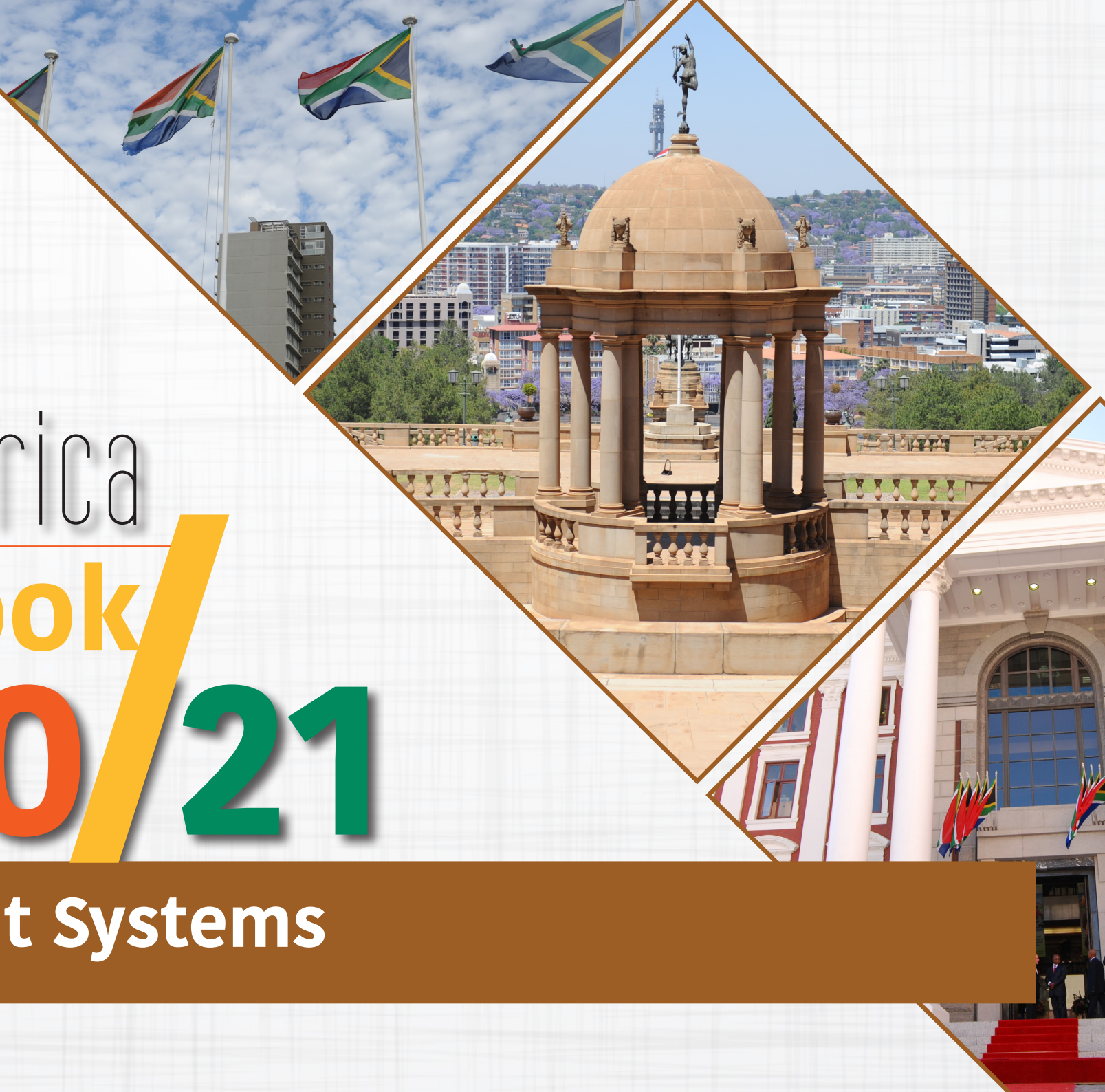


# South Africa Yearbook/ 2020/21

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. It 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 year 2021 marked 25 years since South Africa adopted its Constitution on 8 May 1996 – one that is still hailed as being amongst the best in the world. Government approved a year-long national commemorative programme for the 25th Anniversary of 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

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 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 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.

### 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.

### 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 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.

### 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.

Portfolio:  
President Cyril Ramaphosa  
Deputy President David Mabuza

### 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

### Structure and functions of the South African Government

#### Legislative authority

##### Parliament

- National Assembly (350 – 400 members)
- National Council of Provinces (90 delegates)

##### Provincial governments

Eastern Cape  
Free State  
Gauteng  
KwaZulu-Natal  
Limpopo  
Mpumalanga  
Northern Cape  
North West  
Western Cape

#### Executive authority

##### Cabinet

- President
- Deputy President
- Ministers

##### Deputy ministers

#### Judicial authority

Constitutional Court  
Supreme Court of Appeal  
High courts  
Magistrates' courts

##### Judicial Service Commission

#### State institutions supporting democracy

- Public Protector
- Human Rights Commission
- Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities
- Commission for Gender Equality
- Auditor-General of South Africa
- Independent Communications Authority of South Africa
- Electoral Commission of South Africa (IEC)

Legislative Authority  
Provincial Legislature

Executive Authority  
Executive Council

- Premier
- Members of the Executive Council

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 the Public Participation Model, which 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's 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 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 has 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 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 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 council include the NCOP Oversight Week, Provincial Week and Local Government Week. The NCOP Oversight Week enables members to follow up on matters arising from the Taking Parliament to the People Programme to verify information received.

Cabinet Ministers and Deputy Ministers, as at October 2021

Portfolio	Minister	Deputy Minister
Agriculture, Land Reform and Rural Development	Thoko Didiza	Zoleka Capa Mcebisi Skwatsha
Basic Education	Angie Motshekga	Regina Mhaule
Communications and Digital Technologies	Khumbudzo Ntshavheni	Mohlopi Philemon Mapulane
Cooperative Governance and Traditional Affairs	Nkosazana Dlamini-Zuma	Thembi Nkdimeng Obedi Bapela
Defence and Military Veterans	Thandi Modise	Thabang Makwetla
Employment and Labour	Thulas Nxesi	Boitumelo Moloi
Forestry, Fisheries and the Environment	Barbara Creecy	Maggie Sotyu
Finance	Enoch Godongwana	David Maseondo
Health	Joe Phaahla	Sibongiseni Dhlomo
Higher Education, Science and Innovation	Blade Nzimande	Buti Manamela
Home Affairs	Aaron Motsoaledi	Njabulo Nzuza
Human Settlements	Mmamoloko Kubayi	Pam Tshwete
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	Nobuhle Nkabane
Police	Bheki Cele	Cassel Mathale
The Presidency	Mondli Gungubele	Pinky Kekana Thembi Siweya
The Presidency for Women, Youth and Persons with Disabilities	Maite Nkoana-Mashabane	-
The Presidency for State Security	-	Zizi Kodwa
Public Enterprises	Pravin Gordhan	Phumulo Masualle
Public Service and Administration	Ayanda Dlodlo	Chana Pilane-Majake
Public Works and Infrastructure	Patricia De Lille	Noxolo Kiviet
Small Business Development	Stella Ndabeni-Abrahams	Sdumo Dlamini
Social Development	Lindiwe Zulu	Hendrietta Bogopane-Zulu
Sport, Arts and Culture	Nathi Mthethwa	Nocawe Mafu
Tourism	Lindiwe Sisulu	Fish Mahlalela
Trade, Industry and Competition	Ebrahim Patel	Fikile Majola Nomalungelo Gina
Transport	Fikile Mbalula	Sindisiwe Chikunga
Water and Sanitation	Senzo Mchunu	Dikeledi Magadzi David Mahlobo

The 2020 Provincial Week was held from 26 to 30 October. 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 and 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 (CoGTA)
- Forestry, Fisheries and the Environment
- 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:

- CoGTA (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 CoGTA
- 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
- CoGTA
- Forestry, Fisheries and the Environment
- 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:

- Sport, Arts and Culture (Chair)
- Forestry, Fisheries and the Environment (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 Forestry, Fisheries and the Environment

### 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: Planning, Monitoring and Evaluation
- 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 eight 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;
- Two Deputy Ministers in The Presidency; and
- The Deputy Minister in The Presidency for State Security.

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

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)

This function 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.
- The National Youth Development Agency.
- The 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. 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 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 socio-economic structure and the culture of society.

Over the medium term, 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 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. The sixth edition of the Local Government Elections were held 1 November 2021.

In strict adherence to the National State of Disaster regulations, the 2020/21 State of Nation Address took the form of a hybrid joint sitting, with 50 members of Parliament, representatives from the Judiciary and the Executive in the physical chamber, and everyone else connecting virtually. There was no red carpet, ceremonial guard and many other activities associated with the event.

## 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 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.

## Cooperative Governance and Traditional Affairs

The CoGTA Ministry consists of the Department of Cooperative Governance (DCoG) and the Department of Traditional Affairs (DTA).

## Department of Cooperative Governance

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.

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 DCoG is closely aligned.

Over the medium term, the DCoG will continue to focus on strengthening intergovernmental coordination and spatial development, facilitating the delivery of basic municipal infrastructure and sustainable services, alleviating poverty by creating work opportunities, and enhancing proactive planning to reduce the severity of disasters when they occur.

To increase access to basic services and improve spatial and economic development, R54.9 billion, over the medium term, is allocated to the Local Government Support and Intervention Management programme and R245.8 billion to the Institutional Development programme. The bulk of these funds will be disbursed through the Municipal Infrastructure Grant, the Integrated Urban Development Grant and the Local Government Equitable Share.

They will enable the DCoG to support 18 secondary cities to improve planning for spatial and economic development and 52 district municipalities per year to roll out the District Development Model (DDM). During the first half of 2020/21, the DDM, which aims to improve coherence in service delivery

planning among the three spheres of government, was piloted in three municipalities. During the same period, 71 municipalities were assessed to ensure compliance with the Municipal Property Rates Act, 2004 (Act 6 of 2004).

To enable the department to create the targeted 250 000 work opportunities in each year of the MTEF period, expenditure in the Community Work Programme is expected to increase at an average annual rate of 2.1%, from R4.1 billion in 2020/21 to R4.4 billion in 2023/24.

### Legislation

The mandate of the DCoG is derived from the following legislation:

- the Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005);
- the Municipal Property Rates Act, 2004 (Act 6 of 2004);
- the Disaster Management Act, 2002 (Act 57 of 2002);
- the Municipal Systems Act, 2000 (Act 32 of 2000); and
- the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).

### Budget

For the 2020/21 financial year, the CoGTA Ministry was allocated R107.188 billion.

Total expenditure is expected to increase at an average annual rate of 0.4%, from R106.9 billion in 2020/21 to R108.4 billion in 2023/24. This low increase is due to the one-off allocation of R10.7 billion in 2020/21 to supplement additional municipal operational costs arising from the COVID-19 pandemic, and Cabinet-approved reductions of R3.4 billion in 2021/22, R4.6 billion in 2022/23 and R8.1 billion in 2023/24, mainly on the Local Government Equitable Share.

Expenditure on compensation of employees is expected to decrease at an average annual rate of 3.7%, from R371.4 million in 2020/21 to R331.7 million in 2023/24, in line with Cabinet-approved reductions and a decrease in the department's number of personnel as a result of natural attrition.

The Political Party Funding Act, 2018 (Act 6 of 2018), which regulates public and private funding of political parties, came into effect on 1 April 2021.

The Act establishes funds for political parties represented in Parliament and legislatures to undertake their work. It requires that donations be disclosed by parties and donors to the IEC. The Act prohibits donations, to parties, by foreign governments or agencies, foreign persons or entities, organs of state or state-owned enterprises.

Parties may, however, receive funding from foreign entities for training, skills development or policy development.

Through the establishment of the Represented Political Party Fund, which provides public funding to parties, and the Multi-Party Democracy Fund, which funds parties from private sources, the Act seeks to ensure that all represented political parties receive sufficient funds for their work in a fair and equitable manner. The implementation of the Act introduces a new era of transparency within South Africa's electoral democracy, mandating all political parties to disclose donations above R100 000.

An online party funding system was launched for political parties and their sponsors to make disclosures to the IEC.

### Entities

#### Municipal Demarcation Board

The board is an independent authority responsible for determining municipal boundaries. It is also mandated to determine municipal boundaries, delimit wards for elections, and assess the capacity of municipalities to perform their functions.

Over the medium term, the board plans to focus on finalising amendments to the Municipal Demarcation Act, 1998 (Act 27 of 1998), to improve its administrative and legislative functions.

It is also in the process of finalising and updating the municipal capacity model, which will assist in determining whether municipalities have the institutional capacity to execute their mandates. The board's total budget for 2020/21 was R68.1 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.

By offering technical advice, the agent supports and strengthens the capacity of municipalities to provide access to basic services, exercise their powers, and perform the functions required to develop, maintain and operate municipal infrastructure. It also aims to improve the municipal management of infrastructure contracts, procurement and construction.

These functions will remain focal over the medium term as the agent aims to train 130 learners, 150 graduates and 250 municipal technical officials per year to improve municipal capacity and assist 90 municipalities in developing spatial development frameworks. The agent's total budget for 2020/21 was R359.7 million.

### South African Local Government Association

The SALGA is an association of municipalities. The association represents the interests of local government within the overall system of government, supporting its members to fulfil their developmental obligations and actively participate in intergovernmental relations.

The association has requested that it be delisted from the Public Finance Management Act, 1999 (Act 1 of 1999), as a public entity. This request is awaiting agreement from the DCoG. To support its operations, particularly its attendance of mandatory governance structures, the association is set to receive transfers amounting to R123.1 million, from the department, over the medium term. Total transfers to the association in 2020/21 amounted to R52.1 million.

In June 2020, the Constitutional Court declared parts of the Electoral Act of 1998 (Act 73 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. The IEC stands ready to provide technical assistance into this process to help enhance the country's electoral system.

### 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 members of the executive council. 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 DCoG 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

South Africa has 257 metropolitan, district and local municipalities. This number comprises eight metropolitan, 44 district and 205 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.

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).

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 and fighting corruption.

#### Municipal Infrastructure Grant

The grant 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 DCoG is responsible for managing and transferring the Municipal Infrastructure Grant, and provides support to provinces and municipalities on implementing the grant projects.

#### Community Work Programme

This 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 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.

Over the medium term, the DTA will continue to strengthen its regulation and oversight of, and the setting of standards for, traditional leadership. Central to the department's work is the strengthening of traditional leadership structures and institutions. This entails, among other things, capacitating traditional leaders to resolve disputes and instituting uniform remuneration benefits for them.

In working towards this objective, the DTA plans to implement the Traditional and Khoi-San Leadership Act, 2019 (Act 3 of 2019), and monitor traditional structures to ensure compliance with the Act and its regulations. This will entail the establishment of a commission on Khoi-San matters to facilitate the recognition of their communities and leadership, and the reconstitution of traditional Khoi-San councils.

As a result of these interventions, expenditure in the Research, Policy and Legislation programme is set to increase from R16.9 million in 2020/21 to R18.2 million in 2023/24 at an average annual rate of 2.5%.

This expenditure will also enable the department to strengthen its oversight role, over the MTEF period, by conducting nine research studies on traditional leadership.

### Legislation

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

- the Traditional and Khoi-San Leadership Act 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).

### Entity

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

The commission supports communities in developing and fostering social cohesion, peace and tolerance. It plans to host a targeted 165 seminars, campaigns, dialogues, conferences, outreach events, road shows and colloquiums over the medium term.

The commission also plans to produce four research reports per year to restore the diminished heritage of communities, and conduct investigations into cases and resolve disputes emanating from cultural, religious or linguistic differences.

The commission's total budget for 2020/21 was R47.9 million.

### Traditional leadership

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

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, including 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, (Act 41 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, and 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 to establish norms and standards relating to:

- the functions of the Public Service;
- organisational structures and the establishment of departments, and other 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 intensifying the fight against corruption; developing measures to reduce government's wage bill; ensuring adherence to Batho Pele Principles; and developing regulations and reviewing key legislation.

### Intensifying the fight against corruption

Over the MTEF period, the DPSA will intensify the fight against corruption in the Public Service by promoting a culture of accountability, and ethical and professional behaviour; and

strengthening discipline management. The Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit is responsible for the development of guidelines on conducting lifestyle audits.

The guidelines are expected to be implemented in 2021/22. The unit is also responsible for monitoring adherence by designated employees in national and provincial departments to the Financial Disclosure Framework. To carry out these activities, R61.5 million has been allocated over the medium term to the Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit subprogramme.

Over the medium term, the DPSA will also provide support to all national and provincial departments to improve compliance with public administration legislative prescripts. On a quarterly basis, each of the line function programmes in the department will contribute information on compliance by national and provincial departments, which will be consolidated into an annual report by the office of standards and compliance.

To carry out these activities, R38.5 million has been allocated over the medium term to the Office of Standards and Compliance subprogramme.

### Developing measures to reduce government's wage bill

The DPSA is tasked to develop measures that government needs to put in place to reduce the public sector wage bill and bring it to an affordable level. Related activities will take place in the Management: Negotiations, Labour Relations, and Dispute Management subprogramme. To this end, R19 million has been reprioritised to conduct personnel expenditure reviews over a two-year period, ending 2022/23.

### Ensuring adherence to Batho Pele Principles

Adherence to Batho Pele Principles means putting people first in the delivery of public services. Accordingly, over the medium term, the DPSA will focus on implementing the revised Batho Pele Programme. This will be done to ensure that measurable, uniform Batho Pele standards are put in place in a manner that will enable recipients of public services to monitor adherence themselves.

This will also be supported by the Batho Pele Awards and a programme for Public Service Month (PSM). To carry out these activities, R41.9 million has been allocated over the medium

term to the Service Delivery Improvement, Citizen Relations and Public Participation subprogramme.

Expenditure in the subprogramme is expected to decrease at an average annual rate of 17.6%, from R24.6 million in 2020/21 to R13.8 million in 2023/24.

### Developing regulations and reviewing key legislation

Over the medium term, the DPSA will focus on developing regulations to enable the full implementation of the Public Administration Management Act, 2014 (Act 11 of 2014), and reviewing the Public Service Act of 1994 and related policies, which will be done concurrently with the development of the Public Administration Management Amendment Bill.

The department expects the Public Service Amendment Bill and the Public Administration Management Amendment Bill to be tabled in Parliament in 2022/23. To carry out these activities, R29.4 million has been allocated over the MTEF period to the Legal Services subprogramme in the Administration programme.

### Budget

For the 2020/21 financial year, the DPSA was allocated R565 707 million. The DPSA's budget over the medium term is R1.6 billion, of which 53.9% (R864.3 million) is allocated for compensation of employees, and 8.2% (R132.2 million) is earmarked for transfer payments to the Centre for Public Service Innovation (CPSI).

Baseline reductions, over the medium term, amount to R246.5 million, of which 92.5% (R227.9 million) is on compensation of employees, which might affect the department's ability to implement its newly approved organisational structure in terms of filling vacant posts. A reduction of R15.1 million is effected on goods and services, mainly for spending on travel and subsistence, rental and hiring, advertising, catering and printing, and meetings held in person.

### Entity

#### Centre for Public Sector Innovation

The responsibility for innovation in the Public Sector is vested in the Minister for Public Service and Administration. The CPSI is tasked 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.

Over the medium term, the centre aims to use innovation to solve service delivery challenges. This will be done through initiatives such as the annual Public Sector Innovation Awards, which serve as a means for identifying innovative solutions that can be replicated or upscaled in government institutions. The centre also partners with other government departments, non-governmental organisations, the private sector, tertiary institutions, academics and international entities to unearth innovative solutions for identified service delivery challenges.

Where existing solutions cannot be found, new solutions will be developed through these innovation partnerships. These and other related activities are expected to be carried out at a cost of R6.4 million over the MTEF period.

An estimated R1.5 million will be spent on facilitating one conference and four training sessions annually for public sector officials on public sector innovation. *The Ideas that Work: The South African Public Sector Innovation Journal* is a valuable resource for case studies, projects and academic articles that promote service delivery innovation. The centre plans to publish one edition of the journal every year, over the medium term, with production and printing costs estimated at R164 000 per edition. The centre will also participate in two global innovation programmes for learning and sharing, and the profiling of South African innovations to strengthen good governance initiatives. These activities will be carried out in the Enabling Environment subprogramme, spending on which accounts for an estimated 47.6% (R29.4 million) of expenditure in the Public Sector Innovation programme.

The centre's budget increases at an average annual rate of 9.2%, from R42.6 million in 2021/22 to R45.4 million in 2023/24. Compensation of employees is the largest spending area, accounting for 56.7% (R22.4 million) of the centre's budget, increasing at an average annual rate of 3.6%, from R22.3 million in 2020/21 to R24.9 million in 2023/24.

### National School of Government (NSG)

The Public Service is at the coalface of government, and lack of professionalism does not only impact service delivery, it also dents public confidence. Advancing honesty, ethics and integrity in the Public Service is critical if government is to build a capable state.

Through the NSG, government continues to roll out courses and training programmes for its officials, from entry level to senior management and the Executive.

The NSG responds to its mandate by developing relevant training and development programmes for delivery to 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 institutions. The school uses its trading account as a delivery vehicle for its core output.

Over the medium term, the NSG will continue to focus on contributing towards the fulfilment of the educational, training and development needs of the Public Service. Other specific focus areas include increasing the school's active online learning interventions, and revising the NSG Trading Account's funding model to ensure that the school generates more revenue.

The number of online learning interventions is expected to increase from 34 in 2020/21 to 40 in 2023/24. The school will continue to outsource support services such as information and communications technology, spending on which is expected to account for 10.6% (R15.4 million) of its total allocation for goods and services over the MTEF period. This expenditure is within the Public Sector Organisational and Staff Development programme, which has a budget of R308 million over the medium term.

Due to the compulsory baseline reductions across government, mainly to fund essential services during the COVID-19 pandemic, expenditure is set to decrease at an average annual rate of 8.7%, from R136.5 million in 2020/21 to R103.7 million in 2023/24.

The school plans to continue revising its funding model to generate more revenue through training projects. Its executive management is responsible for revising this model, with related activities to be carried out in the Management and Corporate Services subprogrammes at an estimated cost of R109.1 million over the medium term.

The budget for the training trading account comprises funds appropriated by Parliament and income derived from cost-recovery fees charged by the trading account for courses or modules provided to clients.

Transfers to the training trading account constitute 50.4% (R308 million) of the NSG's budget over the medium term, while the remaining 49.6% (R330.8 million) is allocated to

the Administration programme. Activities in the programme mainly involve providing strategic leadership to ensure the school's functioning, and providing administrative support such as human resources, internal audit, finance and supply chain management services.

Expenditure is expected to decrease at an average annual rate of 4.1%, from R243.4 million in 2020/21 to R214.7 million in 2023/24. This is mainly due to a once-off allocation in 2020/21 to bridge a funding gap created by COVID-19 lockdown restrictions.

### Entity

#### NSG Training Trading Account

The NSG Training Trading Account carries out its expanded mandate of building capacity in all spheres of government, state-owned entities and organs of state through its training trading account. Over the medium term, the NSG expects to foster collaborations with training institutions, higher education institutions, further education and training institutions, and private-sector training providers.

In addition, the school expects to offer qualifications, part qualifications and non-formal education, as recognised by the National Qualifications Framework or the South African Qualifications Authority; and conduct training, examinations or tests that are required for specified appointments or transfers to meet the development needs of any category of employees.

The COVID-19 pandemic has had a direct bearing on the NSG's plans for fulfilling its mandate, making it necessary to focus more on online training.

### Public Service Commission (PSC)

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 sets 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.

Over the medium term, the commission will focus on professionalising the Public Service, and monitoring compliance with constitutional values and principles in the service. Central to these focus areas is the commission's legislative reform project, which seeks to introduce a Bill that will allow it to be supported by a secretariat that is intended to strengthen the commission's independence.

#### Promoting ethical leadership

Over the medium term, the commission will focus on professionalising the Public Service by promoting meritocracy and ethical conduct. This will be done by facilitating and monitoring research, and providing capacity development in critical areas relating to, among other things, ethical recruitment practices, effective discipline management, the strategic repositioning of human resources in departments, and the effective management of continuous employee development.

The commission will also support the establishment of an administrative head for the Public Service, which is a critical step in professionalising the service and managing career incidents of heads of departments. These activities will be carried out in the Leadership and Human Resource Reviews subprogramme, which accounts for 20.2% (R27.7 million) of spending in the Leadership and Management Practice programme over the medium term.

#### Monitoring compliance with constitutional values and principles

The commission will continue to focus on monitoring the Public Service's compliance with the constitutional values and principles articulated by Section 195 of the Constitution.

Accordingly, the commission plans to strengthen workforce skills through its overarching monitoring and evaluation system. This is necessary to provide real-time data to enable the department to make decisions based on evidence. These activities will be carried out in the Governance Monitoring subprogramme, which accounts for 19.9% (R25.8 million) of spending in the Monitoring and Evaluation programme.

#### Budget

For the 2020/21 financial year, the PSC was allocated R297.6 million. Subsequent to that, there was a reduction of R10 million through the special adjustment budget that was tabled in Parliament in June 2020 and R13.8 million reduction on compensation of employees, that was implemented during the Adjustment Estimates of National Expenditure Budget process. The budget of the PSC was, therefore, reduced to R273.8 million, with effect from October 2020.

#### Public Service Month

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 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 in 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 in being a public servant; and
- improve service delivery by exposing senior and middle managers to the coalface of service delivery – so that they can identify challenges and develop plans for corrective action.

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 initiative 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 go the extra mile in servicing citizens.

Eligible to public servants across the three spheres of government, the awards seek to entrench transformation and professionalism in the Public Service.

