



South Africa Yearbook 2018/19

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 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 the building of a free, non-racial, non-sexist, democratic, united and successful South Africa.

The Constitution

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

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

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

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

The Preamble

The Preamble states that the Constitution aims to:

- heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights
- improve the quality of life of all citizens and free the potential of each person
- lay the foundations for a democratic and open society in which government is based on the will of the people, and in which every citizen is equally protected by law
- 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
- 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 Chapter 2 of 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 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 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 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 encourages comment and feedback from the public.

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 National Assembly, 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 National Assembly.

National Assembly

The National Assembly is elected to represent the people and to ensure democratic governance as required by the Constitution.

The Presidency, June 2018	
President	Cyril Ramaphosa
Deputy President	David Mabuza

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

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

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). SALGA is entitled to 10 representatives who may participate in the debates and other activities of the NCOP, but may not vote.

The NCOP consists of 54 permanent members and 36 special delegates, and represents provincial interests in the national sphere of government.

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.

Legislative and policy framework

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

- Constitution of the Republic of South Africa, 1996, which sets out the composition, powers and functions of Parliament.
- 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.
- 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.
- Financial Management of Parliament and Provincial Legislatures Act 2009 (FMPPLA) (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 includes the National Council of Provinces (Permanent Delegates Vacancies) Act, 1997 (Act 17 of 1997); the Determination of Delegates

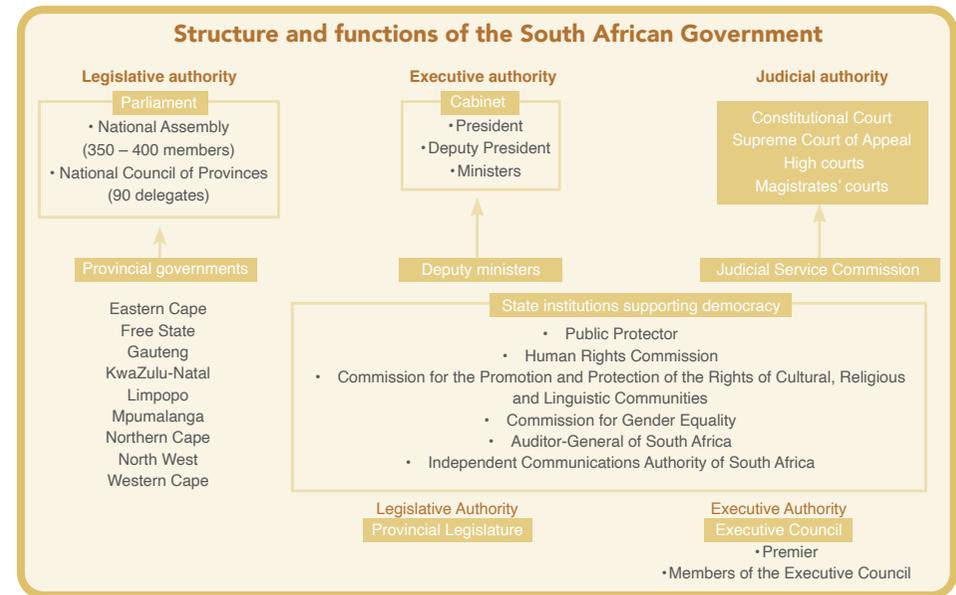
(National Council of Provinces) Act, 1998 (Act 69 of 1998); the Mandating Procedures of Provinces Act, 2008 (Act 52 of 2008); and the Remuneration of Public Office Bearers Act, 1998 (Act 20 of 1998).

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 Sustainable Development Goals (SDGs), the African Union (AU) Agenda 2063, The Southern African Development Community (SADC) Regional Indicative Strategic Plan, the NDP 2030 and the Medium Term Strategic Framework (MTSF) 2014 – 2019.

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 Assembly 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)
- 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 members of parliament 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 assert its role as the defender and/or the legitimate custodian of the people's interests. The Constitution envisages a specific oversight role for the NA and the NCOP, respectively.

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

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

The Oversight and Accountability Model makes provision for various oversight mechanisms, including exercising oversight through committees, oversight visits, the passing of budget votes, questions for executive reply, members' statements, notices of motion, debates on matters of public importance and constituency work. One of the significant features provided for in the Model is the establishment of a

Cabinet Ministers and Deputy Ministers, as at May 2019

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

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 its committees by conducting its business in an open manner. Whilst Parliament may take reasonable measures to regulate access, it may only exclude the public from a sitting of a House or Committee if it is reasonable and justifiable to do so in an open and democratic society.

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

The Framework provides certain minimum norms and standards to ensure alignment in public participation processes and activities. Based on this Framework, Parliament has developed a Public Participation Model, which was adopted by the Joint Rules Committee in November 2017.

The model provides the institution with minimum requirements for public involvement and participation. Specific public participation mechanisms outlined in the model include the People's Assembly, the NCOP Taking Parliament to the People, 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

Historically, Parliaments had limited involvement in the international arena, as this was traditionally regarded as the domain of the Executive arm of the State. However, due to changes in the international system, such as a new wave of

participatory democracy, globalisation and developments in global governance structures, the lines between what is regarded as national and international policy areas have become increasingly blurred, resulting in a greater impetus for parliamentary engagement in international relations.

To this end, and in giving effect to the need to democratise international decision-making and subjecting the Executive to the same degree of international oversight as is done over domestic matters, the South African Parliament participates in international relations through the traditional oversight approach and through parliamentary diplomacy.

At national level, Parliament engages in international relations through the work of the Portfolio Committee on International Relations and Cooperation and the Select Committee on Trade and International Relations. The committees oversee the work of the Department of International Relations and Cooperation by monitoring its budget, holding hearings on pertinent international relations matters and engaging in site visits, amongst others. Various parliamentary committees also conduct study tours to different countries.

At the regional and international level, Parliament engages in bilateral and multilateral relations. Bilateral relations are fostered through official visits, courtesy call meetings and the conclusion of formal parliament-to-parliament cooperation agreements.

At the multilateral level, South Africa participates in the regional, continental and international parliamentary fora, such as the Southern African Development Community Parliamentary Forum, the Pan African Parliament, the African, Caribbean and Pacific-European Union Joint Parliamentary Assembly, the Commonwealth Parliamentary Association, the Inter-Parliamentary Union, the BRIGS Parliamentary Forum, and the Global Legislators' Organisation International.

Through these activities, South African parliamentarians actively pursue the country's foreign policy priorities of advancing and promoting the African Agenda, South-South cooperation, North-South dialogue, transforming and strengthening the multilateral system of governance, and promoting global equity and social justice.

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 government.

Parliament plays a significant role in facilitating cooperative governance through its work with the other arms and spheres of government. This includes the appointment and dismissal of office bearers of the Institutions Supporting Democracy, various Commissions, Boards and Councils. Parliament also ratifies International Protocols and Conventions, confirms the provisional suspension of magistrates, approves the salaries, allowances and benefits of magistrates and judges.

The NCOP provides a forum for the representation of local government at national level through SALGA. Specific cooperative governance mechanisms spearheaded by the NCOP include the NCOP Oversight Week, Provincial Week and Local Government Week. The NCOP Oversight Week was established to enable members to follow up on matters arising from the Taking Parliament to the People programme to verify information received.

During Provincial Week, permanent delegates return to the provinces to conduct joint oversight with the respective provincial legislatures on a theme decided upon in consultation with the relevant Provincial Legislature.

Local Government Week aims to strengthen the relationship between the NCOP and 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.

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.

The 12 outcomes identified by the government include:

- improved quality of basic education
- a long and healthy life for all South Africans
- all people in South Africa are and feel safe
- decent employment through inclusive economic growth
- a skilled and capable workforce to support an inclusive growth path
- an efficient, competitive and responsive economic infrastructure network
- vibrant, equitable and sustainable rural communities with food security for all
- sustainable human settlements and improved quality of household life
- a responsive, accountable, effective and efficient local government system
- environmental assets and natural resources that are well protected and continually enhanced
- a better South Africa and contributing to a better and safer Africa and world
- an efficient, effective and development-oriented Public Service and an empowered, fair and inclusive citizenship.

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
- Cooperative Governance and Traditional Affairs
- Environment, Forestry and Fisheries
- Employment and Labour
- Finance
- Higher Education, Science and Technology
- 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 and Industry
- Transport

Governance, State Capacity and Institutional Development Cluster

The departments in this cluster are:

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

Social Protection, Community and Human Development Cluster

The departments in this cluster are:

- Health (Chair)
- Basic Education (Chair)
- Agriculture, Land Reform and Rural Development
- Cooperative Governance and Traditional Affairs
- Environment, Forestry and Fisheries

- Employment and Labour
- Higher Education, Science and Technology
- 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
- Sports, Arts and Culture
- Transport

International Cooperation, Trade and Security Cluster

The departments in this cluster are:

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

Justice, Crime Prevention and Security Cluster

The departments in this cluster are:

- Defence and Military Veterans (Chair)
- Police (Chair)
- Finance
- Home Affairs
- International Relations and Cooperation
- Justice and Correctional Services
- The Presidency
- The Presidency for Women, Youth and Persons with Disabilities
- Social Development

- State Security
- Small Business Development

Izimbizo

The 8th National Imbizo Focus Week was held from 9 to 15 July 2018 under the theme “Together we move South Africa forward”. This was followed by the 9th National Imbizo Fortnight of Activism from 12 to 25 November 2018 held under the same theme.

The Imbizo is an opportunity for government to engage the public on the implementation of its Programme of Action to help improve people’s lives.

The event took place during the year in which the country was celebrating the centenaries of two struggle icons: former President Nelson Rholihlahla and Nontsikelelo Albertina Sisulu.

Law-making

Any Bill may be introduced in the National Assembly. A Bill passed by the National Assembly must be referred to the NCOP for consideration.

A Bill affecting the provinces may be introduced in the NCOP. After the council passes it, it must be referred to the National Assembly.

A Bill concerning money must be introduced in the assembly and referred to the NCOP for consideration and approval after being passed.

If the NCOP rejects a Bill or passes it subject to amendments, the assembly must reconsider the Bill and pass it again with or without amendments.

There are special conditions for the approval of laws dealing with provinces.

The Presidency

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

The Presidency comprises six political principals:

- The President, who is the Head of State and Government
- The Deputy President, who is the Leader of Government

Business (in Parliament)

- The Minister in The Presidency
- The Minister in The Presidency for Women, Youth and Persons with Disabilities
- The Deputy Minister in The Presidency for Women, Youth and Persons with Disabilities
- The Deputy Minister in The Presidency

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

- 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 National Assembly 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 National Assembly.

The Deputy President assists the President in executing government functions.

National Development Plan 2030

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

- eliminating poverty by reducing the proportion of households with a monthly income below R419 per person from 39% to zero and the reduction of inequality
- increasing employment from 13 million in 2010 to 24 million by 2030
- broadening the country’s ownership of assets by historically

disadvantaged groups

- ensuring that all children have at least two years of pre-school education and that all children can read and write by Grade 3
- providing affordable access to healthcare
- ensuring effective public transport.

Monitoring and evaluation Institutional Performance Monitoring and Evaluation (IPME)

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

The Frontline Service Delivery Monitoring programme of IPME is responsible for designing and implementing hands-on service delivery monitoring activities with Offices of the Premier and for setting up and supporting the implementation of citizens-based monitoring systems.

The Presidential Hotline is also located in this branch.

Programme of Action

Government’s Programme of Action reflects its strategic plan for the 2014 – 2019 MTSF – the first five-year implementation phase of the NDP.

It is structured around 14 priority outcomes which cover the focus areas identified in the NDP and government’s electoral mandate: education, health, safety and security, economic growth and employment, skills development, infrastructure, rural development, human settlements, local government, environment, international relations, public sector, social protection, nation-building and social cohesion.

Operation Phakisa was designed to fast-track the implementation of solutions on critical development issues. This is a unique initiative to address issues highlighted in the NDP such as unemployment and poverty.

Elections

National and provincial elections are held once every five years.

All South African citizens aged 18 and over are eligible to vote.

The Constitution places all elections and referendums in the

country in all three spheres of government under the control of the Electoral Commission of South Africa (IEC), established in terms of the IEC Act, 1996 (Act 51 of 1996).

The obligations of the IEC are to:

- manage elections of national, provincial and municipal legislative bodies
- ensure that those elections are free and fair
- declare the results of those elections
- 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
- 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.

Department of Cooperative Governance and Traditional Affairs (DCoGTA)

The DCoGTA is responsible for facilitating cooperative governance, to support all spheres of government and to assist the institution of traditional leadership with transforming itself into a strategic partner of government in the development of communities.

The department's mission is to ensure that all municipalities perform their basic responsibilities and functions consistently by:

- putting people and their concerns first
- supporting the delivery of municipal services to the right quality and standard

- promoting good governance, transparency and accountability
- ensuring sound financial management and accounting
- building institutional resilience and administrative capability.

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 given expression by outcome 9 (responsive, accountable, effective and efficient developmental local government) of government's 2014 – 2019 medium-term strategic framework, with which the work of the department is closely aligned. Over the medium term the department intends to focus on facilitating access to sustainable basic services through municipal infrastructure, alleviating poverty through the community work programme, providing disaster relief and enhancing proactive disaster planning.

Legislation and policies

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

- Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005).
- Municipal Property Rates Act, 2004 (Act 6 of 2004).
- Municipal Property Rates Amendment Act, 2009 (Act 19 of 2009).
- Municipal Finance Management Act, 2003 (Act 56 of 2003).
- Disaster Management Act, 2002 (Act 57 of 2002).
- Municipal Systems Act, 2000 (Act 32 of 2002).
- Municipal Systems Amendment Act, 2011 (Act 7 of 2011).
- Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).
- Local Government: Municipal Demarcation Act, 1998 (Act 27 of 1998).
- National House of Traditional Leaders Act, 2009 (Act 22 of 2009), and Traditional Leadership and Governance Framework Act, 2003 (Act 49 of 2003), which were consolidated by the National Traditional Affairs Bill to simplify the process. In September 2013, the National Traditional Affairs Bill was published in the *Government Gazette* for public comment. The amendment of the legislation will also ensure, among other things, that traditional affairs, rather than only traditional leaders, will

take centre stage. The Khoisan communities will also be fully represented in the National House of Traditional Leaders.

The Local Government: Municipal Property Rates Amendment Act, 2014 (Act 29 of 2014) seeks to:

- regulate the categories of property in respect of which rates may be levied
- regulate the time frames of publication of the resolutions levying rates and what must be contained in the promulgated resolution
- provide for the exclusion from the rates of certain categories of Public Service infrastructure
- give powers to a municipality to levy different rates on vacant land
- give power to the MEC of Local Government to extend the period of validity of a valuation roll by additional two years
- amend the dates on which a supplementary valuation takes effect
- address the problems that have been experienced in the implementation of the Local Government: Municipal Property Rates Act of 2004
- *White Paper on Local Government (1998)*.

Budget

The department has a total budget of R295.8 billion over the medium term. Of this, R278.6 billion is allocated to transfers and subsidies to provinces and municipalities, mainly for the local government equitable share and the municipal infrastructure grant, which amount to R274.1 billion over the MTEF period. A projected R14.1 billion of the department's total budget over the medium term is allocated to goods and services, mainly for the payment of participants in the community work programme. Total expenditure is expected to increase at an average annual rate of 8.8%, from R82.8 billion in 2018/19 to R106.6 billion in 2021/22.

The department anticipates an increase in personnel, from 491 in 2018/19 to 548 in 2021/22, across all programmes to strengthen its capacity for the implementation of the integrated urban development framework, and municipal support and reporting functions. As such, spending on compensation of employees is expected to increase at an annual average rate

of 10.5% from R310 million in 2018/19 to R418.3 million in 2021/22. For the 2018/19 financial year, the department was allocated R85 billion.

Provincial government

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

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

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

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

A provincial constitution must correspond with the national Constitution.

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

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

- vehicle licensing
- welfare services.

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

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

- 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 (PCC) 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 government. Among other things, the forum looked at:

- mechanisms for monitoring job creation and implementation of the New Growth Path in all spheres of government
- shared experiences in creating an environment for job creation in provinces
- specific provincial matters
- monitoring and evaluation.

Provincial Spatial Development Framework

The Provincial Spatial Development Framework aims to:

- be the spatial expression of the Provincial Growth and Development Strategy
- guide (metropolitan, district and local) municipal IDPs and spatial development frameworks and provincial and municipal framework plans
- help prioritise and align the investment and infrastructure plans of other provincial departments, as well as national departments' and parastatals' plans and programmes in the provinces
- provide clear signals to the private sector about desired

development directions

- increase predictability in the development environment, for example by establishing "no-go", "conditional" and "go" areas for development and redress of the spatial legacy of apartheid.

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 DCoGTA 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

The Constitution provides for three categories of municipality. There are 278 municipalities in South Africa, comprising eight metropolitan, 44 district and 226 local municipalities. They are focused on growing local economies and providing infrastructure and service.

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

The Act also determines that category-A municipalities can

only be established in metropolitan areas.

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

South Africa has eight metropolitan municipalities, namely:

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

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

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

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

- prepare, implement and review IDPs
- 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
- communicate and disseminate information on governance matters.

Local Government Turnaround Strategy

The Local Government Turnaround Strategy was introduced as a government programme of action and a blueprint for better service delivery aimed at responsive, accountable, effective

and efficient local government. Five focus areas aimed at fast-tracking implementation of the strategy have been identified.

These are:

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

The department aims to review all pieces of legislation that impede service delivery. In this regard, more than 300 sections of legislation that fall under this category have been identified and reviews undertaken.

Municipal Infrastructure Grant (MIG)

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

The DCoGTA is responsible for managing and transferring the MIG and provides support to provinces and municipalities on implementing MIG projects.

Community Work Programme (CWP)

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

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

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

The programme has a total budget of R13 billion over the MTEF period. Spending in the programme is set to increase at an average annual rate of 5.8% from R3.9 billion in 2018/19 to R4.6 billion in 2021/22.

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
- 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.

Municipal Demarcation Board (MDB)

The Municipal Demarcation Board is an independent authority responsible for the determination of municipal boundaries. The board's status as an independent authority is also protected by Section 3 of the Local Government: Municipal Demarcation Act of 1998 and various judgements by the Constitutional Court.

In addition to the determinations and re-determinations of municipal boundaries, the MDB is also mandated by legislation to declare the district management areas; to delimit wards for local elections; and to assess the capacity of municipalities to perform their functions.

South African Local Government Association

SALGA is a listed public entity, established in terms of Section 21 of the Companies Act, 1973 (Act 61 of 1973), and recognised by

the Minister of Cooperative Governance and Traditional Affairs, in terms of the Organised Local Government Act of 1997.

SALGA represents local government on numerous intergovernmental forums such as the PCC, Minister and MECs (MinMec) forum, the Budget Forum, the NCOP and the Financial and Fiscal Commission.

SALGA aims, among other things, to:

- transform local government to enable it to fulfil its developmental role
- enhance the role of provincial local government associations as provincial representatives and consultative bodies on local government
- raise the profile of local government
- ensure full participation of women in local government
- act as the national employers' organisation for municipal and provincial member employers
- provide legal assistance to its members, using its discretion in connection with matters that affect employee relations.

SALGA is funded through a combination of sources, including a national government grant, membership fees from provincial and local government associations that are voluntary members, and donations from the donor community for specific projects.

The Human Resource (HR) Management and Development Strategy aims to turn municipalities into professional and responsive entities.

The strategy is intended to help municipalities make better use of the human capital at their disposal, for them to be able to fulfil their important objective of accelerating service delivery as well as promoting development in local government as a whole.

The strategy emphasises employing individuals who are prepared to extend themselves in serving the needs of people, are professional, and are constantly learning and developing themselves.

One of SALGA's achievements was the establishment of public accounts committees on municipalities, which allowed councils themselves to exercise accountability.

Disaster management

The Disaster Management Act of 2002 was promulgated in 2003. The National Disaster-Management Centre and

functional disaster-management centres and advisory forums were established in eight provinces.

The National Disaster-Management Advisory Forum was recognised by the United Nations (UN) as the national platform for reducing disaster risk.

Through the National Disaster-Management Centre, the DCoGTA registered unit standards for levels three to seven with the South African Qualifications Authority for a national certificate in disaster risk management.

The department also developed regulations for recruiting and using disaster-management volunteers.

The Provincial Disaster Relief Grant and the Municipal Disaster Relief Grant are designed for the immediate release of funds for emergency repairs to infrastructure for basic services, the provision of temporary infrastructure, humanitarian relief, and other immediate essential services after a classified and declared state of disaster.

In 2018/19, the DCoGTA was allocated an additional R1.2 billion to provide immediate drought relief and future mitigation funding to affected sectors such as water, agriculture and environmental affairs. Given this once-off allocation, spending in the National Disaster Management Centre programme is set to decrease at an average annual rate of 31.4%, from R2 billion in 2018/19 to R636.1 million in 2021/22.

Traditional affairs

The Department of Traditional Affairs is mandated to oversee a range of tasks inherent in dealing with issues related to traditional affairs, including KhoiSan leadership, and supporting the development of stable and cohesive interfaith communities.

The *2003 White Paper on Traditional Leadership and Governance* sets out a national framework, and norms and standards that define the role and place of the institution of traditional leadership within the South African system of democratic governance. It seeks to support and transform the institution in accordance with constitutional imperatives and to restore the integrity and legitimacy of traditional leadership in line with the African indigenous law and customs subject to the Constitution.

The NDP envisages creating an inclusive rural economy and transforming society through a unified country. This is

given expression by outcome 14 (nation building and social cohesion) of government's 2014 – 2019 medium-term strategic framework, with which the work of the Department of Traditional Affairs is closely aligned. Over the medium term, the department intends to continue focusing on developing legislation to ensure that traditional leadership institutions are strengthened.

Major activities over the medium term include increasing the number of functional structures of traditional leadership through the implementation of the Traditional and KhoiSan Leadership Bill, once enacted; supporting the establishment of the national KhoiSan council; establishing systems for reducing traditional leadership disputes and claims; and developing and implementing a capacity-building plan for the institution of traditional leadership.

South Africa also has provincial houses of traditional leaders in the following: 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.

Traditional leadership

Chapter 11 of 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, which include policies on unity and diversity, initiation,

traditional healing, traditional leaders' protocol, family trees, the remuneration and benefits of traditional leaders based on uniform norms and standards, and involving the Khoisan people in the system of governance in South Africa.

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

Traditional councils

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

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

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

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

Houses of traditional leaders

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

The National House of Traditional Leaders was established in terms of the then National House of Traditional Leaders 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, namely the Eastern

Cape, Free State, KwaZulu-Natal, Limpopo, Mpumalanga and North West.

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.

Commission on Traditional Leadership Disputes and Claims

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

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

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

Department of Public Service and Administration (DPSA)

The DPSA is at the centre of government. It plays a major policy role in establishing norms and standards for the 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.

This mandate has evolved over the years from transforming and modernising the Public Service through the development and implementation of policies and frameworks, to providing implementation support to ensure compliance, improve service delivery and strengthen monitoring and evaluation.

In terms of the Public Service Act, 1994 (Act 103 of 1994), as amended, the Minister of Public Service and Administration is responsible for establishing norms and standards relating to:

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

The DPSA has identified the quintessential focus areas that will form part of the overall work of the Public Service and Administration Portfolio in the medium term. These will serve as the main strategic indicators that will point to whether the Public Service is effective, efficient and development-oriented.

The focus areas are to ensure that the following is done and made available:

- services rendered with speed
- services easily accessible to citizens
- services provided at lower cost
- appropriately skilled public servants to render services
- competitive conditions of service for public servants and the achievement of labour peace
- no corruption
- a positive impact on the lives of people and the economy.

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

Over the medium term, the department will focus on promoting meaningful delegations of authority and ensuring

accountability in the public service, promoting public service as a career of choice, ensuring efficient and effective management and operations systems in the public service, and increasing the responsiveness of public servants.

The services carried out by other departments within the vote (the National School of Government, the Public Service Commission and the Centre for Public Service Innovation) provide public service employees with access to knowledge and skills, promote the principles of public administration, and foster innovation in the public service.

Accordingly, 50.3% (R1.6 billion) of the DPSA's total budget is allocated to transfers for the operations of these departments over the MTEF period. Transfers and subsidies to departmental agencies and accounts are expected to increase at an average annual rate of 7.9% from R469.5 million in 2018/19 to R589.8 million in 2021/22, mainly due to an additional allocation of R60 million over the medium term to the National School of Government for the introduction of mandatory programmes.

The department was allocated R950.7 million for the year.

Anti-corruption bureau

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

The amendments also include banning all public servants from doing business with the government.

Cabinet and provinces have adopted a manual on procedures for recruiting, and/or retaining officials that resign.

Uniform standards will be applied to all public servants across government.

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

Criminal cases will be referred to law enforcement agencies.

The bureau also has to provide technical assistance and advisory support to deal with disciplinary matters in the public

administration, while ensuring that the public sector applies uniform disciplinary standards.

A case management system allows officials to monitor the progress of cases to ensure that they are finalised speedily. By 2014, an agreement was already in place with the National Prosecuting Authority to ensure that whistle-blowers were protected.

The passing of the Public Administration Management Bill in March 2014 was expected to change the face of the State at national, provincial, and local levels. The Bill was a major step forward in the building of an effective, efficient, and ethical Public Service.

An effective, efficient and ethical Public Service is a central element in the building of a democratic developmental state as mandated by the NDP.

Among other things, the Public Administration Management Bill prohibits public administration officials from conducting business with the State and officials in public administration are required to declare the financial and business interests of their immediate family members.

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

Role players

Community development workers (CDWs)

CDWs link early childhood development centres with programmes of the Department of Social Development. In the area of HIV and AIDS, CDWs disseminate user-friendly information on these conditions and mobilise communities to actively participate in HIV and AIDS-related awareness programmes, including World AIDS Day.

To promote food security, CDWs identify indigent households and mobilise them to benefit from the departments of Agriculture and Rural Development's food security programmes.

To contribute to job creation, CDWs identify and link unemployed youths to Government's Expanded Public Works Programme (EPWP) and Community Works Programme.

CDWs are agents of participatory democracy. Their functions include:

- communicating information from and about Government and other information to communities in an accessible way
- providing feedback to government regarding community experiences of service delivery and governance
- providing early warning to government of any obvious reduction in service standards and performance that could lead to the collapse or significant impairment of overall service functions
- reporting any corruption or irregularity encountered within the sphere of government, government departments, community organisations or the private sector.

Public Service Commission (PSC)

The PSC is tasked and empowered to, amongst others, investigate, monitor, and evaluate the organisation and administration of the Public Service.

This mandate also entails the evaluation of achievements, or lack thereof of government programmes. The PSC also has an obligation to promote measures that would ensure effective and efficient performance within the Public Service and to promote values and principles of public administration as set out in the Constitution, throughout the Public Service.

The PSC has an obligation to promote measures that will ensure effective and efficient performance within the Public Service and to promote values and principles of public administration, as set out in the Constitution, throughout the Public Service.

The Constitution mandates the commission to:

- promote the values and principles governing public administration
- investigate, monitor and evaluate the organisation, administration and the personnel practices of the Public Service
- propose measures to ensure effective and efficient performance within the Public Service
- give directions aimed at ensuring that personnel procedures relating to recruitment, transfers, promotions and dismissals comply with the constitutionally prescribed values and principles

- report its activities and the performance of its functions, including any findings it may make and to provide an evaluation of the extent to which it complies constitutionally with the prescribed values and principles
- either of its own accord or on receipt of any complaint:
 - investigate and evaluate the application of personnel and public-administration practices, and report to the relevant executive authority and legislature
 - investigate grievances of employees in the Public Service concerning official acts or omissions, and recommend appropriate remedies
 - monitor and investigate adherence to applicable procedures in the Public Service
- advise national and provincial organs of State regarding personnel practices in the Public Service.
To be effective, the Public Service has to develop a deeper understanding of the constitutional imperatives and Government mandate of providing a better life for the country's citizens.
This would make it easier for government to develop the necessary skills in its human capital to deal with the challenges faced by South Africans across the board.

Government Employees Medical Aid Scheme (GEMS)

GEMS was registered on 1 January 2005 specifically to meet the healthcare needs of government employees. Its mission is to provide all Public Service employees with equitable access to affordable and comprehensive healthcare benefits.

As the second largest medical scheme in South Africa, GEMS remains the fastest growing medical scheme.

In terms of accessibility; GEMS has made considerable inroads in covering lower level employees, with 45% of Level 1 to Level 5 employees now covered by the scheme. Approximately R1 in every R5 spent on private healthcare is spent by GEMS, and approximately R1 out of every R10 spent on healthcare (private and public) in South Africa is spent by GEMS.

The scheme's key future priorities include :

- reducing medical scheme costs through strategic sourcing and specialist networks

- promoting member retention
- introducing workplace-based exercise and health programmes for Public Service employees.

Centre for Public Sector Innovation (CPSI)

The CPSI was established to identify, support and nurture innovation in the public sector to improve service delivery.

The CPSI works through partnerships with other departments and state-owned enterprises to, for example, enhance the productive capacity of visually impaired educators by providing data-card devices for them to access teaching material without the use of Braille.

The CPSI runs targeted innovation programmes to support the outcomes of rural development, accelerated service delivery at local government level, as well as human settlement.

National School of Government

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

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

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

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

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

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

All new public servants are required to undergo induction training.

Public Service Month

South Africa marks Public Service Month 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. Public Service Month is a follow-up to and mirrors the UN and Africa Public Service Day, which takes place on 23 June every year.

Batho Pele

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

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

From this concept, eight principles were derived and made known in a White Paper as the principles for transforming public service delivery, which 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
- giving the best possible value for money.

Batho Pele Awards

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

The awards reward excellent service delivery and recognise the contribution by public servants across government in their service delivery improvement initiatives.

Department of Public Works (DPW)

The DPW is mandated to be the custodian and portfolio manager of national government's immovable assets.

Following the operationalisation of the Property Management Trading Entity, the department's role will now be policy formulation, coordination, regulation and oversight relating to the provision of accommodation and expert built environment services to client departments at the national government level; as well as, through the Property Management Trading Entity, the planning, acquiring, managing and disposing of immovable assets in the department's custody.

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

Expanded Public Works Programme

The EPWP is a government initiative aimed at alleviating poverty and unemployment within the South African communities through the provision of short term to medium term work opportunities to unskilled and unemployed South Africans.

The EPWP participants' employment period is determined by the project implementation period. Besides, the number of work opportunities created, the programme has successfully made a significant socio-economic impact to the communities through the creation and maintenance of community assets.

The EPWP's training focus, which is in partnership with a number of training providers, remains as one of the most significant parts of the programme.

To date, the programme has created a total of 3.5 million work opportunities in the infrastructure, social, environment and culture sectors, in line with the demand for labour. The department aims to create a further 4.4 million work opportunities through the programme over the MTEF period through transfers and subsidies to public bodies, such as provinces, municipalities and non-profit organisations, amounting to an estimated R7.7 billion.

Department of Home Affairs (DHA)

The DHA is the custodian of the identity of all South African citizens, critical to which is the issuance of birth, marriage and death certificates; identity documents (IDs) and passports; as well as citizenship; naturalisation and permanent residency certificates.

This goes beyond merely issuing documents. It encompasses the safe maintenance and archiving of biometric and demographic records of citizens and residents of the country.

The department is also responsible for the effective, secure and humane management of immigration.

Statutory bodies falling under the department include the following, among others:

- Immigration Advisory Board
- Standing Committee for Refugee Affairs
- Refugee Appeal Board.

A major focus for the DHA is the transformation of the department, so that it can deliver a service that is efficient, accessible and corruption-free. Several closely related strategic drivers are used in this regard.

Mandate of the DHA

The core mandate of the DHA is to be the custodian of citizenship, status and identity; and to manage immigration securely and efficiently in the interest of economic development and national security. The provision of protection to asylum seekers and refugees is a separate mandate because it is an area of international migration that has its own Act and is grounded in international laws that have been ratified by the South African parliament.

It aims to be an enabler of some of the most critical conditions for economic growth and social justice identified in the NDP, including facilitating economic development, facilitating national security, ensuring good governance and administration and providing excellent service delivery to clients.

The Civic Services branch is the custodian of the National Population Register (NPR), which contains the records of all citizens and permanent residents, including changes in civic status, such as marriage and death. Services to citizens include issuing enabling documents after these citizens' status have

been confirmed, such as birth, marriage and death certificates and travel documents. Verification of identity is a service that is rendered to all government institutions, banks and other private sector institutions.

The Immigration Affairs branch determines the status and identity of foreigners; facilitates the movement of people through ports of entry; regulates immigration through permitting and movement control systems; and provides consular services abroad. Immigration officers are present at ports of entry and at offices in provinces. The branch has an inspectorate function that is responsible for enforcing the Immigration Act, 2002 (Act 13 of 2002) and Regulations. Immigration Affairs is also responsible for processing and determining the status of asylum seekers and refugees, and operates refugee reception centres nationally. Furthermore, the branch is responsible for managing a holding facility (Lindela) for illegal immigrants awaiting deportation after due processes have been followed.

With regard to services rendered abroad, the DHA is represented in 32 missions and is assisted by the Department of International Relations and Cooperation where it is not represented. For the collection of visa and permit applications, the DHA sourced the services of Visa Facilitation Services (VFS) Global in some countries abroad, as well as at centres within South Africa.

The Minister of Home Affairs has oversight over three statutory bodies: the Immigration Advisory Board, the Refugee Appeal Board and the Standing Committee on Refugee Affairs. The main responsibility of these bodies is to assist the department in discharging its mandate with regard to the Immigration Act of 2002 and the Refugees Act, 1998 (Act 130 of 1998).

The DHA also receives funds on behalf of the Electoral Commission and for the Represented Political Parties Fund. There are two entities that report to the Ministry, namely: the Electoral Commission and Government Printing Works (GPW).

Budget

During 2018/19, the department received an initial budget allocation of R7.915 billion as voted funds. However, during the adjustment estimates of national expenditure, an additional funding of R1.132 billion was allocated to the department for

self-financing. The self-financing mechanism was created by the National Treasury whereby the department is allocated part of the revenue it collects during the financial year to pay for certain items of expenditure such as smart identity cards for first-time applicants and citizens older than 60 years, infrastructure to implement the Who am I online project, fees for cash in transit and printing costs for enabling documents. The final appropriation was R9.047 billion.

Applicable Legislation

Births, Marriages and Deaths:

- Births and Deaths Registration Act, 1992 (Act 51 of 1992);
- Regulations on the Registration of Births and Deaths, 2014;
- Marriage Act, 1961 (Act 25 of 1961);
- Regulations made under the Marriage Act of 1961;
- Recognition of Customary Marriages Act, 1998 (Act 120 of 1998);
- Regulations made under the Recognition of Customary Marriages Act of 1998;
- Civil Union Act, 2006 (Act No 17 of 2006); and
- Civil Union Regulations, 2006.

Identity documents and identification:

- Identification Act, 1997 (Act 68 of 1997);
- Identification Regulations, 1998; and
- Alteration of Sex Description and Sex Status Act, 2003 (Act 49 of 2003)

Citizenship:

- South African Citizenship Act, 1995 (Act 88 of 1995); and
- Regulations on the South African Citizenship Act of 1995.

Immigration:

- Immigration Act of 2002,
- Immigration Regulations, 2014,
- Refugees Act of 1998, and
- Refugees Regulations, 2000.

Civic Service

It provides secure, efficient and accessible services and documents for citizens and lawful residents. The functions include:

- registrations of births,

- registrations of deaths,
- issuing of identity documents,
- identification of persons using biometrics ,
- amending/ rectification of personal particulars,
- handling/ solving duplicate cases, and
- keeping records of births, amendments, marriage and deaths.

Citizenship

South African citizenship may be granted by way of:

- birth or descent
- an application for naturalisation as a South African citizen
- an application for resumption of South African citizenship
- registration of the birth of children born outside South Africa to South African fathers or mothers
- an application for exemption, in terms of Section 26(4) of the Act.

The South African Citizenship Amendment Act of 2010, among others, ensures that a child:

- born to a South African parent inside or outside the country is a South African by birth, as long as the child is registered according to South African law
- born of non-South African parents, but adopted by South African parents is a citizen by descent
- born of non-South African parents in South Africa, may, at the age of 18 years, apply for naturalisation; while they are minors, such children will retain the citizenship of their parents
- with no claim to any citizenship will be given South African citizenship, in accordance with international law and practice.

Dual citizenship

South Africa allows dual citizenship. It occurs when a person is a citizen of more than one country.

A South African who wishes to obtain the citizenship of another country must first apply to retain his/her South African citizenship and obtain the exemption before acquiring the foreign citizenship. This will allow him/her to hold dual citizenship.

All South African dual citizens must enter and leave South Africa on their South African passports. Their foreign passports must only be used outside South Africa. There is a penalty of

a fine or imprisonment for failure to enter or leave the country using the SA passports.

National Population Register

Early registration of birth is essential to ensure the integrity and credibility of the NPR, which is used to affirm the identity, status and rights of citizens. Furthermore, the optimisation of early birth registration is aligned to the United Nations' Sustainable Development Goal 16, which is aimed at providing access to justice, ending the scandal of invisibility, trafficking of children and providing legal identity for all, including birth registration by 2030.

Various public service institutions depend on the availability of the official birth registration figures for planning purposes. Currently the DHA is registering around 70% of births within 30 calendar days.

Information Communication Technology (ICT) Modernisation Programme

The ICT Modernisation Programme is the foundation of the digital roadmap that DHA has planned to embark on. The digital transformation will be enabled by robust integrated back-end systems and modern network infrastructure, which in turn enable all DHA front-end processes and alignment with all related government systems.

Key elements of the new model will be phased in over a 10-year period leading up to 2028/29. These include digital processes for issuing birth, marriage and death certificates; the use of modified screening procedures at e-gates at high-volume land ports of entry for pre-approved frequent travellers; and a single hub for the adjudication of permits and visas. All of these services will be accessed through a number of channels, often involving partners, such as public and private health systems for birth and death registration. The implementation of the new model will eliminate historical issues in the department such as long queues and fraud.

Digital transformation and continuous innovation will enable DHA to become a provider of "people centric" services and identity data verification for both government and private institutions.

The National Identity System (NIS) – which will replace the NPR – will become the backbone of all DHA functions. It is expected to be operational by March 2024. The system will enable the security and reliability of civic and immigration status linked to identity and biometric data. This in turn will enable economic transformation; efficient service delivery and security of citizens and all known foreign nationals in South Africa.

The DHA is in the process of implementing this single integrated source of biographic and biometric information in order to make digital service delivery a seamless reality. The current disparate civic and immigration systems will produce secure data that will feed into the NIS according to an identity management policy and an updated Identification Act. All processes such as the registration of births, marriages and deaths will be digitised and secured.

The successful implementation of the NIS will lead to a substantial reduction in fraudulent transactions; and enable efficient e-Government and e-Commerce services.

An estimated R1.8 billion is allocated in the Administration programme over the medium term for the department's modernisation programme.

Improving and expanding client interfaces

The rollout of smart identity cards began in 2013 to replace an estimated 38 million green barcoded identity books.

To increase the rollout of smart identity cards and passports over the medium term, the department will aim to expand its public-private partnership with the banking sector to provide services at more branches and other service providers such as the South African Post Office.

The department will also aim to extend its reach by procuring new mobile units and refurbishing its existing fleet, leading to a projected increase in the number of units from 70 in 2018/19 to 78 in 2019/20 at an estimated cost of R90 million over the medium term in the Administration programme

Immigration

The DHA's National Immigration Branch is responsible for control over the admission of foreigners for residence and departure from South Africa. The immigration policy aims to:

- discourage illegal migration into South Africa by encouraging foreign nationals to apply for relevant permits to legalise their stay in the country,
- create an enabling environment for foreign direct investment in South Africa,
- attract scarce skills required by the economy, in accordance with the 2014 vision of eradicating poverty and underdevelopment,
- temporary and permanent residence permits issue as expeditiously as possible and according to simplified procedures,
- ensure that security considerations are fully satisfied and the State regains control over the immigration of foreigners to South Africa,
- ensure that economic growth is promoted through the employment of needed foreign labour; foreign investment is facilitated; the entry of exceptionally skilled or qualified people is enabled and academic exchange programmes in the SADC are facilitated,
- ensure that tourism is promoted,
- ensure that the contribution of foreigners to the South African labour market does not adversely affect existing labour standards and the rights and expectations of South African workers,
- ensure that a policy connection is maintained between foreigners working in South Africa and the training of South African citizens, a
- ensure that a human-rights-based culture of enforcement is promoted.

The department prioritised the issuance of quota work permits to foreigners who fall within specific occupational classes or specific professional categories.

In this context, details of specific occupational classes and specific professional categories and the applicable quotas are published annually in the government Gazette, after consultation with other stakeholder departments.

The Immigration Amendment Act of 2011 provides for, among other things:

- revising provisions relating to the Immigrating Advisory Board,
- revising provisions relating to the making of regulations,

- the designation of ports of entry,
- revising provisions relating to visas for temporary sojourn in South Africa,
- the mandatory transmission and use of information on advance passenger processing,
- the transmission of passenger name record information,
- revising provisions relating to permanent residence, and
- revising penal provisions.

Visas

Foreigners who wish to enter South Africa must be in possession of valid and acceptable travel documents. They must have valid visas, except in the case of certain countries whose citizens are exempt from visa control. Such exemptions are normally limited to permits, which are issued for 90 days or less at the ports of entry.

The visa system is aimed at facilitating the admission of acceptable foreigners at ports of entry. The visa becomes a permit upon entry; therefore, no additional permit will be issued.

In November 2019, requirements for children travelling to or from South Africa were revised to give effect to the Children's Act, 2005 (Act 38 of 2005). Under the regulations, children from visa exempt countries only need a passport if they are accompanied by an adult. If unaccompanied, a child should carry the following documents:

- Copy of his /her birth certificate.
- Parental consent letters.
- Copy of the passport(s)/identity document(s) of the parent(s)/ legal guardian(s).
- Contact details of the parent(s)/ legal guardian(s).
- Letter from the person who is to receive the child in the Republic, containing his / her residential address and contact details in the Republic where the child will reside.
- Copy of the identity document / valid passport and visa or permanent residence permit of the person who is to receive the child in the Republic.

Where applicable:

- Copy of an adoption order.
- Copy of a death certificate of the deceased parent/ parents or legal guardian.

- Copy of a court order granting full parental responsibilities and rights or legal guardianship in respect of the child.

The requirements for parental consent and birth certificates remain unchanged in the case of South African children travelling – in view of the requirements of the Children’s Act of 2005. Where the department has issued a child passport containing the particulars of the parents, a birth certificate is not required.

In respect of inbound travellers (international visitors) where visas are required, provision of original birth certificates or certified copies of required documents would be continued during the visa application process, as this is in line with practice in many other countries.

The DHA outsourced the handling and processing of visa applications to VFS Global. VFS Global has opened 12 offices in nine provinces and 11 cities within South Africa.

Visa and permit applications will be accepted across these 12 centres and subsequently assessed by the DHA head offices in Pretoria. Non-South Africans with a legal residency permit in South Africa can apply for a visa or permit at these centres.

These could be found at:

- Bloemfontein, Free State
- Bruma (Bedfordview), Gauteng
- Cape Town, Western Cape
- Durban, KwaZulu-Natal
- George, Eastern Cape
- Johannesburg, Gauteng
- Kimberley, Northern Cape
- Nelspruit, Mpumalanga
- Port Elizabeth, Eastern Cape
- Pretoria, Gauteng
- Polokwane, Limpopo
- Rustenburg, North West.

Zimbabwean nationals on the Special Dispensation for Zimbabweans Project, Asylum and Refugee cases will still be directly handled by the DHA. The VFS does not have the authority to grant or refuse visas as that decision still lies with the DHA.

New regulations state that one cannot change from a visitor’s visa to another type of visa; these applications for change of

conditions must be made at a mission abroad, i.e. an embassy or consulate, where the applicant is an ordinary resident or holds citizenship. However, exceptional circumstances include if an applicant is in need of life-saving medical treatment or is an accompanying spouse or child of a business or work visa holder who wish to apply for a study or work visa.

Life partners looking to apply for temporary residency in South Africa based on a life partner visa will need to prove that they have been together for two years; those applying for permanent residency will need to prove that they have been together for five years. Spouses looking to apply for temporary residency in South Africa based on a spousal visa will not need to prove that they have been in a previous relationship for a certain number of years. If a partner or spouse was in a previous marriage, it is necessary to provide official documents that prove the dissolution of such marriage either by divorce or the death of the other spouse. Life partners will need to attend separate but simultaneous interviews to determine the authenticity of the existence of their relationship.

The DHA has officially eradicated the exceptional skills and quota permit categories. Current exceptional skills and quota permit holders will not be able to renew their permits going forward.

Those looking to renew their visa while in the country must do so 60 days before the current one expires.

Applications for a general work visa will have to include a certificate from the Department of Labour confirming the following:

- despite a thorough search, the prospective employer could not find a South African employee with the skills and experience equivalent to those of the applicant
- the applicant has proven skills and experience in line with the job offer
- the salary and benefits of the applicant are not inferior to those of citizens or permanent residents
- the contract signed by both the employer and applicant stipulates conditions that are in line the labour laws of South Africa.

The applicant will need a document to prove that their qualifications have been approved by the South African Qualifications Authority. This document must be translated

into one of the official languages of South Africa by a sworn translator. The work visa will be valid for a maximum of five years.

The critical skills work visa is based on a list of occupations that are considered critical (examples include agricultural engineers, land surveyor and forestry technicians) in South Africa. To apply for a visa in this category, the applicant does not need a job offer, but within one year of being granted a visa, will need to prove that he or she is gainfully employed within their field. This visa replaced the exceptional skills and quota visas.

Holders of visitor’s visas who wish to change the terms or status of their visa must submit an application no less than 60 days prior to the current visa’s date of expiration. It is no longer possible to change from a visitor’s visa to another visa category within South Africa.

It is a requirement for businesses to get a recommendation letter from the Department of Trade and Industry for a business visa. The Department of Trade and Industry will conduct a thorough forensic assessment of the feasibility of the business entity as well as the contribution to the national interest of South Africa.

A minimum of R5 million must be invested into South Africa. Any accountant registered with the South African Institute of Professional Accountants or the South African Institute of Chartered Accountants can verify the availability of funds for a business visa.

The business owner’s workforce must be 60% South Africans or must be permanent residents employed in various positions. Business visas will be granted for no longer than three years at a time. No business visa will be issued to a foreigner who intends to establish or invest in a business that is listed as an undesirable business undertaking.

To obtain an intra-company visa the employee in question must be employed with the foreign office/business for a minimum of six months before being eligible for transfer to South Africa. This visa will now be available for four years but is non-renewable.

Holders of a study visa may not conduct part-time work exceeding 20 hours of labour a week. Both study and exchange

visas will only be issued for the duration of the study period or exchange programme, respectively.

An exchange visa (for people under 25 years) will not be granted to conduct work pertaining to what is considered an undesirable work as published by the Minister in the gazette, after consultation with the Minister of Trade and Industry.

An asylum transit visa issued at a port of entry will be valid for a period of five days to enable the holder to report at a nearest refugee reception office.

Fines will no longer be charged for overstaying. People who overstay for a prescribed number of times will be declared as undesirable.

The Chinese government consented to increasing the Visa Facilitation Centre footprint in China from four to nine, which is unprecedented given China's strict regulations on foreign visa issuance.

The DHA is committed to contributing to regional integration in Africa and efforts to ease the movement of Africans on the continent.

The department also initiated the first ever community border crossing point between South Africa and Botswana at Tshidilamolomo in the North West, with the aim to roll these out to other border crossings with selected other neighbouring countries.

The DHA has implemented biometric capture at OR Tambo, King Shaka, Cape Town and Lanseria international airports, which has enabled it to abolish the transit visa and allow prospective travellers – mainly from China – to apply for visas through accredited tourism operators.

Establishing a border management authority

In June 2013, Cabinet ruled that a border management authority should be established to provide an integrated approach to border management characterised by a single command-and-control structure. The authority will be aimed at improving security, integrity and efficiency at South Africa's borders, and will incrementally assume responsibility for enforcing border law at ports of entry. The Border Management Authority Bill is set to be finalised by 2019/20.

Functions for the authority's operations will be transferred

from departments and entities such as the South African Police Service and the Department of Health over the medium term.

Streamlining and securing international migration

The *2017 White Paper on International Migration* contends that South Africa needs a progressive vision that inspires the country to maximise the benefits of international migration while minimising associated risks such as sovereignty, peace and security, and that the cost of a lack of investment in managing international migration is far higher than the cost of building the necessary capacity. Following Cabinet's approval of the paper in March 2018, the department is in the process of drafting legislation, which is set to be promulgated in the next medium-term strategic framework cycle (2019-2024). Elements of this policy, such as community border crossings, are being phased in.

The advance passenger processing system enables passengers to be screened at the point of departure rather than at arrival. This streamlines arrivals, as passengers' security and risk profiles are assessed before they reach ports of entry, and minimises security risks.

The department is also in the process of establishing public-private partnerships for the redevelopment and modernisation of six priority land ports of entry (Beitbridge, Maseru Bridge, Kopfontein, Lebombo, Oshoek and Ficksburg), as well as moving refugee reception centres closer to the country's borders.

Control of travellers

People arriving in South Africa by air, sea or land have to pass through customs control, where they may be questioned and their baggage scanned or searched for dutiable, restricted or prohibited goods. Visitors found with undeclared, restricted or prohibited goods could be fined or may face prosecution.

South Africa acceded to the Admission Temporaire/Temporary Admission (ATA) convention in 1975, which means foreign visitors companies and individuals can approach their local chambers of commerce for advice regarding the issuing of an ATA Carnet for the temporary import of certain goods in a simplified method. An example would be broadcasters or

sponsors of international sporting events taking place in South Africa.

Control of sojourn

Foreigners who are in the country illegally and are, therefore, guilty of an offence may be classified into three categories, namely those who:

- entered the country clandestinely
- failed to renew the temporary residence permits issued to them at ports of entry
- breached the conditions of their temporary residence permits without permission, such as holiday visitors who took up employment or started their own businesses.

Depending on the circumstances, people who are in South Africa illegally are prosecuted, removed or their sojourn is legalised. Officers at the various regional and district offices of the department are in charge of tracing, prosecuting and removing illegal foreigners from the country. Employers of illegal foreigners may also be prosecuted.

Permanent residence

Government allows immigration on a selective basis. The DHA is responsible for:

- processing applications for immigration permits for consideration
- admitting people suitable for immigration, such as skilled workers in occupations in which there is a shortage in South Africa.

The department particularly encourages applications by industrialists and other entrepreneurs who wish to relocate their existing concerns, or to establish new concerns in South Africa.

The DHA is not directly involved in an active immigration drive. In categories where shortages exist, the normal procedure is for employers to recruit abroad independently and, in most cases, initially apply for temporary work permits.

The DHA considers the applications for immigration permits of prospective immigrants who wish to settle in the relevant provinces. In terms of new regulations, regions will be responsible for issuing permits previously issued by the regional committees, in respect of permanent residence. They will also

do so in respect of temporary residence. Enquiries in this regard may be made to the nearest office of the DHA in South Africa, to missions abroad, or to the DG of the DHA for the attention of the Directorate: Permitting, in Pretoria.

The department has prioritised temporary residence permits, as this category of foreigners is at risk of being in the country illegally, if their applications are not finalised in time.

The DHA will prioritise applications for permanent residence permits from holders of quota work permits and exceptional skills work permits, in line with the country's objective of attracting critical skills.

Temporary residence

The Zimbabwean Special Dispensation Permit (ZSP) was announced in March 2014, replacing the Dispensation for Zimbabwe Project (DZP) which officially closed on 31 December 2014.

Under the DZP, Zimbabwean nationals, who were in the country illegally, were granted an opportunity to legalise their stay. The special dispensation was introduced in 2009 to regulate the stay of Zimbabweans working illegally in South Africa because of the political and socio-economic situation in their country.

Approximately 295 000 Zimbabweans applied for the permit. Just over 245 000 permits were issued, with the balance being denied due to lack of passports or non-fulfilment of other requirements.

The new ZSP was accepted by Cabinet in August 2014. Zimbabwean nationals who were in possession of the DZP permits were eligible to apply for the ZSP if they wished to extend their stay in South Africa. Certain conditions applied, which included a valid Zimbabwean passport; evidence of employment, business, or accredited study, and a clear criminal record.

The ZSP allowed permit-holders to live, work, conduct business and study in South Africa for the duration of the permit, which would be valid until 31 December 2017.

In August 2017, Cabinet approved the reopening of the application process for the current ZSP holders, under certain conditions. The ZSP allows applications from Zimbabweans with a valid Zimbabwean passport, evidence of employment, business or accredited study and a clear criminal record and if successful

grants them a permit to stay and work, study or run a business in South Africa.

VFS Global managed applications for ZSP permits while the DHA adjudicated applications. VFS opened four new offices in provinces where it was anticipated that there would be large numbers of applicants. These were Gauteng, Western Cape, Limpopo and Mpumalanga. The new offices were in addition to the 11 offices already opened, all of which dealt with ZSP applications.

ZSP permit-holders, who wished to stay in South Africa after the expiry of their ZSP, would need to return to Zimbabwe to apply for mainstream visas and permits under the Immigration Act of 2020.

In January 2016, the Lesotho Special Permit (LSP) was launched. The purpose of the programme is to regularise the stay of Lesotho nationals currently residing in South Africa illegally.

It is meant to document Lesotho nationals who are working, studying or running businesses in South Africa, without appropriate documentation. A total of 90 314 permits were issued.

The special permits will be valid for four years, until 31 December 2019.

In November 2019, the department introduced the new Lesotho Exemption Permit which replaces the LSP. The new dispensation is only applicable to existing holders of the LSP and will be valid for four years. Online applications were opened on 18 November 2019 and will be closed on 31 March 2020.

Role players

Government Printing Works

The GPW is a South African security printing specialist that deals with the printing of passports, visas, birth certificates, smart identity cards and examination materials, as well as government stationery and publications, such as tender bulletins and government gazettes.

It adheres to the overall goal of security printing, which is to prevent forgery, counterfeiting and tampering that could lead to fraud and identity theft.

It does this by continuously updating its security printing technology and today, boasts a new state-of-the-art facility that

has been benchmarked internationally and is widely divergent from its humble beginnings.

The GPW operates as a self-funded business within regulated parameters of the DHA.