

2019/20 SOUTH AFRICA YEARBOOK

# Government Systems



## Government Systems

South Africa is a constitutional democracy with a three-tier system of government and an independent judiciary.

The national, provincial and local levels of government all have legislative and executive authority in their own spheres, and are defined in the Constitution of the Republic of South Africa, 1996 as distinctive, interdependent and interrelated.

Operating at both national and provincial levels are advisory bodies drawn from South Africa's traditional leaders.

It is a stated intention in the Constitution that the country be run on a system of cooperative governance.

Government is committed to building a free, non-racial, non-sexist, democratic, united and successful South Africa.

### The Constitution

The Constitution was approved by the Constitutional Court on 4 December 1996 and took effect on 4 February 1997.

The Constitution is the supreme law of the land. No other law or government action can supersede the provisions of the Constitution.

The signing of the Constitution was a commemorative gesture in remembrance of the people who died during a peaceful demonstration against the pass laws on 21 March 1960.

South Africa's Constitution is one of the most progressive in the world and enjoys high acclaim internationally. Human rights are given clear prominence in the Constitution.

### The Preamble

The Preamble states that the Constitution aims to:

- heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights;
- improve the quality of life of all citizens and free the potential of each person;
- lay the foundations for a democratic and open society in which government is based on the will of the people, and in which every citizen is equally protected by law; and
- build a united and democratic South Africa that is able to take its rightful place as a sovereign State in the family of nations.

### Founding provisions

South Africa is a sovereign and democratic State founded on the following values:

- human dignity, the achievement of equality and the advancement of human rights and freedom;
- non-racialism and non-sexism;
- supremacy of the Constitution and the rule of law; and
- universal adult suffrage, a national common voters' roll, regular elections and a multiparty system of democratic government to ensure accountability, responsiveness and openness.

### Fundamental rights

The fundamental rights contained in the Constitution seek to protect the rights and freedom of individuals.

The Constitutional Court guards these rights and determines whether actions by the State are in accordance with constitutional provisions.

### Government

The government consists of national, provincial and local spheres, which are distinctive, interdependent and interrelated. The powers of the law-makers (legislative authorities), government (executive authorities) and courts (judicial authorities) are separate from one another.

### Parliament

Parliament is the legislative authority of South Africa and has the power to make laws for the country, in accordance with the Constitution.

It consists of the National Assembly (NA) and the National Council of Provinces (NCOP). Parliamentary sittings are open to the public.

The role of Parliament, as the representative of the people, is to promote and oversee adherence to the values of human dignity, equality, non-racialism, non sexism, and all other rights enshrined in the Bill of Rights, and to oversee the implementation of constitutional imperatives. Through legislative and other measures, Parliament also ensures that the independence, impartiality, accessibility and effectiveness of the Judiciary and other State institutions is upheld.

#### The Preamble

We, the people of South Africa,  
Recognise the injustices of our past;  
Honour those who suffered for justice and freedom in our land;  
Respect those who have worked to build and develop our country; and  
Believe that South Africa belongs to all who live in it, united in our diversity.  
We therefore, through our freely elected representatives, adopt this Constitution as the supreme law of the Republic so as to:

- heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights;
- lay the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law;
- improve the quality of life of all citizens and free the potential of each person; and
- build a united and democratic South Africa able to take its rightful place as a sovereign state in the family of nations.

May God protect our people. *Nkosi Sikelel' iAfrika. Morena boloka setjhaba sa heso.*

*God seën Suid-Afrika. God bless South Africa. Mudzimu fhatutshedza Afurika. Hosi katekisa Afrika.*

The mandate of Parliament is based on the provisions of Chapter 4 of the Constitution, which establishes Parliament and sets out the functions it performs. Parliament is elected to represent the people, ensure government by the people under the Constitution, and represent the interests of provinces in the national sphere of government. Members of Parliament (MPs) elect the President, provide a national forum for the public consideration of issues, pass legislation, and scrutinise and oversee executive action.

Parliament's policy priorities set out long-term policy and outcomes. These are aligned with the priorities and outcomes of the National Development Plan (NDP). To ensure that these outcomes and priorities are met over feasible timeframes, five-year, 10-year and 15-year milestones have been set.

Since 1994, a number of steps have been taken to make it more accessible and to motivate and facilitate public participation in the legislative process. The official governmental website, [www.parliament.gov.za](http://www.parliament.gov.za), encourages comment and feedback from the public.

### Legislative and policy framework

The mandate and functions of Parliament are based on the following core pieces of legislation:

- The Constitution, which sets out the composition, powers and functions of Parliament;
- the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act, 2004 (Act 4 of 2004), which defines and declares certain powers, privileges and immunities of Parliament, provincial legislatures, members of the NA, delegates to the NCOP and members of provincial legislatures;
- the Money Bills Amendment Procedure and Related Matters Act, 2009 (Act 9 of 2009), which provides for a procedure to amend Money Bills before Parliament, and for norms and standards for amending Money Bills before Provincial Legislatures; and
- the Financial Management of Parliament and Provincial Legislatures Act, 2009 (Act 10 of 2009) as amended by Act 34 of 2014, which regulates the financial management of Parliament in a manner consistent with its status in terms of the Constitution. Its objective is to ensure that all revenue, expenditure, assets and liabilities of Parliament are managed efficiently.

Other legislation relevant to the work of Parliament are:

- the Permanent Delegates Vacancies Act, 1997 (Act 17 of 1997);
- the Determination of Delegates (NCOP) Act, 1998 (Act 69 of 1998);
- the Mandating Procedures of Provinces Act, 2008 (Act 52 of 2008); and
- the Remuneration of Public Office Bearers Act, 1998 (Act 20 of 1998).

The joint rules of parliament, rules of the NA and rules of the NCOP augment these Acts, as the Constitution empowers Parliament to make rules and orders concerning its business.

Additional frameworks of relevance to the work of Parliament include the United Nations (UN) Sustainable Development Goals, the African Union Agenda 2063, The Southern African Development Community (SADC) Regional Indicative Strategic Plan, the NDP 2030 and the Medium Term Strategic Framework (MTSF).

### Cabinet

The Cabinet consists of the President, as head, the Deputy President and Ministers. The President appoints the Deputy President, Ministers and Deputy Ministers, assigns their powers and functions, and may dismiss them.

The President may select any number of Ministers from the members of the NA, and may select no more than two Ministers from outside the assembly.

The President appoints a member of the Cabinet to be the leader of government business in the NA.

### National Assembly

The NA is elected to represent the people and to ensure democratic governance as required by the Constitution. It does this by electing the President, providing a national forum for public consideration of issues, passing legislation, and scrutinising and overseeing executive action.

The NA consists of no fewer than 350 and no more than 400 members elected through a system of proportional representation.

The NA, which is elected for a term of five years, is presided over by the Speaker, assisted by the Deputy Speaker.

### Office Bearers of the NA

At its first sitting after a general election, the NA elects the Speaker, the principal office bearer of the NA. The Speaker has many responsibilities which include constitutional, statutory (in terms of the law), procedural and administrative powers and functions. The duties of the Speaker fall broadly into three categories:

- presiding over sittings of the House, maintaining order and applying its rules;
- acting as representative and spokesperson for the NA and (with the Chairperson of the Council) for Parliament; and
- acting as Chief Executive Officer for Parliament, in conjunction with the Chairperson of the Council.

Though the Speaker is a member of a political party, he or she is required to act impartially and protect the rights of all parties. The Speaker is assisted by the Deputy Speaker and three House Chairpersons, each with specific areas of responsibility determined by the Speaker.

The leader of the opposition – a leader of the largest minority party (or largest party that is not in government) – enjoys a special status in Parliament. The post is specified in the Constitution and is accorded a specific salary, though the holder has no specific duties in terms of the rules.

### Committees

In accordance with the powers given to it by the Constitution, the NA establishes a range of committees with assigned powers and functions. The committees are required to report regularly on their activities and to make recommendations to the House for debate and decision.

There is a portfolio committee for each corresponding government department. The composition of the committees reflects, as far as is practicable, the numerical strengths of the parties represented in the NA. The committee deliberates on Bills that cover the respective department's area of jurisdiction and scrutinises and reports on its annual budget and strategic plan. Members of the committees determine whether government departments are delivering on what they promised and whether they are spending the public money they receive in a responsible manner. As part of their oversight work, committees may also do site visits where they find out directly from the people at ground level whether the government is delivering on its promises.

If a committee reports on a matter and makes certain recommendations, the report is debated in a full sitting or plenary to give other members of the House an opportunity to engage with the content. Once the report has been debated, the House decides whether to adopt the committee's recommendations. The House may also decide to only note the report or it may refer the report back to the committee with an instruction to do further work.

#### Portfolio

President	Cyril Ramaphosa
Deputy President	David Mabuza

### National Council of Provinces

The NCOP is mandated to represent the provinces to ensure that provincial interests are taken into account in the national sphere of government.

The NCOP consists of 90 provincial delegates (10 delegates for each of the nine provinces). A provincial delegation consists of six permanent delegates and four special delegates. The permanent delegates, who are appointed by the nine provincial legislatures, are based at Parliament in Cape Town.

The four special delegates consist of the Premier of the province and three special delegates, assigned by each province from Members of the Provincial Legislature and rotated depending on the subject matter being considered by the NCOP.

The Premier of a province is the head of the province's delegation but he or she can assign any other delegate to lead the delegation in his or her absence.

Organised local government is also represented in the NCOP through the South African Local Government Association (SALGA). The SALGA is entitled to 10 representatives who may participate in the debates and other activities of the NCOP but may not vote.

The NCOP must have a mandate from the provinces before it can make certain decisions.

Special calculations of the popular vote in elections make sure that minority interests are represented in each province's delegation to the NCOP.

The NCOP Online links Parliament to the provincial legislatures and local government associations. It also provides information on draft legislation and allows the public to make electronic submissions.

The NCOP came into existence in February 1997.

### Function of Parliament

The core functions of Parliament include making laws, overseeing the work of the Executive and state institutions, facilitating public participation, international participation and cooperative governance.

### Law-making

Section 43(a) of the Constitution vests the legislative authority of the national sphere of government in Parliament. This confers on the NA the power to consider, pass, amend or reject any legislation before the NA and to initiate or prepare legislation, except Money Bills. It also confers on the NCOP the power to consider, pass, amend, propose amendments or reject any legislation before the council and initiate or prepare legislation falling within a functional area listed in Schedule 4 of the Constitution or other legislation referred to in Section 76(3), except Money Bills.

The Constitution distinguishes between four categories of Bills:

- Bills amending the Constitution (Section 74);
- Ordinary Bills not affecting provinces (Section 75);
- Ordinary Bills affecting provinces

(Section 76); and

- Money Bills (Section 77).

Whilst any of these categories of Bills may be introduced in the NA, only Bills referred to in Section 76(3) of the Constitution may be introduced in the NCOP.

Money Bills, such as the Appropriation Bill and the Division of Revenue Bill, may only be introduced in the NA and not in the NCOP.

The Constitution and the Rules of the NA and NCOP outline the processes that Parliament must follow when passing each category of Bills. Furthermore, Section 18(1) of the Traditional Leadership and Governance Framework Amendment Act, 2003 (Act 41 of 2003), obliges the Secretary to Parliament to refer any Parliamentary Bill relating to customary law or customs of traditional communities to the National House of Traditional Leaders (NHTL) for comment before it is passed by the House of Parliament in which it was introduced. The NHTL has 30 days to comment on a Bill so referred.

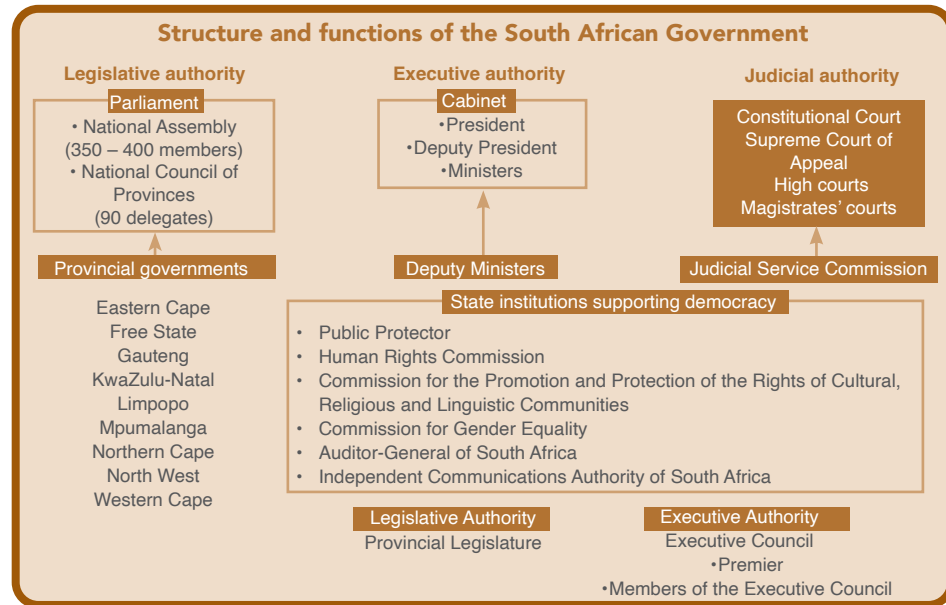
As the representative of the people of South Africa, Parliament realises the importance of processing and/or passing quality legislation aimed at improving the quality of life of the people and involving the public in the processing of legislation. To this end, it plans to develop a legislative model to guide MPs and staff in the processing of legislation.

The main aim of the model is to enhance the law-making processes and procedures of Parliament to enable the institution to pass quality laws that will improve the quality of life of all.

### Oversight

The parliamentary oversight function is one of the cornerstones of democracy. It holds the Executive accountable for its actions and ensures that it implements policies in accordance with the laws and budget passed by Parliament.

The robust monitoring of the Executive by Parliament is an indicator of good governance, as it is through oversight that Parliament can ensure a balance of power and asserts its role as the defender and/or the legitimate custodian of the people's interests. The Constitution envisages a specific oversight role for the NA and the NCOP, respectively.



To this end, it places an obligation on the NA to provide for mechanisms to ensure that all Executive organs of state in the national sphere of government are accountable to it and to maintain oversight of the exercise of national executive authority, including the implementation of legislation.

The Constitution requires the NCOP to exercise oversight over national aspects of provincial and local government.

The Oversight and Accountability Model makes provision for various oversight mechanisms, including exercising oversight through committees, oversight visits, the passing of budget votes, questions for executive reply, members' statements, notices of motion, debates on matters of public importance and constituency work. One of the significant features provided for in the model is the establishment of a Joint Parliamentary Oversight and Governance Assurance Committee to pursue all assurances, undertakings and commitments given by Ministers on the floor of the Houses and the extent to which these assurances have been fulfilled.

### Public participation

Participatory democracy is based on the premise that public participation processes strengthen institutions of representative democracy by actively involving the public in the decision-making processes of government. The Constitution requires the NA and the NCOP, respectively, to facilitate public involvement in the legislative and other processes of the houses and committees by conducting business in an open manner. Whilst Parliament may take reasonable measures to regulate access, it may only exclude the public from a sitting of a House or Committee if it is reasonable and justifiable to do so in an open and democratic society.

In an effort to streamline public participation processes and make it more effective, the legislative sector has developed a Public Participation Framework to guide the public participation activities of Parliament and Provincial Legislatures.

The framework provides certain minimum norms and standards to ensure alignment in public participation processes and activities. Based on this framework, Parliament has developed a Public Participation Model.

The model provides the institution with minimum requirements

for public involvement and participation. Specific public participation mechanisms outlined in the model include the People's Assembly, the NCOP Taking Parliament to the People programme, oversight visits by parliamentary committees, sectoral engagements such as youth and women's parliaments, petitions and other forms of participation in law making and other processes.

### International participation

Parliamentary international relations is the continuation of a political process and dialogue among legislatures of the world. At different international meetings, MPs and presiding officers have the opportunity to exchange views with their counterparts from other countries on a range of international challenges.

The Parliament of South Africa participates in several international forums and organisations, including the:

- Pan-African Parliament;
- SADC Parliamentary Forum;
- Commonwealth Parliamentary Association;
- Inter-Parliamentary Union; and
- African, Caribbean, Pacific-European Union Forum.

Parliament has identified four guidelines that inform its international relations programme of action:

- Developing and strengthening partnerships in Africa: Parliament, in line with the country's foreign policy, gives special attention to Africa in its overall international relations policy framework. This includes engaging proactively with some of the legislative

Cabinet Ministers and Deputy Ministers, as at May 2019		
Portfolio	Minister	Deputy Minister
Agriculture, Land Reform and Rural Development	Thoko Didiza	Sidumo Dlamini Mcebisi Skwatsha
Basic Education	Angie Motshekga	Regina Mhaule
Communications and Digital Technologies	Stella Ndabeni-Abrahams	Pinky Kekana
Cooperative Governance and Traditional Affairs	Nkosazana Dlamini-Zuma	Obed Bapela Parks Tau
Defence and Military Veterans	Nosiviwe Mapisa-Nqakula	Thabang Makwetla
Employment and Labour	Thulas Nxesi	Boitumelo Moloji
Environment, Forestry and Fisheries	Barbara Creecy	Maggie Sotyu
Finance	Tito Mboweni	David Masondo
Health	Zweli Mkhize	Joe Phaahla
Higher Education, Science and Innovation	Blade Nzimande	Buti Manamela
Home Affairs	Aaron Motsoaledi	Njabulo Nzuza
Human Settlements, Water and Sanitation	Lindiwe Sisulu	Pam Tshwete David Mahlobo
International Relations and Cooperation	Naledi Pandor	Alvin Botes Candith Mashego-Dlamini
Justice and Correctional Services	Ronald Lamola.	John Jeffery Inkosi Phathekile Holomisa
Mineral Resources and Energy	Gwede Mantashe	-
Police	Bheki Cele	Cassel Mathale
The Presidency	Jackson Mthembu	Thembi Siweya
The Presidency for Women, Youth and Persons with Disabilities	Maite Nkoana-Mashabane	Hlengiwe Mkhize
Public Enterprises	Pravin Gordhan	Phumulo Masualle
Public Service and Administration	Senzo Mchunu	Sindy Chikunga
Public Works and Infrastructure	Patricia De Lille	Noxolo Kiviet
Small Business Development	Khumbudzo Ntshavheni	Rosemary Capa
Social Development	Lindiwe Zulu	Hendrietta Bogopane-Zulu
Sport, Arts and Culture	Nathi Mthethwa	Nocawe Mafu
State Security	Ayanda Dlodlo	Zizi Kodwa
Tourism	Nkhensani Kubayi-Ngubane	Fish Mahlalela
Trade and Industry	Ebrahim Patel	Fikile Majola Nomalungelo Gina
Transport	Fikile Mbalula	Dikeledi Magadzi

assemblies of countries where the South African government has been involved in peace building efforts.

- Advancing multilateralism: evolving international structures have placed a greater responsibility on parliamentarians, in view of their oversight role, to interact with one another on matters such as respect for the rule of law, human rights, and governments' transparency and accountability. Parliament's participation in international parliamentary bodies is also aimed at making significant progress towards achieving the Millennium Development Goals and getting support for Africa's development agenda.
- Bilateralism through friendship societies and strategic groups: at this stage, Parliament is focusing on building bilateral relations with other legislative bodies through proactively forming "friendship groups" with those bodies rather than establishing formal ties. However, the NA recently signed a Memorandum of Understanding with the People's Assembly of the People's Republic of China, the only formal bilateral agreement it has entered into to date.
- Providing for public input: Parliament makes provision, through the relevant offices, committees and other mechanisms, to ensure that there is ongoing engagement with the public on important international relations issues, in line with the vision and programmes of Parliament.

### Cooperative governance

The Constitution creates three spheres of government at national, provincial and local level as distinctive, interdependent and interrelated. It enjoins all spheres of government to observe and adhere to the principles of cooperative governance.

Parliament plays a significant role in facilitating cooperative governance through its work with the other arms and spheres of government. This includes the appointment and dismissal of office bearers of the Institutions Supporting Democracy, various commissions, boards and councils. Parliament also ratifies international protocols and conventions, confirms the provisional suspension of magistrates, approves the salaries, allowances and benefits of magistrates and judges.

The NCOP provides a forum for the representation of local government at national level through the SALGA. Specific

cooperative governance mechanisms spearheaded by the NCOP include the NCOP Oversight Week, Provincial Week and Local Government Week. The NCOP Oversight Week was established to enable members to follow up on matters arising from the Taking Parliament to the People programme to verify information received.

During the Provincial Week, permanent delegates return to the provinces to conduct joint oversight with the respective provincial legislatures on a theme decided upon in consultation with the relevant Provincial Legislature. Provincial Week is a vehicle through which the NCOP seeks to realise its mandate of conducting effective oversight on matters affecting provinces. During this week permanent delegates meet with provincial and local government leaders as well as community-based forums regarding service delivery in their areas.

The 2019 Provincial Week was held from 16 to 20 September 2019, under the theme, "Building Sustainable, Responsive and People Centred Municipalities".

The Provincial Week is one of the flagship oversight programmes of the NCOP for all spheres of the legislative sector, including Provincial Legislatures and Municipalities, to reconnect with the local communities to identify service delivery challenges, seek solutions, as well as innovative ways to drive effective development for all communities.

The Local Government Week aims to strengthen the relationship between the NCOP and the SALGA by, amongst others, debating matters relating to local government and seeking solutions to challenges facing the local sphere of government within the context of cooperative government and intergovernmental relations.

The 2020 annual Local Government Week was held virtually from 8 to 11 September under the theme, "Ensuring Capable and Financially Sound Municipalities".

The theme focused mainly on how the national and provincial spheres of government intend to assist the local sphere of government in improving service delivery, financial management, and governance.

Sessions included conversations on building a coherent oversight plan for capable and financially sound municipalities, the challenges and opportunities of local government in

advancing the fundamental tenets of a developmental state, and the role of the NCOP in overseeing a district-wide framework to enhance the functioning and financial sustainability of municipalities.

### Government clusters

Government clusters are groupings of government departments with cross-cutting programmes. They foster an integrated approach to governance that is aimed at improving government planning, decision-making and service delivery. The main objective is to ensure proper coordination of all government programmes at national and provincial levels.

The main functions of the clusters are to ensure the alignment of government-wide priorities, facilitate and monitor the implementation of priority programmes and to provide a consultative platform on cross-cutting priorities and matters being taken to Cabinet.

The clusters of the Forum of South African Directors-General (FOSAD) mirror the ministerial clusters. The FOSAD clusters provide technical support to the ministerial clusters.

The Director-General (DG) in The Presidency is the chairperson of FOSAD. Ministers enter into delivery agreements with the President, having to give progress reports on their departments' set targets.

### Economic Sectors, Investment, Employment and Infrastructure Development Cluster

The departments in this cluster are:

- Mineral Resources and Energy (Chair)
- Tourism (Chair)
- Agriculture, Land Reform and Rural Development
- Communications and Digital Technologies
- Cooperative Governance and Traditional Affairs
- Environment, Forestry and Fisheries
- Employment and Labour
- Finance
- Higher Education, Science and Innovation
- Human Settlements, Water and Sanitation
- International Relations and Cooperation
- The Presidency

- The Presidency for Women, Youth and Persons with Disabilities
- Police
- Public Enterprises
- Public Works and Infrastructure
- Small Business Development
- State Security
- Trade, Industry and Competition
- Transport

Co-Chairpersons:

- Minister of Mineral Resources and Energy
- Minister of Tourism

### **Governance, State Capacity and Institutional Development Cluster**

The departments in this cluster are:

- Cooperative Governance and Traditional Affairs (Chair)
- Public Service and Administration (Chair)
- Finance
- Home Affairs
- Justice and Correctional Services
- The Presidency
- The Presidency for Women, Youth and Persons with Disabilities
- Public Enterprise

Co-Chairpersons:

- Minister of Cooperative Governance and Traditional Affairs
- Minister of Public Service and Administration

### **Social Protection, Community and Human Development Cluster**

The departments in this cluster are:

- Health (Chair)
- Basic Education (Chair)
- Agriculture, Land Reform and Rural Development
- Cooperative Governance and Traditional Affairs
- Environment, Forestry and Fisheries
- Employment and Labour
- Higher Education, Science and Innovation
- Human Settlements, Water and Sanitation

- Justice and Correctional Services
- The Presidency
- The Presidency for Women, Youth and Persons with Disabilities
- Public Works and Infrastructure
- Small Business Development
- Social Development
- Sport, Arts and Culture
- Transport

Co-Chairpersons:

- Minister of Health
- Minister of Basic Education

### **International Cooperation, Trade and Security Cluster**

The departments in this cluster are:

- Sports, Arts and Culture (Chair)
- Environment, Forestry and Fisheries (Chair)
- Communications and Digital Technologies
- Defence and Military Veterans
- Finance
- International Relations and Cooperation
- Justice and Correctional Services
- Mineral Resources and Energy
- The Presidency
- State Security
- Tourism
- Trade, Industry and Competition

Co-Chairpersons:

- Minister of Sport, Arts and Culture
- Minister of Environment, Forestry and Fisheries

### **Justice, Crime Prevention and Security Cluster**

The departments in this cluster are:

- Defence and Military Veterans (Chair)
- Police (Chair)
- Finance
- Home Affairs
- International Relations and Cooperation
- Justice and Correctional Services
- The Presidency

- The Presidency for Women, Youth and Persons with Disabilities
- Social Development
- State Security
- Small Business Development

Co-Chairpersons:

- Minister of Defence and Military Veterans
- Minister of Police

### **The Presidency**

As the executive manager of government, The Presidency is at the apex of South Africa's government system. It is situated in the Union Buildings in Pretoria, and has a subsidiary office in Tuynhuys, Cape Town.

The Presidency comprises six political principals:

- The President, who is the Head of State and Government;
- The Deputy President, who is the Leader of Government Business (in Parliament);
- The Minister in The Presidency;
- The Minister in The Presidency for Women, Youth and Persons with Disabilities;
- The Deputy Minister in The Presidency for Women, Youth and Persons with Disabilities; and
- The Deputy Minister in The Presidency.

The Presidency has three structures that support governance operations directly. They are:

- The Cabinet Office, which provides administrative support to Cabinet. It implements administrative systems and processes to ensure the overall optimal functioning of the Cabinet and its committees. It also facilitates the management of decision-making processes of the Cabinet and its committees.
  - Policy Coordination Advisory Services comprises a Deputy DG and five chief directorates, which support policy processes developed by respective clusters of DGs.
  - Legal and Executive Services provides legal advice to the President, Deputy President, the Minister, as well as The Presidency as a whole, and is responsible for all litigation involving the political principals.
- The President, as the Head of State, leads the Cabinet. He or she is elected by the NA from among its members and leads the

country in the interest of national unity, in accordance with the Constitution and the law.

The President appoints the Deputy President from among the members of the NA.

The Deputy President assists the President in executing government functions.

### National Development Plan 2030

The NDP is South Africa's socio-economic policy blueprint that focuses, among other things, on:

- eliminating poverty by reducing the proportion of households with a monthly income below R419 per person from 39% to zero, and the reduction of inequality;
- increasing employment from 13 million in 2010 to 24 million by 2030;
- broadening the country's ownership of assets by historically disadvantaged groups;
- ensuring that all children have at least two years of pre-school education and that all children can read and write by Grade 3;
- providing affordable access to healthcare; and
- ensuring effective public transport.

### Monitoring and evaluation

#### Institutional Performance Monitoring and Evaluation (IPME)

IPME monitors the quality of management practices in government departments through the Management Performance Assessment Tool.

The Frontline Service Delivery Monitoring programme of IPME is responsible for designing and implementing hands-on service delivery monitoring activities with Offices of the Premier and for setting up and supporting the implementation of citizens-based monitoring systems. The programme has also been successful in elevating monitoring and evaluation to strategic levels in certain sector departments, several of which have developed their own iterations of the programme. One of the key focuses of the programme is on monitoring the implementation of the National Youth Policy. The Presidential Hotline is also located in this branch.

The programme assesses the following:

- Transport: driver's licence testing centres.

- Education: schools.
- Health: hospitals, clinics, community health centres.
- Home Affairs.
- Local Government: municipal customer care centres.
- National Youth Development Agency.
- South African Police Service: police stations.
- South African Social Security Agency: local offices.
- Justice: magistrates' courts.

### Government priorities

The NDP sets out a long-term vision for the country and is the programme through which South Africa aims to advance radical economic transformation through development planning. The government's 2019 – 2024 MTSF outlines the priorities to be implemented in the Sixth Administration and the interventions required across South Africa's national development pillars. The seven priorities, introduced by the President in his State of the Nation Address in June 2019 constitute the roadmap for the administration.

The seven priorities are:

- Economic transformation and job creation;
- Education, skills and health;
- Consolidating the social wage through reliable and quality basic services;
- Spatial integration, human settlements and local government;
- Social cohesion and safe communities;
- A capable, ethical and developmental state; and
- A better Africa and World.

Transforming South Africa into a developmental state requires building critical and necessary capabilities to foster an environment, which mobilises government and non-government contributions to realise changes in the socioeconomic structure and the culture of society. In the next five years, government will prioritise engagement between the leadership of the executive, legislature and judiciary on strengthening governance and accountability. During this period, government further commits to manage the political administrative interface more effectively, reduce the levels of fraud and corruption in the private and public sectors, and rationalise the Public Service Governance System.

### Elections

National and provincial elections are held once every five years. All South African citizens aged 18 and over are eligible to vote. The Constitution places all elections and referendums in the country in all three spheres of government under the control of the Electoral Commission of South Africa (IEC), established in terms of the IEC Act, 1996 (Act 51 of 1996).

The obligations of the IEC are to:

- manage elections of national, provincial and municipal legislative bodies;
- ensure that the elections are free and fair;
- declare the results of the elections; and
- compile and maintain a voters' roll.

The duties of the IEC are to:

- compile and maintain a register of parties;
- undertake and promote research into electoral matters;
- develop and promote the development of electoral expertise and technology in all spheres of government;
- continuously review electoral laws and proposed electoral laws, and make recommendations;
- promote voter education;
- declare the results of elections for national, provincial and municipal legislative bodies within seven days; and
- appoint appropriate public administrations in any sphere of government to conduct elections when necessary.

The IEC manages an average of approximately 130 by-elections a year. By-elections are held when ward councillors vacate their seats for a variety of reasons, including death, resignation or expulsion from the party or the council.

### Election process

There are two kinds of electoral systems:

- Constituency-based elections – voters in each local area (constituency) elect an individual candidate to represent them in Parliament. The person who wins the majority of votes in each constituency becomes an MP. The party with the majority of MPs forms the government. In this kind of elections system, the individual MP holds the seat, not the political party he or she belongs to.



- Proportional representation elections – voters in a large area vote for political parties. The political party chooses the people who will become its MPs. Each party is allocated a number of seats proportional to how many votes it got in the election.

Before 1994, South Africa made use of constituency-based elections, but since then national and provincial elections have used proportional representation and party lists. Local government elections use a mixture of proportional representation and constituency-based elections.

In August 2020, Cabinet approved the Electoral Laws Amendment Bill of 2020, which amends the Electoral Commission Act, 1996 (Act 51 of 1996); the Electoral Act, 1998 (Act 73 of 1998) and the Local Government Municipal Electoral Act, 2000 (Act 27 of 2000).

### Parliament elections

Parliament is elected using proportional representation and party lists. Before the election, each political party submits a list of candidates in a numbered order of preference. The seats of Parliament are allocated in proportion to the number of votes cast in the election. This means a party that won 10% of the votes gets 10% of the seats. If a party wins 20 seats, the first 20 people on its party list become MPs.

### Department of Cooperative Governance

The Department of Cooperative Governance is mandated to develop and monitor the implementation of national policy and legislation aimed at transforming and strengthening key institutions and mechanisms of governance in national, provincial and local government to fulfil their developmental role; develop, promote and monitor mechanisms, systems and structures to enable integrated service delivery and implementation within government; and promote sustainable development by providing support to and exercising oversight of provincial and local government. Chapter 13 of the NDP outlines a vision for building a capable and developmental state through interdepartmental coordination and strengthening local government. This vision is expressed specifically through Priority 4 (spatial integration, human settlements and local government) of government's 2019–

2024 MTSF, with which the work of the Department of Cooperative Governance is closely aligned. Over the medium term, the department plans to focus on: strengthening intergovernmental coordination and spatial development, delivering municipal infrastructure and sustainable basic services, alleviating poverty by creating employment opportunities, and providing disaster relief and enhancing proactive disaster planning.

### Strengthening intergovernmental coordination and spatial development

A significant strategic undertaking, over the medium term, is to implement the District-Metro Development Model, which emphasises integration and intergovernmental coordination in the planning, funding and implementation of programmes in all spheres of government. The model is aimed at improving the responsiveness of all spheres of government to ensure that basic services are planned for and delivered jointly with communities and stakeholders. The model emanates from the Department of Cooperative Governance's overarching Back to Basics Strategy, which calls for putting people first, promoting good governance, ensuring sound financial management, building institutional capacity and delivering basic services.

Over the Medium Term Expenditure Framework (MTEF) period, the department expects to implement the model in 44 district municipalities and eight metropolitan municipalities. Related activities will be carried out in the Regional and Urban Development and Legislative Support programme, which has a total budget of R3.4 billion over the medium term, increasing at an average annual rate of 8%, from R970 million in 2019/20 to R1.2 billion in 2022/23. Of this amount, R3 billion is allocated to the Integrated Urban Development Grant to support 18 secondary cities in implementing the Integrated Urban Development Framework, which seeks to foster a shared understanding across government and society about how best

In June 2020, the Constitutional Court declared parts of the Electoral Act of 1998 unconstitutional. The court ruled that the Act was unconstitutional in requiring that only candidates of political parties contest national and provincial elections. The court gave Parliament 24 months to revise the legislation and the Electoral Commission stands ready to provide technical assistance into this process to help enhance the country's electoral system.

to manage urbanisation and achieve the goals of economic development, job creation and improved living conditions.

### Delivering municipal infrastructure and sustainable basic services

The department administers and transfers the local government equitable share to all municipalities for the provision of water, sanitation, electricity, refuse removal and basic municipal administration. Over the medium term, transfers to the local government equitable share constitute 99.7% (R243 billion) of spending in the Institutional Development programme, increasing at an average annual rate of 8%, from R69.2 billion in 2019/20 to R87.5 billion in 2022/23.

The Municipal Infrastructure Grant, which is intended to expand basic social infrastructure in poor communities, is expected to receive R47.5 billion over the MTEF period. These transfers account for 97% of spending in the programme and are expected to increase at an average annual rate of 4.4%, from R14.8 billion in 2019/20 to R16.9 billion in 2022/23.

As part of the Department of Cooperative Governance's ongoing plan to support municipalities in addressing challenges related to infrastructure planning, project implementation, management and contracting, the department expects to transfer R1.1 billion over the medium term to the Municipal Infrastructure Support Agent.

### Alleviating poverty by creating employment opportunities

In response to South Africa's high unemployment rate, the Community Work Programme (CWP) is implemented in 208 sites across 201 municipalities with the aim of providing work opportunities through community initiatives such as food gardens, home-based care, the agrarian revolution project and auxiliary care for vulnerable individuals. The department expects 247 466 work opportunities to be created through the programme per year over the MTEF period. As a result, spending in the CWP is expected to increase at an average annual rate of 7.5%, from R3.7 billion in 2019/20 to R4.6 billion in 2022/23.

### Providing disaster relief and enhancing proactive disaster planning

As part of its strategies to mitigate the impact of climate change and reduce risks related to natural disasters, the Department of Cooperative Governance intends to implement early warning systems and rapid response interventions to proactively detect disasters and enable communities to become more resilient. Activities related to this are carried out in the National Disaster Management Centre programme, in which spending is expected to decrease at an average annual rate of 1.7%, from R696.3 million in 2019/20 to R661.9 million in 2022/23, due to a once-off allocation for drought relief to municipalities in 2018/19.

### Legislation and policies

The department oversees the implementation of, among other things, the following legislation:

- the Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005);
- the Municipal Property Rates Act, 2004 (Act 6 of 2004);
- the Municipal Property Rates Amendment Act, 2009 (Act 19 of 2009);
- the Municipal Finance Management Act, 2003 (Act 56 of 2003);
- the Disaster Management Act, 2002 (Act 57 of 2002);
- the Municipal Systems Act, 2000 (Act 32 of 2002);
- the Municipal Systems Amendment Act, 2011 (Act 7 of 2011);
- the Municipal Structures Act, 1998 (Act 117 of 1998);
- the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);
- the Local Government: Municipal Demarcation Act, 1998 (Act 27 of 1998);
- the NHTL Act, 2009 (Act 22 of 2009), and the Traditional Leadership and Governance Framework Act, 2003 (Act 41 of 2003), which were consolidated by the National Traditional Affairs Bill to simplify the process.
- the Local Government: Municipal Property Rates Amendment Act, 2014 (Act 29 of 2014); and
- the *White Paper on Local Government (1998)*.

### Budget

The Department of Cooperative Governance was allocated R90.7 billion for the 2019/20 financial year. The budget is expected to increase to R106 billion by the end of the MTEF. This translates to a total budget of R295.8 billion overall, of which, R274.1 billion (94%) is allocated to transfers and subsidies to provinces and municipalities, mainly for the local government equitable share and the Municipal Infrastructure Grant.

The department's total expenditure is expected to increase at an average annual rate of 7%, from R90.2 billion in 2019/20 to R111.7 billion in 2022/23. This is mainly driven by transfers to municipalities through the local government equitable share and the Municipal Infrastructure Grant, which support infrastructure delivery and the provision of basic municipal services. Transfers to provinces and municipalities constitute an estimated 95% (R295 billion) of the department's total budget over the medium term, increasing at an average annual rate of 7%, from R85.2 billion in 2019/20 to R105.7 billion in 2022/23.

### Entities

#### Municipal Demarcation Board

The board is an independent authority responsible for determining municipal boundaries. It is also mandated to declare district management areas, delimit wards for elections, and assess the capacity of municipalities to perform their functions. The board's total budget for 2019/20 was R57.4 million.

#### Municipal Infrastructure Support Agent

The agent is mandated to provide immediate support to municipalities struggling with infrastructure delivery by facilitating the deployment of engineers, scientists and technicians to those municipalities, and providing oversight.

The agent's total budget for 2019/20 was R355.6 million.

#### South African Local Government Association

The SALGA is mandated to assist in the comprehensive transformation of local government. National Treasury and the Department of Cooperative Governance are discussing the delisting of the association from Schedule 3, Part A of the Public Finance Management Act, 1999 (Act 1 of 1999).

### Provincial government

In accordance with the Constitution, each province has its own legislature, consisting of between 30 and 80 members.

The number of members is determined according to a formula set out in national legislation. The members are elected in terms of proportional representation.

The executive council of a province consists of a premier and a number of MECs. Premiers are appointed by the President. Decisions are taken by consensus, as is the case in the national Cabinet.

Besides being able to make provincial laws, a provincial legislature may adopt a constitution for its province if two thirds of its members agree.

A provincial constitution must correspond with the national Constitution.

According to the Constitution, provinces may have legislative and executive powers, concurrent with the national sphere, over:

- agriculture
- casinos, racing, gambling and wagering
- cultural affairs
- education at all levels, excluding university and university of technology education
- environment
- health services
- human settlements
- language policy
- nature conservation
- police services
- provincial public media
- public transport
- regional planning and development
- road traffic regulation
- tourism
- trade and industrial promotion
- traditional authorities
- urban and rural development
- vehicle licensing
- welfare services.

These powers can be exercised to the extent that provinces have the administrative capacity to assume effective responsibilities.

Provinces also have exclusive competency over a number of areas, including:

- abattoirs
- ambulance services
- liquor licences
- museums other than national museums
- provincial planning
- provincial cultural matters
- provincial recreational activities
- provincial roads and traffic.

The President's Coordinating Council is a statutory body established in terms of the Intergovernmental Relations Framework Act of 2005, which brings together the three spheres of government on matters of common interest and national importance, thereby strengthening cooperative governance.

### Local government

In accordance with the Constitution and the Organised Local Government Act, 1997 (Act 52 of 1997), up to 10 part-time representatives may be designated to represent municipalities and participate in proceedings of the NCOP.

The Department of Cooperative Governance aims to build and strengthen the capability and accountability of provinces and municipalities.

This includes:

- continued hands-on support through the established system and capacity building programme, focusing on critical areas such as integrated development planning, local economic development (LED), financial management, service delivery and public participation;
- evaluating the impact of government programmes in municipal areas, enhancing performance and accountability by improving the quality of reporting on the Local Government Strategic Agenda and improving the monitoring, reporting and evaluation of capacity in local government; and
- coordinating and supporting policy development, implementing the Local Government Strategic Agenda, and monitoring and supporting service delivery.

### Municipalities

There are 278 municipalities in South Africa, comprising eight metropolitan, 44 district and 226 local municipalities. They are focused on growing local economies and providing infrastructure and service.

As directed by the Constitution, the Local Government: Municipal Structures Act of 1998 contains criteria for determining when an area must have a category-A municipality (metropolitan municipalities) and when municipalities fall into categories B (local municipalities) or C (district municipalities).

The Act also determines that category-A municipalities can only be established in metropolitan areas.

Metropolitan councils have single metropolitan budgets, common property ratings and service-tariff systems, and single-employer bodies.

South Africa has eight metropolitan municipalities, namely:

- Buffalo City (East London)
- City of Cape Town
- Ekurhuleni Metropolitan Municipality (East Rand)
- City of eThekweni (Durban)
- City of Johannesburg
- Mangaung Municipality (Bloemfontein)
- Nelson Mandela Metropolitan Municipality (Port Elizabeth)
- City of Tshwane (Pretoria).

Metropolitan councils may decentralise powers and functions. However, all original municipal, legislative and executive powers are vested in the metropolitan council.

In metropolitan areas, there is a choice of types of executive system: the mayoral executive system where executive authority is vested in the mayor, or the collective executive committee system where these powers are vested in the executive committee.

Non-metropolitan areas consist of district councils and local councils. District councils are primarily responsible for capacity-building and district-wide planning. The Local Government: Municipal Structures Act of 1998 provides for ward committees whose tasks, among other things, are to:

- prepare, implement and review integrated development plans;
- establish, implement and review municipalities' performance

management systems;

- monitor and review municipalities' performances;
- prepare municipalities' budgets;
- participate in decisions about the provision of municipal services; and
- communicate and disseminate information on governance matters.

### Local Government Turnaround Strategy

The Local Government Turnaround Strategy was introduced as a government programme of action and a blueprint for better service delivery aimed at responsive, accountable, effective and efficient local government. Five focus areas aimed at fast-tracking implementation of the strategy have been identified. These are:

- service delivery
- governance
- financial management
- infrastructure development
- fighting corruption

### Municipal Infrastructure Grant

The MIG aims to eradicate municipal infrastructure backlogs in poor communities to ensure the provision of basic services such as water, sanitation, roads and community lighting.

The Department of Cooperative Governance is responsible for managing and transferring the MIG and provides support to provinces and municipalities on implementing MIG projects.

### Community Work Programme

The CWP is a key government initiative aimed at mobilising communities to provide regular and predictable work opportunities at the local government level.

The purpose of the programme is to provide an employment safety net for those without access to opportunities designed to lift them out of poverty.

The programme recognises that policies to address unemployment and create decent work will take time to reach people living in marginalised areas where few opportunities exist.

### Local economic development

LED is an approach towards economic development that allows and encourages local people to work together to achieve sustainable economic growth and development, thereby bringing economic benefits and improved quality of life to all residents in a local municipal area.

LED is intended to maximise the economic potential of municipal localities and enhance the resilience of macro-economic growth through increased local economic growth, employment creation and development initiatives within the context of sustainable development. The “local” in economic development points to the fact that the political jurisdiction at local level is often the most appropriate place for economic intervention, as it carries alongside it the accountability and legitimacy of a democratically elected body.

LED programmes provide support in the following areas:

- developing and reviewing national policy, strategy and guidelines on LED;
- providing direct and hands-on support to provincial and local government;
- managing the LED Fund;
- managing and providing technical support to nodal economic development planning;
- facilitating, coordinating and monitoring donor programmes; and
- assisting LED capacity-building processes.

Through these interventions and resources, local role players and interest groups are mobilised to achieve economic growth and creating jobs to reduce poverty.

### Department of Traditional Affairs

The department is mandated to oversee issues related to traditional affairs and support the development of stable and cohesive interfaith communities. The *2003 White Paper on Traditional Leadership and Governance* sets out a national framework, and the norms and standards that define the role of the institutions of traditional leadership in South Africa. It seeks to support and transform the institutions in accordance with constitutional imperatives and restore the integrity and legitimacy of traditional leadership in line with the African

indigenous law and customs subject to the Constitution.

South Africa also has provincial houses of traditional leaders in the following provinces: Eastern Cape, Free State, KwaZulu-Natal, Limpopo, Mpumalanga and North West.

National and provincial houses of traditional leaders enhance the cooperative relationships within national and provincial government.

Local houses of traditional leaders deepen and cement the relationship between municipalities and traditional leaders on customary law and development initiatives.

In supporting the NDP’s vision to create an inclusive rural economy and transform traditional communities, over the medium term, the department intends to support and strengthen institutions of traditional leadership by focusing on ensuring legislative compliance and exercising oversight.

The department’s mandate is informed by the following legislation:

- the Traditional and Khoi-San Leadership Act, 2019 (Act 3 of 2019); and
- the Commission for the Protection and Promotion of the Rights of Cultural, Religious and Linguistic Communities Act, 2002 (Act 19 of 2002).

### Legislative compliance and oversight

Over the medium term, the Department of Traditional Affairs plans to ensure legislative compliance and exercise oversight specifically in terms of monitoring the implementation of the Traditional and Khoi-San Leadership Act of 2019, conducting research to strengthen capacity for the successful implementation of the Act; and creating capacity for queenships, kingships and principal traditional leaders.

The Traditional and Khoi-San Leadership Act of 2019 was enacted to improve the administration of the broader system of traditional leadership. The Act provides a standard legal mechanism for the recognition of traditional leaders. Over the medium term, the department will monitor the implementation of the Act and conduct a targeted seven research studies on matters of traditional leadership. These activities will be carried out in the Research, Policy and Legislation programme, in which expenditure is expected to increase at an average

annual rate of 3%, from R19.4 million in 2019/20 to R21 million in 2022/23.

As part of its oversight function, in each year over the MTEF period, the department plans to facilitate compliance with the Traditional and Khoi-San Leadership Act of 2019 for one queenship, one kingship and one principal traditional leader and their constituencies; and capacitate a targeted eight kingships to fulfil their roles and responsibilities as traditional leaders more effectively. Spending on these activities is in the Institutional Support and Coordination programme which is increasing at an average annual rate of 4%, from R98.6 million in 2019/20 to R111.3 million in 2022/23.

### Budget

For the 2019/20 financial year, the Department of Traditional Affairs was allocated of R168.4 million. The department’s expenditure is expected to increase at an average annual rate of 5%, from R168.4 million in 2019/20 to R192.3 million in 2022/23. Compensation of employees is the department’s largest spending item and is expected to increase at an average annual rate of 6%, from R79.5 million in 2019/20 to R94.4 million in 2022/23.

### Entity

#### Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities

The commission promotes and protects cultural, religious and linguistic rights. The commission focuses on conflict resolution, research, advocacy and community engagement. The commission’s total budget for 2020/21 is R47.9 million.

#### Traditional leadership

The Constitution states that the institution, status and roles of traditional leadership, according to customary law, are recognised.

The government acknowledges the critical role of traditional leadership institutions in South Africa’s constitutional democracy and in communities, particularly in relation to the Rural Development Strategy. It therefore remains committed to strengthening the institution of traditional leadership.

To this end, numerous pieces of legislation have been passed and various programmes implemented to ensure that traditional leadership makes an important contribution to the development of society.

The department is also working on a range of issues, which include policies on unity and diversity, initiation, traditional healing, traditional leaders' protocol, family trees, the remuneration and benefits of traditional leaders based on uniform norms and standards and involving the Khoisan people in the system of governance in South Africa.

Parliament extended the term of the Commission of Traditional Leadership Disputes and Claims from 2016 to 2020 – to allow the commission time to finalise outstanding disputes and claims, and deal with the 320 traditional leadership disputes and claims per year that were envisaged.

### Traditional councils

Legislation has transformed the composition of traditional councils to provide for elements of democracy. It states that 40% of members must be elected and that one third of members must be women.

Legislation has also opened up an opportunity for municipalities and traditional councils to achieve cooperative governance.

Traditional councils have been given a strong voice in development matters and may now enter into partnerships and service-delivery agreements with government in all spheres.

The National Khoisan Council aims to unite the Khoisan communities and create a platform through which they can raise issues affecting them as a group of communities. The most important issue is the statutory recognition and inclusion of the Khoisan people in formal government structures.

### National House of Traditional Leaders

The Constitution mandates the establishment of houses of traditional leaders by means of either provincial or national legislation.

The NHTL was established in terms of the then NHTL Act, 1997 (Act 10 of 1997).

Its objectives and functions are to promote the role of traditional leadership within a democratic constitutional dispensation, enhance unity and understanding among traditional communities and advise national government.

Provincial houses of traditional leaders were established in all six provinces that have traditional leaders. The national and provincial houses of traditional leaders enhance the cooperative relationships within national and provincial government, while the establishment of local houses of traditional leaders deepens and cements the relationship between municipalities and traditional leaders on customary law and development initiatives.

It was established to:

- represent traditional leadership and their communities;
- advance the aspirations of the traditional leadership and their communities at national level;
- advance the plight of provincial houses of traditional leaders, traditional leadership and their communities at national government level;
- participate in international matters that have to do with custom, traditions and matters of common interest; and
- influence government legislative processes at national level.

### Commission on Traditional Leadership Disputes and Claims

The commission was established in terms of the Traditional Leadership and Governance Framework Act of 2003.

It is tasked with restoring the dignity of traditional leaders and their communities by investigating and ensuring that the institution of traditional leadership is restored to where it belongs. It also investigates all claims to any position of traditional leadership (king/queen/principal/senior traditional leader, as well as headmen and headwomen), including disputes over the boundaries of traditional councils.

Section 25 of the Traditional Leadership and Governance Framework Act of 2003 requires that the commission investigate and make recommendations on cases where there is doubt as to whether a kingship, principal traditional leadership or senior traditional leadership and headmanship was established in accordance with customary law and customs.

## Public Service and Administration

The Department of Public Service and Administration (DPSA) draws its mandate from Section 195(1) of the Constitution, which sets out basic values and principles to which the Public Service should adhere to; and the Public Service Act, 1994 (Act 103 of 1994) which gives the Minister of Public Service and Administration the responsibility for establishing norms and standards relating to:

- the functions of the Public Service;
- organisational structures and the establishment of departments, and other organisational and governance arrangements in the Public Service;
- the conditions of service and other employment practices for employees;
- labour relations in the Public Service;
- the health and wellness of employees;
- information management in the Public Service;
- electronic government;
- integrity, ethics, conduct and anti-corruption in the Public Service; and
- transformation, reform, innovation and any other matter to improve the effectiveness and efficiency of the Public Service and its delivery of services to the public.

The DPSA is at the centre of government. It plays a major policy role in establishing norms and standards for Public Service, which ensure that service-delivery mechanisms, integrated systems and access, human resources, institutional development and governance initiatives are responsive to the needs of citizens.

The NDP articulates a vision of a capable and developmental state built through strengthening delegation, accountability and oversight in the Public Service. This vision is supported by Priority 6 (a capable, ethical and developmental state) of government's 2019 – 2024 MTSF, with which the work of the DPSA is closely aligned. Accordingly, over the medium term, the department intends to address governance and operational challenges in the Public Service sector, which, among others, include a lack of integration and coordination in services provided by departments; dissimilar experiences of the quality and quantity of government services by the public; departments'

non-compliance with the Public Service Act of 1994 and regulations; and different conditions of service for employees in the local, provincial and national spheres of government, including public entities. Responding to these and other challenges in the Public Service, over the medium term, will entail improving the implementation of Batho Pele Principles; ensuring efficiency and effectiveness, and the implementation of policies in the Public Service; stabilising the Public Service; and intensifying the fight against corruption.

Union leaders launched the Public Service Charter in August 2013. It is a commitment between the State as the employer and labour, which seeks to professionalise and encourage excellence in the Public Service and improve service delivery. It also introduces service standards in the Public Service, with a call to public servants to meet and exceed them.

### **Improving the implementation of Batho Pele**

Adherence to Batho Pele Principles entails putting people first in the delivery of public services. As such, over the medium term, the DPSA will focus on restructuring the service delivery model to best serve the public. Emphasis will also be placed on improving the monitoring of and reporting on the quality of public services, and increasing responsiveness to concerns and views raised by citizens. To ensure stringent compliance with the principles across government, the department plans to consult and work with the Auditor-General of South Africa. These activities will be carried out in the Service Delivery Improvement Initiatives subprogramme in the Service Delivery Support programme at a projected cost of R8.7 million over the medium term. Expenditure in this programme is expected to increase at an average annual rate of 3.7%, from R99.2 million in 2019/20 to R110.6 million in 2022/23.

### **Ensuring efficiency and effectiveness, and the implementation of policies in the Public Service**

In its pursuit of a unified, fully functioning Public Service, the DPSA will ensure that the Public Administration Management Act, 2014 (Act 11 of 2014) is fully implemented and monitored on an ongoing basis. This will include operationalising the office of standards and compliance within the department

in 2020/21. The office will promote greater compliance with public administration norms and standards towards improved efficiency and effectiveness in the public administration system. Over the period ahead, activities carried out by the office will include institutionalising tools to measure efficiency and effectiveness, and capacity and capability; evaluating the appropriateness of norms and standards; monitoring adherence to norms and standards; and enforcing compliance with norms and standards. To operationalise the office, an estimated R5.7 million over the medium term is allocated in the Public Service Performance, Monitoring and Evaluation subprogramme in the Policy Development, Research and Analysis programme.

The department recognises that implementing all relevant policies across the Public Service is integral to an efficient and effective government. Accordingly, by March 2021, the department plans to conduct a system-wide analysis, which is expected to inform the development of a coordinated strategy to tackle critical challenges in policy implementation. Over the period ahead, the department will be proactive and systematic in supporting and assisting other departments in correctly interpreting and implementing its directives, policies, and norms and standards. These activities will also be carried out in the Policy Development, Research and Analysis programme, which has a total allocation of R123.9 million over the medium term.

### **Stabilising the Public Service**

Cooperation between government and organised labour is necessary to address challenges while upholding all existing laws and collective agreements, which have thus far yielded significant achievements. In recognition of this, the DPSA has identified the management of the Public Service Wage Bill as a key challenge in maintaining labour peace. Accordingly, over the period ahead, the department plans to determine a wage bill strategy for updating the remuneration policy for public servants. Part of this process entails reviewing spending on compensation of employees and developing a job-grading system by 2021/22. Related activities are expected to be carried out at a cost of R6 million in the Remuneration and Job Grading subprogramme in the Public Service Employment and Conditions of Services programme. Spending in the programme

is expected to increase at an annual average rate of 3.6%, from R75.6 million in 2019/20 to R84.1 million in 2022/23.

### **Intensifying the fight against corruption**

Corruption impedes service delivery, compromises development and undermines the public's confidence in the State. In responding to the need within government to root out and fight corruption, the DPSA plans to inculcate a culture of accountability in the Public Service and limit the scope for conflicts of interest. This will be achieved through the introduction or enforcement of measures such as the prohibition of Public Service employees from conducting business with the State, conducting lifestyle audits on selected categories of employees, and monitoring the implementation of the Financial Disclosure Framework. The DPSA plans to develop a framework for conducting lifestyle audits, which is expected to be piloted in five national departments in 2021/22.

The department has established a Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit, which provides technical assistance and support to institutions in all spheres of government on matters relating to misconduct in the Public Service. Over the medium term, the unit plans to develop norms and standards on ethics, integrity, conduct and discipline management. For this purpose, R82.3 million has been allocated in the Ethics and Integrity Management subprogramme in the Governance of Public Administration programme, which has a total budget of R201.5 million over the medium term. Expenditure in the programme is expected to decrease to R72.1 million in 2022/23, as a result of the creation of a separate vote for the Public Service Commission (PSC).

### **Budget**

For the 2019/20 financial year, the DPSA was allocated R993.3 million. The department's total allocation over the MTEF period is R1.8 billion. This reflects a decrease by R1.4 billion from the 2019 budget as a result of the reorganisation of vote structures, through which the PSC and the National School of Government (NSG) became standalone votes instead of departments within the DPSA. Accordingly, transfers to departmental agencies and accounts decrease to R129.7 million (7.2% of the department's

total budget) over the medium term. As the department's work is labour intensive, spending on compensation of employees accounts for an estimated 59.1% (R1.1 billion) of its total expenditure over the period.

### **Role players** **Anti-Corruption Bureau**

The Minister of Public Service and Administration launched the Anti-Corruption Bureau to fast-track disciplinary cases in the public sector. The bureau forms part of amendments to the Public Service Act of 1994.

The amendments also include banning all public servants from doing business with the government. Cabinet and provinces have adopted a manual on procedures for recruiting, and/or retaining officials that resign. Uniform standards will be applied to all public servants across government.

The bureau will conduct investigations, institute disciplinary proceedings and work with existing law enforcement agencies, such as the Special Investigating Unit and National Prosecuting Authority, and the other related agencies such as the Financial Intelligence Centre and the South African Revenue Service. Criminal cases will be referred to law enforcement agencies.

The bureau also has to provide technical assistance and advisory support to deal with disciplinary matters in the public administration, while ensuring that the public sector applies uniform disciplinary standards.

A case management system allows officials to monitor the progress of cases to ensure that they are finalised speedily.

By prohibiting officials from conducting business with the State, the government is eliminating incentives and opportunities for corruption and unethical conduct.

### **Centre for Public Sector Innovation (CPSI)**

The CPSI is tasked to contribute to the improvement, effectiveness and efficiency of the Public Service and its delivery of services to the public. This is in line with the NDP's vision of a capable and developmental state, and contributes to Priority 6 (a capable, ethical and developmental state) of government's 2019 – 2024 MTSF.

The centre aims to encourage innovation in government through initiatives such as the Annual Public Sector Innovation Awards, and selects some of the innovative solutions submitted to the awards for replication in targeted government sectors, particularly for identified service delivery challenges. It also collaborates with other government departments, non-governmental organisations, the private sector, tertiary institutions, academics and international entities to find innovative solutions. Where existing solutions cannot be found, new solutions are developed through targeted innovation partnerships. These initiatives are allocated R1.3 million over the MTEF period in the Solution Support and Incubation subprogramme in the Public Sector Innovation programme. Spending on the compensation of an average of 32 employees per year over the medium term accounts for an estimated 54.8% (R70.9 million) of the centre's total budget, which is set to increase at an average annual rate of 5.9%, from R20.9 million in 2019/20 to R24.8 million in 2022/23.

### **National School of Government**

The NSG offers training and development opportunities to public servants at national, provincial and local level of government.

This includes training of new Public Service employees as part of their probation, re-orientation of senior managers and orientation of unemployed youth graduates, preparing them for Public Service employment opportunities.

The school is intended to educate, train, professionalise and develop a highly capable, skilled and committed Public Service cadre, with a sense of national duty and a common culture and ethos.

It will nurture a culture of professionalism and innovative thinking and serve as a catalyst for reform and modernisation, in pursuit of a performance-oriented Public Service. Core training is not outsourced, but is performed internally.

The school provides everything from adult basic education and training to higher education courses, and is registered to carry out the necessary accreditation.

The school runs like a customer-focused business, with participants having to pay tuition fees. It is funded by the Public Service Sector Education and Training Authority and skills development levies are drawn from departments' payrolls.

All new public servants are required to undergo induction training.

### **Public Service Commission**

The PSC is an independent institution established in terms of Chapter 10 of the Constitution. The commission derives its mandate from Sections 195 and 196 of the Constitution, which set out the values and principles that govern public administration. The commission is vested with custodial oversight responsibilities for the Public Service; and monitors, evaluates and investigates public administration practices. It has the power to issue directives on compliance with personnel procedures relating to recruitment, transfers, promotions and dismissals.

The NDP set out a vision for building a capable and developmental state and, in doing so, rooting out corruption by building a resilient anti-corruption system. Priority 6 (a capable, ethical and developmental state) of government's 2019 – 2024 MTSF gives expression to this vision. As the work of the PSC is directly aligned with this priority, over the medium term it intends to focus on promoting the implementation of constitutional values and principles and promoting professional ethics and sound human resource management practices in the Public Service.

### **Promoting the implementation of constitutional values and principles**

To ensure the continuity of ongoing projects over the MTEF period, the commission plans to conduct 50 quantitative evaluation reports in 2020/21 and 12 qualitative evaluations in each of the remaining years of the MTEF period. The purpose of these reports and evaluations is to assess departments' compliance with constitutional values and principles with a view to promote a culture of excellence in the Public Service. Quantitative indicators are used to establish whether systems are in place, while qualitative indicators aim to establish whether those systems assist in effecting change. Related activities will be carried out in the Governance Monitoring subprogramme, which accounts for 22.4% (R32.5 million) of expenditure in the Monitoring and Evaluation programme over the medium term.

Based on these evaluation reports, the commission plans to schedule 30 workshops over the medium term in the national and provincial spheres of government that target participants at various levels, including senior management, to increase their awareness of constitutional values and principles. The commission will also continue to monitor that payments to suppliers are made within 30 days of receiving their invoices. This is to ensure that the Public Service is responsive to government's call for enterprise development and providing support to small, medium and micro enterprises.

### Promoting professional ethics and sound human resource management practices in the Public Service

Professional ethics in the Public Service and the sound management of its human resources are crucial to building a capable developmental state that is aware of and responsive to the needs of all citizens. To promote professional ethics and quality leadership among national and provincial heads of departments, in 2020/21 the commission plans to conduct a capacity-building workshop focused on leadership and ethics, including principles of effective financial management. Workshops targeted at heads of department that are specifically focused on promoting awareness of financial misconduct and ethical behaviour in the Public Service will also be held over the medium term. Related activities will be carried out in the Leadership and Management Practices programme, spending in which increases at an annual average rate of 3.6%, from 46 million in 2019/20 to R51.2 million in 2022/23.

Over the period ahead, the commission plans to ensure that 80% of cases reported on the National Anti-Corruption Hotline are referred to the relevant departments within seven days of receipt. Related activities will be carried out in the Professional Ethics subprogramme, which accounts for 37.6% (R72.4 million) of expenditure in the Integrity and Anti-Corruption programme over the medium term.

Following the national macro organisation of government in 2019/20, over the MTEF period the commission plans to address grievances and complaints arising from the reorganisation process, and induct new heads of departments and executive authorities with the aim of strengthening compliance with the

principles of reorganisation and effective public administration. Related activities will be carried out in the Governance Monitoring subprogramme in the Monitoring and Evaluation programme, which has a total budget of R145.0 million over the medium term. Expenditure increases at an average annual rate of 5.7%, from R278.2 million in 2019/20 to R328.2 million in 2022/23. Compensation of employees accounts for approximately 76.9% (R725.5 million) of the department's total expenditure over the medium term.

### Public Service Month (PSM)

South Africa commemorates PSM in September each year.

It is a regular national event that requires all the national and provincial departments to participate by putting in place activities and campaigns to improve service delivery. PSM is a follow-up to and mirrors the UN and Africa Public Service Day, which takes place on 23 June every year.

The 2020 PSM celebrations took place when the country and the world was battling the COVID-19 pandemic.

The celebrations took an integrated government-wide programme of PSM from 1 September – 4 October 2020 across all three spheres of the government.

The 2020 PSM was commemorated under the theme: "Growing South Africa Together for an Ethical Public Service." The theme reinforced government's commitment to instil a sense of pride of being a public servant and called on government employees to abide by the Batho Pele Principles.

The overall goals of the PSM programme were to:

- instil and rebuild good ethics and professionalism in how public servants do their work;
- recommit and rededicate public servants to the Batho Pele Principles;
- improve the morale and inculcate a sense of pride of being a public servant;
- improve service delivery by exposing senior and middle managers to the coalface service delivery to identify challenges and develop plans for corrective action and interfacing with the citizens; and
- focus to the national government activities taking place in the month of September.

The Constitution demands that the Public Service, amongst others, maintains and promotes a high standard of professional ethics; promotes efficient, economic and effective use of resources; and is accountable for its actions.

### Batho Pele

The Batho Pele Campaign is, aimed at improving service delivery to the public.

Batho Pele is a Sesotho phrase meaning "People First".

From this concept, eight principles for transforming Public Service delivery were derived. These are:

- regular consultation with customers;
- set service standards;
- increased access to services;
- higher levels of courtesy;
- more and better information about services;
- increased openness and transparency about services;
- remedying failures and mistakes; and
- giving the best possible value for money.

### Batho Pele Awards

The annual National Batho Pele Excellence Awards serve to recognise public servants who are selfless, dedicated, committed and who go the extra mile in servicing the citizens. Eligible to public servants across the three spheres of government, the awards seek to entrench the transformation and professionalisation of the Public Service.

### Public Works and Infrastructure

As set out in the Government Immovable Asset Management Act, 2007 (Act 19 of 2007), the Department of Public Works and Infrastructure (DPWI) is mandated to be the custodian and portfolio manager of government's immovable assets. Since the creation of the Property Management Trading Entity, the department's role consists of policy formulation, coordination, regulation and oversight relating to the provision of accommodation and expert built environment services to client departments at the national level; and, through the entity, the planning, acquisition, management and disposal of immovable assets in the department's custody. The department is further



mandated to coordinate and provide strategic leadership in initiatives for the creation of jobs through the implementation of the Expanded Public Works Programme (EPWP).

The department is further mandated to coordinate and provide strategic leadership in job creation initiatives through the implementation of the EPWP. Public Works is constitutionally designated as a concurrent function exercised by both the national and provincial spheres of government.

Over the medium term, the DPWI will continue to focus on creating work opportunities; providing better oversight, cooperation and service delivery; facilitating skills development in the construction and property sectors; reviewing and developing policy; and improving governance and mitigating risk. These areas of focus contribute towards the realisation of the NDP's vision of facilitating job creation and improving public infrastructure, and Priority 1 (economic transformation and job creation) and Priority 6 (a capable, ethical and developmental state) of government's 2019 – 2024 MTSF.

### Creating work opportunities

The DPWI will continue to lead and coordinate the EPWP. To date, through the programme, an estimated 4.5 million work opportunities have been created through the use of labour-intensive methods in the infrastructure, social, non-state, environmental and cultural sectors. The department will seek to generate a further three million work opportunities over the MTEF period through an allocation of R7.9 billion for transfers and subsidies, mainly to provinces, municipalities and non-profit organisations.

To provide and enhance the management and technical capacity of the 290 public bodies that implement the programme each year, the department has set aside R1.1 billion in the EPWP. An estimated R600 million of this amount is earmarked for compensation of employees for the administration of the programme, and R535.9 million for goods and services, particularly data capturing and verification, and monitoring and evaluation. The programme has a total budget of R9.1 billion over the MTEF period, increasing at an average annual rate of 6.4%, from R2.7 billion in 2019/20 to R3.2 billion in 2022/23.

### Better oversight, cooperation and service delivery

Through the Property Management Trading Entity, the DPWI is authorised to provide office accommodation to client departments and ensure that its buildings are well maintained and that property rates are paid to municipalities. The entity's projected expenditure over the medium term accounts for an estimated 61.0% (R13.6 billion) of the department's total budget.

The department also leads and coordinates policies and legislative frameworks that guide the implementation of the public works function at the provincial and municipal levels, and oversees and manages the performance of provinces. In its continued efforts to monitor and support planning and performance management in provinces and municipalities, the department plans to increase the number of cooperation and protocol agreements for joint service delivery signed with provinces and municipalities per year from 13 in 2018/19 to 15 in 2022/23. For the department to carry out this oversight role, R87.6 million over the MTEF period is allocated to the Intergovernmental Relations and Coordination subprogramme in the Intergovernmental Coordination programme, with spending on compensation of employees accounting for an estimated 80.5% (R70.5 million) of this amount.

### Skills development in the construction and property sectors

To improve the delivery of infrastructure in the public works sector, the department plans to increase the throughput of built environment graduates. This imperative is facilitated by the department's Skills Pipeline Strategy, which makes provision for technical bursary schemes, internships, learnerships, property management training and artisan development, with structured workplace training to expedite professional development and registration. The department's investment in young built environment professionals extends to ensuring the participation of an estimated 1 200 beneficiaries per year over the medium term in the department and Property Management Trading Entity's skills development programme. An allocation of R99.9 million over the medium term for skills development activities is

made available in the Professional Services subprogramme in the Intergovernmental Coordination programme.

### Reviewing and developing policy

The DPWI is responsible for regulating the construction and property sectors, and ensuring that they transform in line with the inclusive vision of the NDP. As part of its efforts to develop a public works Act to provide an overarching legislative framework for the sector, over the medium term, the department will continue to review the the Construction Industry Development Board (CIDB) Act, 2000 (Act 38 of 2000); the Council for the Built Environment (CBE) Act, 2000 (Act 43 of 2000); the founding Acts for the six built environment professional councils; and the 1997 and 1999 White Papers on public works. The department has engaged all relevant stakeholders, including the CIDB, the CBE and the six built environment professional councils, towards the finalisation of these reviews. These reviews are expected to culminate in a draft document in 2020/21 that will inform amendments to the CIDB Act of 2000 and CBE Act of 2000 to ensure greater transformation and the inclusion of historically disadvantaged groups in the infrastructure sector, and to avoid the duplication of functions between the department and its entities. These amendment Bills will ultimately inform the development of a public works Act. Expenditure for activities related to the regulation and transformation of the construction and built environment sectors is expected to amount to R106 million over the medium term. This programme has a total budget of R14.6 billion over the MTEF period, with expenditure set to increase at an average annual rate of 3.2%, from R4.6 billion in 2019/20 to R5.1 billion in 2022/23.

### Improving governance and mitigating risk

To achieve greater efficiencies in service delivery and contribute towards good governance and ethical practices, the DPWI will continue to improve various internal policies, processes and systems, including the implementation of a holistic strategy aimed at preventing fraud. The strategy seeks to establish key controls that manage the risk of fraud by aligning internal financial and business control systems with the department's fraud risk management plan to increase awareness about the

risk of fraud. Through these measures, the department aims to curtail fraud and corruption, ensure the efficient use of state resources, and improve service delivery and stakeholder confidence. To carry out governance, risk and compliance activities, an estimated R162.6 million over the medium term is allocated in the Management subprogramme in the Administration programme.

### Budget

For the 2019/20 financial year, the DPWI was allocated R7.9 billion. An estimated 86.7% (R22.4 billion) of the department's total budget over the MTEF period is allocated to transfers and subsidies for the operations of its entities, and conditional grants to provinces and municipalities for the implementation of the EPWP. An estimated 7.2% (R1.9 billion) of the department's budget over the period ahead is earmarked for spending on compensation of employees. The number of personnel in the department is expected to decrease from 840 in 2019/20 to 769 in 2022/23 mainly due to contracts not being renewed for contract employees. Despite this, spending on compensation of employees is expected to increase from R557.8 million in 2019/20 to R662.5 million in 2022/23 at an average annual rate of 5.9%.

### Entity

#### Property Management Trading Entity

The entity was established following a decision in 2006 that costs related to accommodation be devolved from the DPWI to client departments. The entity performs immovable asset management functions on behalf of the department, including the provision of residential and office accommodation for user departments at the national government level; and acquires, manages, operates, maintains and disposes of immovable assets in the department's custody. The entity was established to apply professional business approaches in managing and optimising the State's immovable asset portfolio for maximum return.

On a cost recovery basis, the entity finances the purchase, construction, refurbishment and maintenance of nationally owned government properties; and manages the leases

of privately owned properties accommodating national departments.

Over the medium term, the entity will focus on developing precincts to support efficient and integrated government planning by grouping departments that provide similar services to make service delivery more efficient; refurbishing and maintaining government buildings in its portfolio; and developing 12 small fishing harbours. To achieve these objectives, the entity plans to spend R61.2 billion over the MTEF period, increasing at an average annual rate of 9.3%, based on projections that there will be an increase in services provided to client departments, from R16.7 billion in 2019/20 to R21.8 billion in 2022/23. An estimated 80.4% (R49.5 billion) of the entity's total budget is allocated to goods and services, mainly for repairs and maintenance of state-owned buildings, and lease payments.

