

**Short Learning Programme Course Outline:**  
**Role of Councillors in the Appointment & Discipline of  
Officials, Section 62 Appeals & as Commissioners of Oaths**  
**Training duration - 8 contact hours**

**Purpose of short learning programme (SLP)**

The purpose of this 1-day SLP is to capacitate councillors with a comprehensive understanding of their roles and responsibilities including any legal implications regarding the appointment and discipline of officials, as commissioners of oaths and in section 62 appeals.

Please note that this new 1-day SLP can be split into 2 x half-day contact sessions as follows:

- **Part A:** Role of Councillors in the Appointment and Discipline of Officials (half- day)
- **Part B:** Role of Councillors in S62 Appeals and as Commissioners of Oaths (half-day)

**\*Admission/entrance requirements:**

- A National Senior Certificate (NSC)
- A National Certificate (Vocational) Level 4 (NCV4) or
- An appropriate Further Education and Training Certificate or equivalent.
- Good reading and writing skills at NQF level 4 is recommended.

\* Please note that the Entrance Requirements are only applicable, if the student chooses to be assessed.

**Attendance requirements**

Kindly note students are required to remain in class for the duration of the course.

## **Course outline**

### **Part A: Role of councillors in the appointment and discipline of officials**

#### **The legislative framework governing the appointment of staff**

- Constitutional values
- Executive authority
- Systems Act
- Labour legislation

#### **The role of councillors in the appointment of staff who are not senior managers**

- Good governance
- Recruitment and selection policy
- Oversight

#### **The role of councillors in the appointment of senior managers**

- Appointment of acting municipal manager/acting senior manager

#### **Preliminary action before advertising**

- The advert
- The selection panel
- Shortlisting
- Screening
- Interviews
- Competency assessment
- Council resolution to appoint
- Re-advertising
- Renewal of contract

#### **The role of councillors in the discipline of officials who are not senior managers**

- Misconduct
- Misconduct procedure
- Enhancing councillor oversight over the disciplinary process

#### **The role of councillors in the discipline of officials who are senior managers**

- The relationship between the regulations and the contract of employment
- Misconduct
- Disciplinary procedures
- Precautionary suspension
- Personal liability for councillors
- Unlawful precautionary suspension and the Labour Relations Act
- Procedures for substandard performance

## **Municipal regulations on financial misconduct procedures and criminal proceedings (Financial misconduct regulations)**

- Reporting on financial misconduct – Regulation 3
- The disciplinary board – Regulations 4 and 5
- Other reporting and miscellaneous matters
- Relationship between the financial misconduct regulations and the disciplinary regulations/collective agreement

## **Part B: Role of councillors in section 62 appeals and as commissioners of oaths**

### **Becoming a commissioner of oaths**

- How does a councillor become a commissioner of oaths?
- What are the powers of commissioners of oaths?
- Crimes and penalties for making false statements in affidavits and certain other declarations

### **Administering an oath**

#### **General rules applicable**

#### **The section 62 appeal**

- Purpose
- The legal framework
- Elements of the right of appeal
- Appeal authority
- Consideration of the appeal
- Detraction from ‘accrued rights’
- Duty to inform of internal appeal
- Exhausting of internal remedies under the Promotion of Administrative Justice Act (PAJA)
- Objections and complaints under the supply chain regulations
- Overview: Practical application of a section 62 right of appeal

#### **Role and functions of a councillor**

- Oversight
- Member of the appeal authority

### **Administrative law and the principles of administrative justice**

- What is PAJA?
- What is an administrative action?
- Are all of the provisions of PAJA always applicable?
- Elements of just administrative action
- Providing reasons for decisions
- Requirements for the drafting of a legally defensible appeal decision
- The judicial review process

### **Assessment practice (Optional)**

- Students who register for the full 1 day short course will be assessed on all outcomes linked to the SLP;
- Students who register for either Part A or B will only attend a half day training session and their assessment will cover outcomes linked to that specific section only;
- Students need to obtain a 50% pass mark overall in order to be issued with a university Certificate of Compliance.

### **Training delivery**

- Training can take place at the Nelson Mandela University's Bird Street campus in PE or on-site.

#### **Contact details**

For further information and to request quotations, please contact:

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