassroot accountability)
- Escalate community concerns (service delivery and governance in the main)
- Monitor Ward-level implementation of projects
- Advisory rather than decision-making authority.

## Provincial Oversight Institutions

### MEC for Cooperative Governance and Traditional Affairs (COGTA)

- Exercises oversight in terms of Sections 155 and 139 of the Constitution.
- Can:
  - Monitor municipal performance
  - Intervene in cases of failure or dysfunction
  - Dissolve Councils under extreme circumstances.

### Provincial Treasury

- Oversees:
  - Municipal budgeting
  - Financial management
  - Compliance with the MFMA
- Can impose conditions or corrective measures.

### Provincial Legislature

- Oversight through portfolio committees
- Scrutinises provincial departments responsible for local government and their support | intervention in municipalities.

## National Oversight Institutions

### National Treasury

- Oversees municipal financial systems and compliance with the MFMA
- Issues regulations, frameworks, and instructions
- Can enforce corrective financial measures.

#### National Council of Provinces (NCOP)

- Exercises oversight over provincial interventions in municipalities
- Must approve or review Section 139 interventions.

#### Minister of Cooperative Governance and Traditional Affairs (COGTA)

- Sets national policy and legislative frameworks.
- Oversees the overall functioning of the local government system.

### Independent and Constitutional Oversight Bodies

#### Auditor-General of South Africa (AGSA)

- Audits municipal finances and performance information
- Reports to Council, provincial legislatures, and Parliament
- Has enhanced powers to refer material irregularities for enforcement.

#### Public Protector

- Investigates maladministration, abuse of power, and improper conduct
- Can issue remedial actions binding on municipalities.

#### South African Human Rights Commission (SAHRC)

- Oversees rights-related issues such as access to water, housing, and dignity
- Can investigate systemic service delivery failures.

#### Courts (Judicial Oversight)

- Review legality and constitutionality of municipal decisions
- Can set aside unlawful actions or compel compliance.

### Independent Oversight and Accountability Actors

#### Civil Society and Investigative Journalism

- Through investigative journalism and advocacy identify instances of financial mismanagement, service delivery and governance failures, and where appropriate, pursue public interest litigation in need

- Make constructive recommendations (budget, sustainable development, local economic development, cost management, innovation, other)
- Provide institutional support (if called upon)
- Act in an advisory capacity
- Drive change through applied pressure.

### Examples of Civil Society Actors

- Media
- Action Groups (led by passionate community warriors)
- Ratepayer Associations (RPAs)
- Homeowner Associations (HOAs)
- Community Forums
- Chambers of Business
- Overstrand Community Action Network (OCAN)
- Organisation Undoing Tax Abuse (OUTA)
- Conservation bodies
- NGOs (non-governmental organisations)
- Research and Data Organisations (such as Ratings Afrika)
- Faith-based Organisations (such as churches)
- Trade Unions
- Community Activists.

### Civil Society Actors

- Act where formal oversight is weak or delayed
- Surface issues early
- Apply sustained public pressure
- Strengthen democratic accountability.

These actors are often the first line of oversight, even without formal powers. However, their impact is diluted because of the fragmented way in which they function – if they function.

Given the times in which we live, there is an obvious need to reframe the purpose and contribution of several of these actors.

## Common Oversight Failure Patterns

- Strong AGSA findings with weak Council consequence management
- MPAC recommendations not adopted or tracked
- Portfolio committees focused on reporting, not site-based verification
- Late Provincial Treasury or COGTA escalation
- Lack of transparency and accountability
- Weak civil society voice (often emasculated by an autocratic Executive Mayor).

Curated by Errol van Staden (OCAN) - February 2026

[errol@ocan.co.za](mailto:errol@ocan.co.za)

## Municipal Oversight – How it all Fits

