



GOVERNMENT

**OFFICIAL GUIDE TO
SOUTH AFRICA**

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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
- MC 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 the Employment of Foreign Nationals
- 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
- IMC on Political Killings.

The Presidency

The Presidency is the executive manager of government. It is situated in the Union 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

- President Cyril Matamela Ramaphosa.
- Deputy President Paul Mashatile.

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 to enable government to fulfil its 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 and exercising oversight of provincial, local government and its entities. This mandate is derived from the:

- Municipal Structure Act of 1998;
- Municipal Systems Act of 2000;
- Disaster Management Act of 2002;
- Municipal Property Rates Act of 2004; and
- Intergovernmental Relations Framework Act of 2005.

Over the medium term, the DCoG planned to continue focusing on increasing access to basic services, mitigating against the risk of disasters, and creating income security in areas of high unemployment.

Increasing access to basic services

The local government equitable share is an unconditional transfer that supplements the revenue raised by municipalities to perform their functions. It funds the operations and maintenance of free basic services, and subsidises the cost of administration for municipalities with the least potential to cover these costs from their own revenue.

Mitigating against the risk of disasters

Over the medium term, the department plans to continue to mitigate against the risk of disasters and build resilience by supporting 30 priority district municipalities that are considered most vulnerable to implement disaster management plans.

Creating income security in areas of high unemployment

To support government's employment initiatives, over the period ahead, the department aims to maintain 250 000 participants in the Community Work Programme, especially in areas of high unemployment.

DEPARTMENT OF TRADITIONAL AFFAIRS (DTA)

The DTA is mandated to oversee matters related to traditional affairs and support the development of stable and cohesive traditional communities. The *2003 White Paper on Traditional Leadership and Governance* sets out the national framework, norms and standards that define the role of 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 African indigenous law and customs subject to the Constitution.

The department's mandate is informed by the:

- Commission for the Promotion and Protection of the Rights of Culture, Religious and Linguistic Communities Act of 2002;
- Traditional and Khoi-San Leadership Act of 2019; and
- Customary Initiation Act of 2021.

Over the medium term, the DTA planned to continue focusing on monitoring the implementation of the Traditional and Khoi-San Leadership Act of 2019 and ensuring that customary initiation is practised safely, as guided by the Customary Initiation Act of 2021.

This entailed monitoring the development of principal and senior traditional leadership in royal families' customary laws of succession and genealogies in eight provinces per year over the period ahead to mitigate against disputes and claims, in line with the provisions of the Traditional and Khoi-San Leadership Act of 2019.

By 2025/26, the Commission on Khoi-San Matters aimed to research and investigate all applications it receives for the recognition of Khoi-San communities and leaders, and to make recommendations to the Minister of Cooperative

Governance and Traditional Affairs on the recognition of Khoi-San communities and leaders.

To create a safe and regulated environment for initiates in all provinces, the department planned to monitor and ensure compliance in implementing the Customary Initiation Act of 2021 over the medium-term period.

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;
- the establishment and organisational structures of departments and other organisational and governance;
- arrangements in the Public Service;
- labour relations, conditions of service and other employment practices for employees in the Public Service;
- the health and wellness of employees in the Public Service;
- information management and electronic government in the Public Service;
- 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 delivery of services to the public.

The department provides an enabling environment to ensure government departments that deliver services have adequate capacity to carry out their mandates. In seeking to do this, over the medium term, the DPSA aimed to focus on intensifying the fight against corruption in the Public Service, reducing government's wage bill, ensuring adherence to Batho Pele principles, and developing regulations and reviewing key legislation.

Intensifying the fight against corruption

The department planned to continue intensifying the fight against corruption in the Public Service over the medium-term period by strengthening disciplinary action in such cases, and promoting a culture of accountability and ethical and professional behaviour.

Part of combating corruption entailed limiting the scope for conflicts of interest through measures such as prohibiting public servants from conducting business with the state. This entailed conducting lifestyle audits on certain categories of employees and monitoring the implementation of the financial disclosure framework.

The department planned to support 12 departments over the medium term on the implementation of the guidelines while increasing awareness of public-sector lifestyle audits, especially in terms of the repercussions of committing

fraudulent activities; and providing support to all government departments on the implementation of the guidelines.

Reducing government's wage bill

The DPSA is tasked with ensuring that the public-sector wage bill becomes more affordable. As such, in collaboration with National Treasury and other departments, the department planned to review remuneration policies across government with the aim of developing a single remuneration framework for the public sector (excluding state-owned enterprises).

This was expected to be achieved over the medium term, and would be in line with the principles of fair, equitable and sustainable remuneration. The implementation of the framework was also expected to reduce remuneration inequality for employees performing similar tasks in different spheres of government.

Improving the implementation of Batho Pele principles

Adherence to Batho Pele principles means putting people first in the delivery of public services. Accordingly, over the medium term, the department planned to continue providing the necessary support to departments by monitoring the quality and implementation of the revised Batho Pele programme, and the extent to which departments promote and implement the principles. Each department is required to develop standards to guide its implementation of the principles.

Developing regulations and reviewing key legislation

Over the period ahead, the DPSA planned to focus on developing regulations to enable the full implementation of the Public Administration Management Act of 2014. Following consultations with internal and external stakeholders on the draft *White Paper on the Transformation and Modernisation of Public Administration Regulations* for the Act were submitted to relevant stakeholders.

The amended Act was expected to inform the formulation of further regulations and other legislative provisions to enhance the principles of a unified public administration. The department also planned to review the Public Service Act of 1994 and related policies over the period ahead.

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 PSC 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 is mandated to provide training or effect its provision in terms of the Public Service Amendment Act of 2007. The school carries out 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.

The NSG uses its trading account, which was established in terms of the Public Finance Management Act of 1999, as a delivery vehicle for its core output.

The number of online education, training and development interventions provided over the medium term was expected to increase from eight in 2022/23 to 10 in 2025/26. To achieve this, the NSG planned to continue implementing six ICT projects per year in fields such as learning and training management systems to enable the school to operate more efficiently in its operations.

These projects aimed to assist the school in increasing the number of learners accessing compulsory and demand-led training, and education and development programmes. The NSG planned to continue working on revising its entity's funding model by looking at alternative and broader sources of revenue beyond the fiscus to ensure financial sustainability. This will entail, among other interventions, a drive to increase the uptake of the school's education, training and development offerings.

CENTRE FOR PUBLIC SERVICE INNOVATION (CPSI)

In terms of Section 3(1)(i) of the Public Service Act of 1994, the responsibility for innovation in the public sector is vested in the Minister for Public Service and Administration.

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 delivery of services to the public.

Over the medium term, the CPSI aimed to use innovation to identify and offer solutions to service delivery challenges. It planned to do so by partnering with other government departments, non-governmental organisations, the private sector, tertiary institutions, academics and international entities to enhance government's implementation of the District Development Model (DDM).

The process of developing innovative solutions involves investigating challenges and then finding or creating a prototype, approach, model, service or product for further testing, piloting and/or replication.

Accordingly, in 2023/24, the CPSI planned to initiate four new research and development projects, such as the development of apps for emergency medical services. These are expected to enhance the delivery of services such as forensics and transport.

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 establishment 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 also 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 DPWI is constitutionally designated as a concurrent function exercised by the national and provincial levels of government.

Over the medium term, the department planned to continue focusing on creating work opportunities by leading and coordinating the expanded public works programme; providing policy and sector oversight; building state capacity to facilitate skills development and strengthen the skills pipeline; and providing direct support to sponsors of priority public infrastructure projects.

Coordinating the EPWP

The department planned to continue its efforts to coordinate the EPWP, which aims to create work opportunities using labour-intensive methods across the three spheres of government.

Providing policy and legislative oversight

The DPWI plays an oversight role in the implementation of key legislation and policy frameworks in the public works sector. These include the Intergovernmental Relations Framework Act of 2005 and the DDM, which guide the implementation of the public works function at the provincial and municipal levels.

The department gives effect to these frameworks by supporting joint programmes across all three spheres of government through its provision of coordination and intervention services, which are aimed at improving the coherence and impact of government's service delivery across the country.

The DPWI's work in this regard involves regular meetings with sector governance structures such as the Committee of the Public Works and Infrastructure Minister and members of the Executive Council.

Building state capacity to strengthen the skills pipeline

Building state capacity in the property management and built environment sectors is central to the department's work. This entails either restoring or replacing the skills pipeline, through which a variety of skills required within the built environment sector emerge.

The department aimed to increase the number of beneficiaries participating in

skills pipeline intervention programmes such as the Economic Reconstruction and Recovery Plan.

Providing support to public infrastructure projects

The department's Infrastructure South Africa division has identified the need to provide direct support through the allocation of project preparation resources to sponsors of priority public infrastructure projects, with the aim of expediting investor-friendly projects.

The DPWI will support sponsors with business planning packaging, prefeasibility and feasibility studies, technical designs, and legal and regulatory approvals in alignment with the Infrastructure Development Act of 2014, as amended.

DEPARTMENT OF HOME AFFAIRS (DHA)

The DHA derives its mandate from the Constitution of the Republic of South Africa of 1996 and various Acts of Parliament and policy documents. This mandate entails the management of citizenship and civil registration, the management of international migration and the management of refugee protection. It allows the department to be a key enabler of national security, citizen empowerment, efficient administration and socio-economic development.

These functions must be managed securely and strategically. The department's services are divided into two broad categories: civic services and immigration services.

Over the medium term, the department planned to continue focusing on securing international migration through the establishment of the Border Management Authority (BMA), modernising ICT infrastructure to ensure integrated planning and efficient administration, ensuring access to rights and services, and digitising records.

Securing international movement

The BMA was expected to facilitate and manage the legitimate movement of people and goods within the border law enforcement area and at ports of entry, and cooperate with and coordinate its border law enforcement functions with other organs of state.

Transitional arrangements included transferring the frontline immigration function and personnel at ports of entry to the authority, seconding personnel to the authority from other organs of state, and conducting physical verification and asset inventories.

The entity had signed a memorandum of understanding with the department to share corporate services.

Modernising ICT infrastructure

The DHA is committed to screening all passengers and crew travelling to, from or through South Africa by air or sea, in advance. For this purpose, the passenger name record is expected to be rolled out over the medium-term period to enable

improved risk assessment by including data from airline reservation systems, such as payment details, travel itineraries and baggage information.

Preparatory work has begun to implement the system. This includes the purchasing of hardware, software design, system and hosting maintenance, and the appointment of service providers.

Other ICT modernisation projects across the department over the medium term include rolling out biometric movement control systems at identified ports of entry; developing a live-capture system for births, marriages and deaths; managing asylum seekers; and developing and rolling out the e-visa system.

Ensuring access to rights and services

The DHA's planned hybrid access model is expected to provide for the optimal number and location of physical offices (321) and mobile units (127) to reach 778 visiting points over the medium-term period.

In 2023/24, the department planned to procure 100 mobile units to be equipped with the necessary hardware, systems and connectivity to function as physical offices.

Over the medium term, the department planned to introduce self-service machines that will allow clients to directly apply for smart ID cards and passports, and for re-issuing birth, marriage and death certificates.

These machines will be installed in offices to increase the number of clients that can be served, as well as in strategic locations such as shopping centres. The department is running a pilot programme at Menlyn Mall in Pretoria.

Digitising records

Through its digitisation of records project, the department intends to convert more than 340 million paper-based South African civic records into an electronically searchable format by 2025/26. In doing so, it also plans to contribute to public and social employment by recruiting unemployed young graduates to work on the project.

GOVERNMENT PRINTING WORKS (GPW)

Government Printing Works is mandated to provide secure printing and ancillary services to all organs of state in all spheres of government. The entity operates on sound business principles and fulfils its mandate subject to policies as prescribed by the Minister of Home Affairs.

It produces enabling documents such as smart identity cards and passports, and facilitates communication by various government institutions through coordinating and distributing the *Government Gazette*.

Over the medium term, the entity planned to focus on revamping its ICT infrastructure by procuring a new enterprise resource planning system at a projected cost of R324 million. It will also focus on completing its master plan to renovate the administration building on Visagie Street, Pretoria, at an estimated cost of R1 billion over the period ahead.

DEPARTMENT OF EMPLOYMENT AND LABOUR (DEL)

The DEL derives its mandate from the Constitution. This mandate is given effect through several acts that regulate labour matters in South Africa: the Occupational Health and Safety Act of 1993, the Labour Relations Act of 1995, the Basic Conditions of Employment Act of 1997, the Employment Equity Act of 1998 and the Employment Services Act of 2014.

The mandate of the department is 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 an awareness of and compliance with occupational health and safety 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.

In working towards the vision of eliminating poverty and reducing inequality over the medium term, the DEL planned to focus on increasing safety and fairness in the workplace, providing support to work seekers, regulating the workplace, and engaging in multinational platforms, such as the Brazil-Russia-India-China-South Africa group of countries, to shape the future of work and protect workers' rights.

Increasing safety and fairness in the workplace

Through its advocacy programmes, which include 12 seminars and six conferences over the medium term, the department planned to increase its national footprint by ensuring compliance with employment law. This was expected to improve fairness in the workplace, especially for young people, people with disabilities and women, and transition workers from the informal to the formal economy.

Providing support to work seekers

Facilitating access to decent employment is central to the DEL's work. Over the medium term, it planned to register 2.9 million work seekers, provide counselling to 780 000 work seekers and place 195 000 work seekers in registered employment opportunities. In 2022/23, the department drafted the South African National Employment Policy in partnership with the International Labour Organisation. The purpose of the policy is to determine a sustainable approach to employment growth. In line with the policy, the department plans to establish an employment war room over the medium term.

The purpose of this intervention is to bring together government departments, business experts, and labour and community organisations. The department also

planned to focus on implementing an accessible framework for active labour market policies that supports work seekers by, among other things, digitising applications for vacancies and providing employment counselling through the Employment Services of South Africa system.

This is expected to be done in collaboration with private employment agencies with the aim of facilitating viable pathways to employment. The Employment Services of South Africa online app has been developed. Limited data and internet access are still hindrances to work seekers.

In addition, all youth employment centres that were built in 2022/23 will have free Wi-Fi. Internet connectivity will also enable work seekers to access other tools that assist youth to better understand their career aspirations and build capacity.

In 2022/23, the department drafted the new National Migration Policy and proposed amendments to the Employment Services Act of 2014. A strong focus over the medium-term period will be on the rapid implementation of these amendments, which is expected to provide more employment opportunities for young South Africans, particularly in the hospitality, tourism and agriculture sectors.

The DEL planned to continue the Pathway Management Network, which is a Presidential Youth Employment Initiative. The network is expected to create opportunities for employment, support increased access to relevant education and training interventions, assist young people in making choices about learning and/or earning, and identify barriers to entry in the labour market.

Regulating the workplace

The department planned to conduct an annual review of the national minimum wage over the medium term. This will include the development of monitoring mechanisms to measure its impact on the economy, collective bargaining, the reduction of income differentials, and proposed adjustments. The Commission for Conciliation, Mediation and Arbitration spearheads the department's efforts in this regard.