



Official Guide to **SOUTH AFRICA** 2021/22

GOVERNMENT



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 of 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 is the supreme law of the land. No other law or government action can supersede the provisions of the Constitution. It was approved by the Constitutional Court on 4 December 1996 and took effect on 4 February 1997.

Government

Government consists of national, provincial and local spheres. The powers of the legislature, executive and courts are separate.

Parliament

Parliament consists of the National Assembly and the National Council of Provinces (NCOP). Parliamentary sittings are open to the public. Several measures have been implemented to make Parliament more accessible and accountable.

National Assembly

The National Assembly consists of no fewer than 350 and no more than 400 members, elected through a system of proportional representation for a five-year term. It elects the President and scrutinises the executive.

National Council of Provinces

The NCOP is constitutionally mandated to ensure that provincial interests are taken into account in the national sphere of government. This is done through participation in the national legislative process and by providing a national forum for consideration of issues affecting provinces. The NCOP consists of 90 provincial delegates, which is 10 delegates for each of the nine provinces.

Government clusters

Government clusters are groupings of government departments with cross-cutting programmes. Clusters foster an integrated approach to governance that is aimed at improving government planning, decision making and service delivery.

The 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 in the Presidency is the chairperson of FOSAD.

The clusters are as follows:

- Economic Sectors, Investment, Employment and Infrastructure Development
- Social Protection, Community and Human Development
- Governance, State Capacity and Institutional Development
- Justice, Crime Prevention and Security
- International Cooperation, Trade and Security.

Izimbizo

The Izimbizo programme is a communication platform that enables the citizenry to have a meaningful and direct engagement with members of the national, provincial and local executive. It promotes unmediated face-to-face communication with the public.

It provides an opportunity to political principals to share government plans to improve service delivery and to listen to issues facing communities.

Inter-Ministerial Committees (IMCs)

The President of the Republic of South Africa (and in certain instances the Cabinet appoints IMCs for specific purposes that require the attention and dedication of a team of certain Ministers.

The mandate of the IMCs is limited to the matter that they are established to execute. Some of the past and present IMCs include the following:

- IMC on the Prevention and Combating of Corruption
- IMC on Information and Publicity
- IMC on State Funerals
- IMC on the Revitalisation of Distressed Mining communities
- IMC on Immigration Regulations.
- IMC on Investment Promotion
- IMC on Local Government Elections
- IMC on the Centenaries of Mama Albertina Sisulu and Tata Nelson
- IMC on the South Africa Investment Conference
- IMC on Land Reform
- IMC on Illegal Mining
- IMC on Climate Change
- IMC on Comprehensive Social Security

- IMC on Electricity Reticulation
- IMC on Energy
- IMC on the South African National AIDS Council
- IMC on District-Level Service Delivery
- IMC on Gender-Based Violence and Femicide
- IMC on Vaccines.

The Presidency

The Presidency is the executive manager of government. It is situated in the Buildings, Pretoria, and has a subsidiary office in Tuynhuys, Cape Town. The NDP offers a long-term socio-economic development road map.

The NDP: Vision for 2030 focuses on the following strategic areas of development:

- creating jobs;
- expanding infrastructure;
- sustainable use of resources;
- transforming urban and rural spaces;
- improving education and training;
- providing quality healthcare;
- building a capable state;
- fighting crime and corruption; and
- uniting the nation.

The Deputy President

The President appoints the Deputy President from among the members of the National Assembly.

The Presidency - Appointed since June 2018

- President Cyril Matamela Ramaphosa.
- Deputy President David Dabede Mabuza.

Cabinet

Cabinet consists of the President, as head of the Cabinet, the Deputy President and Ministers. The President appoints the Deputy President and Ministers, assigns their powers and functions and may dismiss them. No more than two Ministers may be appointed from outside the National Assembly.

Provincial government

Each of the nine provinces has its own legislature of 30 to 80 members. They elect the premiers who head the executive councils.

Traditional leadership

The reconstitution of the National House of Traditional and Khoi-San Leaders (NHTKL), conducted in terms of the Traditional and Khoi-San Leadership Act, of 2019, followed the reconstitution of all the Provincial Houses of Traditional and Khoi-San Leaders.

The national and provincial houses of traditional and Khoi-San 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.

Local government

Local government is the sphere of government closest to the people. In accordance with the Constitution and the Organised Local Government Act of 1997, which formally recognises organised local-government associations, organised local government may designate up to 10 part-time representatives to represent municipalities and participate in proceedings of the NCOP.

Municipalities

There are 257 municipalities in South Africa comprising eight metropolitan, 44 district and 205 local municipalities.

Municipalities govern on a four-year term basis and run local affairs subject to national and provincial legislation. They focus on growing local economies and providing infrastructure and services.

The eight metropolitan municipalities are:

- 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).

DEPARTMENT OF COOPERATIVE GOVERNANCE (DCOG)

The DCoG 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.

DEPARTMENT OF TRADITIONAL AFFAIRS (DTA)

The DTA 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.

DEPARTMENT OF PUBLIC SERVICE AND ADMINISTRATION (DPSA)

The DPSA draws its mandate from Section 195(1) of the Constitution of the Republic of South Africa of 1996, which sets out basic values and principles the Public Service should adhere to, and the Public Service Act of 1994.

In terms of the Act, the Minister of Public Service and Administration is responsible for establishing norms and standards relating to:

- the functions of the Public Service;
- organisational structures and establishments 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 matters to improve the effectiveness and efficiency of the Public Service and its service delivery to the public.

PUBLIC SERVICE COMMISSION (PSC)

The PSC is an independent institution established in terms of Chapter 10 of the Constitution and derives its mandate from sections 195 and 196 of the Constitution, which set out the values and principles governing 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.

NATIONAL SCHOOL OF GOVERNMENT (NSG)

The NSG derives its mandate from the Public Service Amendment Act of 2007. In terms of the Act, the institution is mandated to provide training or effect its provision. The school responds to its mandate by developing relevant training and development programmes for delivery to South African public service officials at all levels.

Through education and training, the school promotes the progressive realisation of the values and principles governing public administration, and enhances the quality of human resource capacity in public service institutions.

CENTRE FOR PUBLIC SERVICE INNOVATION (CPSI)

The responsibility for innovation in the public sector is vested in the Minister of Public Service and Administration, in terms of Section 3(1)(i) of the Public Service Act of 1994. The CPSI is tasked by the Minister to fulfil this mandate, which includes establishing norms and standards relating to transformation, reform and innovation to improve the effectiveness and efficiency of the Public Service and its service delivery to the public.

DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE (DPWI)

As set out in the Government Immovable Asset Management Act of 2007, the DPWI is mandated to be the custodian and portfolio manager of government's immovable assets.

Since the creation of the Property Management Trading Entity in 2015/16, the department's role includes 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. Public Works is constitutionally designated as a concurrent function exercised by the national and provincial levels of government.

During the February 2022 State of the Nation Address, President Ramaphosa announced the construction of 96 bridges in the 2022/23 financial year. The number of bridges that will be constructed is as follows:

- 18 – Eastern Cape;
- 36 – KwaZulu-Natal;
- 11 – Mpumalanga;
- 11 – Limpopo;
- 10 – Free State; and

- 10 – North West.

In May 2021, the Infrastructure Built Anti-Corruption Forum (IBACF) was launched, bringing together stakeholders together to foster collaboration amongst the key role players such as law-enforcement agencies, construction sector regulators, civil society, government departments and private sector to monitor infrastructure projects more effectively and put systems in place to detect and prevent corruption.

This strategic intervention comprising various private and public sector representatives, including the Special Investigating Unit, was made to mitigate the threat of corruption in the implementation of the Infrastructure Investment Plan approved by Cabinet in May 2020.

DEPARTMENT OF HOME AFFAIRS (DHA)

The mandate of the DHA is derived from the Constitution and various acts of Parliament and policy documents. The department's services are divided into two broad categories: civic services and immigration services.

As such, the department is mandated to manage citizenship and civic status; and manage international migration, which includes providing refugee protection. The execution of this mandate means that the department is a key enabler of national security, citizen empowerment, efficient administration and socio-economic development. Accordingly, these functions must be managed securely and strategically.

Establishing and operationalising the Border Management Authority (BMA), and securing international migration

The previous fragmented approach to border management, where officials from at least five organs of state work at the country's 72 ports of entry, contributed to a number of inefficiencies and poor outcomes. This is mainly due to them having varied legislative mandates, conditions of service and remuneration, competing priorities and deliverables, and dissimilar tools of trade and equipment.

A major benefit of establishing the BMA is to formalise and streamline the relationships between these relevant organs and coordinate a unified approach. This is expected to result in enhanced security and the effective management of the border environment, as well as improved customer service. As such, the authority will be responsible for restricting the illegal movement of people and goods within South Africa's border law enforcement areas and at ports of entry. The first BMA Border Guards were deployed at the Beitbridge Port of Entry, in Limpopo, in July 2022.

Modernising ICT infrastructure

The department recognises the importance of embracing technological advancements to better fulfil its mandate, function optimally and promote national security. Some of its planned technological improvements over the period ahead

include rolling out the automated biometric identification system by 2022/23 and introducing biometric functionality at all ports of entry by 2023/24, designing and developing the national identity system to replace the national population register, and rolling out the e-visa system by 2024/25.

Issuing documents to facilitate growth

The department will continue to support economic growth by issuing strategic visas such as those for critical skills, business and general work. To attract foreign business and international tourism, it will seek to simplify the visa regime through visa waiver agreements and the issuing of long-term, multiple-entry electronic visas.

By allowing prospective visitors to South Africa to apply for their visas online, for approval by a central adjudication hub, the e-visa system is expected to remove administrative bottlenecks, reduce fraud, facilitate secure and easy travel, and help build partnerships with airlines

GOVERNMENT PRINTING WORKS (GPW)

The GPW is mandated to provide security printing and ancillary services to all organs of state in all spheres of government. The entity was converted to a full government component in 2009 in terms of the Public Service Act of 1994, enabling it to operate on sound business principles.

The entity fulfils its mandate subject to policies as prescribed by the Minister of Home Affairs. Over the medium term, the entity was expected to continue focusing on producing security printed material, including identity documents/smart identity cards and travel documents; coordinating and distributing government gazettes; completing ongoing capital works projects; motivating for the adoption of its newly proposed organisational structure; and ensuring alignment with new technological developments in the printing industry.

Ongoing capital works projects include the construction of the GPW precinct and the refurbishment of the existing building. The envisaged precinct will comprise a number of campuses with self-contained and product-oriented processing centres that will allow for secure and efficient operations.

DEPARTMENT OF EMPLOYMENT AND LABOUR (DEL)

The DEL derives its legislative mandate from the Constitution, particularly the Bill of Rights, which is given effect through a number of acts that regulate labour matters in South Africa.

The most important of these are the Labour Relations Act of 1995, the Basic Conditions of Employment Act of 1997, the Employment Equity Act of 1998, the Occupational Health and Safety Act of 1993, and the Employment Services

Act of 2014. The department is mandated to regulate the labour market through policies and programmes developed in consultation with social partners. These aim to:

- improve economic efficiency and productivity;
- facilitate the creation of decent employment;
- promote labour standards and fundamental rights at work;
- provide adequate social safety nets to protect vulnerable workers;
- promote and enforce sound labour relations;
- promote equity in the workplace;
- eliminate inequality and unfair discrimination in the workplace;
- enhance occupational health and safety awareness and compliance in the workplace; and
- give value to social dialogue in the formulation of sound and responsive legislation and policies to attain labour market flexibility for the competitiveness of enterprises, balanced with the promotion of decent employment.

Providing support to work seekers

Facilitating access to decent employment is central to the department's work. As such, over the medium term, it plans to register 2.7 million work seekers, provide counselling to 750 000 work seekers and place 180 000 work seekers in registered employment opportunities.

To provide more young people with access to employment opportunities, an additional employment youth centre will be established in Germiston (Gauteng) over the medium term to complement those in Cape Town (Western Cape), De Aar (Northern Cape), Durban and Newcastle (KwaZulu-Natal), and Johannesburg (Gauteng).

To reduce the cost of looking for employment and accessing learning opportunities for young people in remote areas, nine mobile employment youth centres will also be set up over the medium term. The development of the national employment policy is expected to facilitate the provision of support to work seekers. It is aimed at providing a conducive policy environment to improve investment and productivity, and create employment through targeted interventions at the sector, firm and work-seeker levels.

Increasing safety and fairness in the workplace

Through conducting a targeted employment law compliance inspections over the MTEF period, the department aims to improve compliance with occupational health and safety standards for various sectors and as such, increase fairness in the workplace, especially for young people, disabled people and women.

In addition, the implementation of the case management system in 2022/23 is expected to ensure that the department's business processes are fully modernised, which will lead to, among other things, more focused inspections that ensure compliance and workplace safety. Over the medium term, the

department plans to serve 95% of non-compliant employers with legal notices within 14 calendar days of inspections per year.

Regulating the workplace

The department will conduct an annual review of the national minimum wage, including the development of monitoring mechanisms to measure its impact on the economy, collective bargaining, the reduction of income differentials, and proposed adjustments.

Sectors pegged below the national minimum wage, such as domestic work, will be required to be adjusted to align with the national minimum wage by the end of 2022/23. The Commission for Conciliation, Mediation and Arbitration spearheads the department's efforts to advance such efforts towards economic development, social justice, labour peace and the democratisation of the workplace.