Policy process on the system of Provincial & Local Government

Background: policy questions, process & participation

the dplg

Department:
Provincial and Local Government
REPUBLIC OF SOUTH AFRICA

July 2007

Policy process on the system of Provincial & Local Government

Background:policy questions, process & participation

the **dplg**

Department:
Provincial and Local Government
REPUBLIC OF SOUTH AFRICA

July 2007

Contents

Executive summary

This background document sets out the policy process on the review of provincial and local government. It is a guide to the background of the process, the key questions about the process and the way in which the public can get involved. This process has begun because the **dplg** was mandated by Cabinet to undertake the review of the work of provinces and of local government.

The first section provides a brief overview of the history of our system of government. It highlights the transformation and delivery challenges faced by provincial and local government over the past 13 years.

In response to the many challenges identified, government decided to review the system of provincial and local government. Many lessons have been learned during the last decade and these have demonstrated the complexity of the co-operative governance system and its functionality at each sphere.

The forthcoming White Paper on Provinces and the revision of the Local Government White Paper therefore, will be the result of an extensive research and consultative process during 2007 and 2008. The final section describes how the consultative process will be undertaken and how the public may get involved.

Introduction

The Extended Cabinet Lekgotla in January 2007 mandated the Ministry and Department of Provincial and Local Government (the **dplg**) to initiate a process to develop a White Paper on Provincial Government and to review the existing White Paper on Local Government. The **dplg** mandate is derived from Chapters 3 and 7 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996).

This task of assessing whether existing forms of governance remains appropriate to meeting the changing demands has become routine in developed and developing countries alike. This process will draw on the lessons of a decade or more of practice, wide public consultation and comprehensive research, geared towards making proposals.

The issues at stake in this process are important for all citizens of the country, every sector of society, and the public institutions of our country. This process must provide a platform for a rational, open and responsible national debate.

> The issues at stake in this process are important for all citizens of the country, every sector of society, and the public institutions of our country.

Together with thorough empirical research, this national debate will inform Government to make the appropriate policy decisions about the institutional framework for provincial and local government in our country.

In addition to research and consultation, lessons learned from the implementation of government programmes will also be reviewed. For example Project Consolidate was operationalised though the deployment of service delivery facilitators, and the Presidential and Ministerial Izimbizo. Some of the lessons leant from the Project Consolidate case studies included the critical importance of communication between different stakeholders on basic service delivery issues, and the need to strengthen mechanisms to promote financial viability.

To assist the public debate and engagement, the Ministry and the **dplg** have issued a set of questions about the lessons of provincial and local government. In this regard, the Ministry and the **dplg** is calling on the public at large, civil formations, universities, organised civil society, and various public institutions to contribute to the questions set out in this background document, as well as identify other areas that impact on the provincial and local systems of government.

A brief history of our system of government

The process to reconstruct and develop the country since 1994 has consistently placed the previously excluded, the poor, women and youth in particular at the centre of our country's development.

The institutional framework for government in South Africa was established in 1996 when the country adopted it first democratic Constitution. This was the culmination of a negotiation process to end apartheid and introduce democracy to South Africa.

National government, provincial government and local government were established as three elected spheres of government, each with distinctive functional responsibilities. The Constitution requires the three spheres of government to function as a single system of co-operative government for the country as a whole.

The structures and institutions of all three spheres of government were established and transformed over many years. Provincial administrations were amalgamated to become a single public service with national departments. Local government went through a long process of transition that eventually saw the establishment of 283 municipalities and the first democratic local government elections in 2000. Transformation thus followed different paths for provinces and local government.

The Constitution created provincial government, but did not specify distinct objects for provincial government within the overall system. There is currently no policy and legislative framework for provinces. Local government, by contrast, was a product of conscious policy and institutional design by the new democratic government to give effects to the precise objects for this sphere as specified by the Constitution.

The process to reconstruct and develop the country since 1994 has consistently placed the previously excluded, the poor, women and youth in particular at the centre of our country's development. As a result millions of South Africans who were excluded from participating in the political, social and economic life of the country under apartheid now benefit directly from democratic governance.

Indeed, government in all spheres has achieved remarkable success over the past decade in ensuring access to basic services such as water, electricity and sanitation, housing, social grants, healthcare and education on a scale unprecedented in this country.

The progress that has been made with access to basic services since 1994 is directly attributable to the critical role that our democratic municipalities have played. For example:

i.   Universal access to water supply increased from 59% of total households in 1994 to 86% by April 2007.

ii. Universal access to sanitation increased from 48% in 1994 to 73% by April

     2007.

iii In 1994, 30% of houses in South Africa had access to electricity and by 2006/07 this figure had increased to 73%.

iv   From 1994 to 2006 a total of 2,243 million houses were delivered, at an average of 249 290 units per annum.

While national government has set policy objectives, norms and standards for these services, the actual delivery programmes and budget are directly managed by municipalities.

Transformation of society will continue to call on our public sector capacity to respond to the service delivery and development challenges of our country more coherently and with greater efficiency and effectiveness. In order to reach our common national goal to halve poverty and unemployment by 2014, government must, therefore, pay close attention to its own institutional capability, organisation and efficiency.

Government in all spheres has achieved remarkable success over the past decade in ensuring access to basic services such as water, electricity and sanitation, housing, social grants, healthcare and education.

Why review provincial and local government?

Local government came into being much later than the other two spheres of government. Incorporating local government into the system of co-operative governance has proved complex even as it has generated new opportunities for more responsive and efficient governance, however, the absence of a definite policy on provincial government has generated uncertainty about the role of this sphere in reconstruction and development and its support for local government.

There are very practical and good reasons for doing a review of provincial and local government at this point in our history.

a. A body of practical experience about governance and development exists today, after years of democratic practice. This experience did not exist when the system was designed in 1993-1996. Today the country can draw on experience about what to do differently to achieve better development outcomes.

b. South Africans, like citizens of any other country, expect and have the right to expect more responsive, accountable, efficient, equitable and affordable government and a better quality of service. The pursuit of national targets for social services has produced many lessons of good practice, and in the process identified opportunities missed as a result of the complex way in which government institutions function.

c. Local government came into being much later than the other two spheres of government. Incorporating local government into the system of co-operative governance has proved complex even as it has generated new opportunities for more responsive and efficient governance.

d. The absence of a definite policy on provincial government has generated uncertainty about the role of this sphere in reconstruction and development. This is of particular importance as the advent of local democracy has presented new opportunities for state organisation and efficiency.

e. The lessons of Project Consolidate show that providing hands-on support to municipalities has had a direct benefit to local delivery in a very short space of time. However, the long term capacity requirements of this sphere, mirroring the scarcity of key skills in the country, will require an institutional response.

The white paper and review process

The end result of the reviews on provincial and local government will be policy papers. These are papers that set out what government and the people believe to be the best vision, purpose and structure for a particular activity or organisation. In this case the government is looking at policy to possibly re-organise some aspects of the current system of provincial and local government.

The first policy paper released for comment during a government policy-making process is called a Green Paper. This paper is put in the Government Gazette for comment. The Gazette is published by the government printer and is available from their offices.

By the end of 2008, there will be then, a new White Paper on Provinces and a Review Report on Local on Local Government.

For this process, a Green Paper on Provincial Government and a Discussion Document on Local Government will be published by December 2007. After the Green Paper has been commented on and inputs received from the public, work will commence on the final policy paper, called a White Paper.
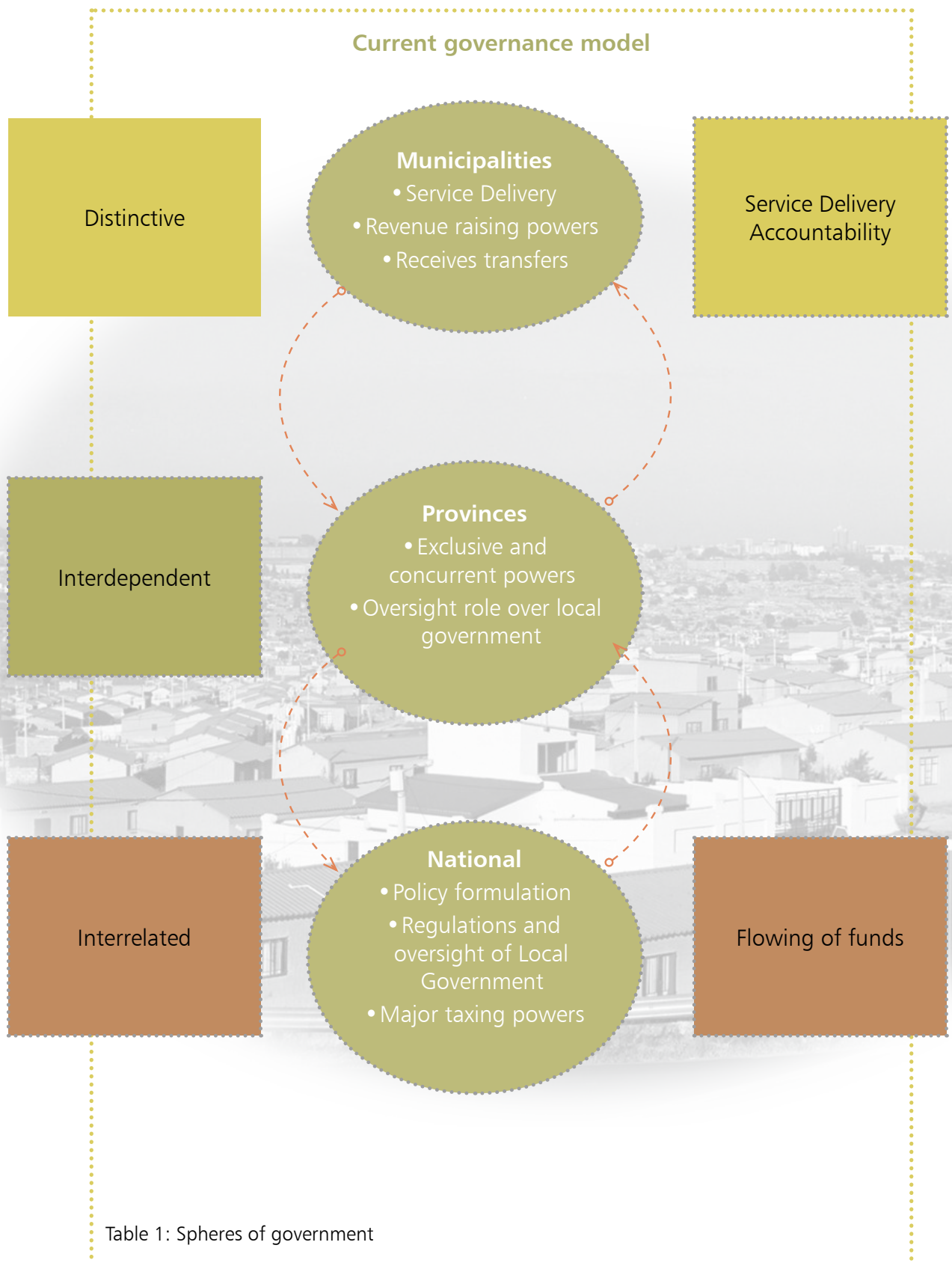
The local government policy paper is a revision because there is already a White Paper on Local Government, which was published in 1998. By the end of 2008, there will be a new White Paper on Provinces and a Review Report on Local Government, which will be considered by Parliament and Cabinet.

Current governance model

Distinctive

Municipalities
- Service Delivery
- Revenue raising powers
- Receives transfers

Service Delivery Accountability

Interdependent

Provinces
- Exclusive and concurrent powers
- Oversight role over local government

Interrelated

National
- Policy formulation
- Regulations and oversight of Local Government
- Major taxing powers

Flowing of funds

Table 1: Spheres of government

Context: How government works

The government in South Africa consists of the national government, the nine provinces and 283 municipalities. It is divided into three spheres of government that are 'distinctive, interdependent and inter-related' (section 40 of the Constitution).

- **Distinctive**: meaning that each sphere has its own unique area of operation.

- **Interdependent**: meaning that the three spheres are required to co-operate and acknowledge respective areas of jurisdiction.

- **Interrelated**: meaning that there should be a system of co-operative governance and intergovernmental relations among the three spheres.

> All the spheres of government are responsible for providing for the development of communities and delivery of services in different ways.

But, even though the three spheres are independent, they have to work together when deciding on budgets, policies and activities, particularly in areas that cut across all spheres. All the spheres of government are responsible for providing for the development of communities and delivery of services in different ways.

National Government

National government is responsible for policy formulation and making, developing national standards and norms, and rules and regulations.

Provincial Government

The 9 provincial governments deal with matters that affect their own provinces. Schedule 5 of the Constitution lists the issues that provincial government is responsible for. Provincial legislatures make their own laws.

Local Government

Local government is regarded as a sphere of government in its own right and is no longer a function of just one of the arms of provincial or national government.

Questions for public engagement

Lessons learned from national government research reports, such as Towards a Ten Year Review, and from programmes such as Project Consolidate, Izimbizo and provincial planning documents (PGDS, IDP) have provided significant insight into the current working of government across the three spheres (see Annexure A for references). The following question sets are both informed by, and seek to raise additional issues in the following areas of government:

- Local Government issues

- Provincial Government issues

- National Government issues

- Powers and functions

- Development planning

- Monitoring and evaluation

6.1: Questions on Local Government

Local government consists of metropolitan, district and local municipalities each with different functional responsibilities. It is the sphere that delivers services – such as water, sanitation and electricity. It is the sphere closest to the people and therefore needs to involve communities in its affairs.

A Municipalities are required by law to find ways and means to involve communities in their affairs. There is a need to improve the quality of local democracy, the degree of municipal responsiveness and accountability.

1 How can municipalities involve local communities in municipal affairs?

2 How can the ways in which communities participate in the process of development (e.g. Ward Committees) be made more effective?

3 How can councils ensure that mayoral committees are held accountable?

4 What is the best way of holding councilors accountable to local communities?

5 How can the political and administrative components of municipalities work effectively to deliver services over long periods of time irrespective of political transitions?

6 Is an association of organised local government an effective vehicle for intergovernmental representivity?

7 What role should organised local government play in improving the performance and accountability of municipalities?

8 How can we improve the fight against corruption at the local government sphere?

B Local government is categorised into metro, district and local municipalities. There are functional and structural challenges that need to be reviewed.

9 What are the advantages and disadvantages of a two-tier system (district and local municipalities) of local government?

10 What role should district municipalities play and how should they be structured?

11 What role should local municipalities play and how should they be structured?

12 How should the role of municipalities be defined to ensure local development?

13 What special role should cities and big towns play in the local government system?

C Municipalities need to strengthen partnerships with key private, public and community stakeholders.

14 How can communities, NGOs, CBOs, become more involved in improving municipal service delivery?

15 How can public-private and public-public partnerships assist in meeting the challenges of service delivery?

16 How and in what circumstances can municipalities tap into alternative technology and innovations to enhance service delivery?

D Municipalities are responsible for the delivery of basic services such as water, sanitation, electricity and waste removal. The challenge is to meet national service targets and the expectations of communities.

17 How effective has your municipality been in extending basic services and what areas are in need of improvement?

18 How can national and provincial government assist to improve the efficiency of services at the local level?

19 How can a municipality improve its information and communications on progress with service delivery and community expectations?

E Municipalities need to manage environmental challenges and balance competing developmental demands and environmental concerns.

20 What should be the role of municipalities in addressing issues of climate change (e.g. pollution, waste management, disaster management), and sustainable management of natural resources?

21 What is the impact of environmental regulations on the ability of municipalities to undertake development and how should it be approached?

22 Which environmental functions should be performed by municipalities, given the developmental pressures at local level?

F Municipalities are dependent on a strong revenue base to sustain their viability and need strategies to support this.

23 How should rural and poor municipalities be structured and / or funded to improve their revenue base and viability?

24 In respect to municipal good governance (financial, institutional), what kinds of interventions are needed to support low capacity municipalities?

25 How can a municipality better account for its performance and for its use of public resources?

6. 2 Questions on provincial government

Constitutionally, the provinces exist as governments with legislative and executive branches that are accountable to their electorates. Provincial social services expenditure is not cost recoverable. Provinces draw most of their revenue (97% of amount available for provincial government) from national funds, most of which are spent on Health and Social Services.

G	Provinces have limited revenue raising powers to manage their developmental role.	26	To what extent can we ensure that provinces spend their allocations on national priorities, such as education, health, housing and social development services?
		27	Is the funding arrangement for provinces sustainable from a service delivery point of view? What are the alternatives to the current system of funding provinces?
		28	How should funding for provinces take into account past inequalities?
H	There are insufficient mechanisms and measures to ensure provincial executive and legislative accountability.	29	Do we need provincial legislatures? What are their advantages and disadvantages in the provincial system of governance?
		30	How can provincial legislatures play an effective role in promoting socio-economic development and service delivery?
		31	How should provinces report on their progress in terms of e.g. housing, health, social services, etc to the electorate?
		32	In a democracy money should be spent in an accountable way, how can the provincial governments be held responsible for the money they spend? In what way can the provincial legislatures ensure that the provincial government accounts for performance of functions?
I	Building social cohesion and unity is a national challenge which must be also be addressed at a provincial level.	33	What role should provinces play in promoting nation building, national identity, inclusion and cohesion?
		34	Do provincial identities based on cultural and linguistic characteristics impact negatively or positively on nation building?
J	Provinces have experienced challenges in effectively performing regulatory monitoring and oversight on local government with regard to environmental functions.	35	To what extent are provinces supporting local government to address the balance between environmental and developmental compliance demands?
		36	Which environmental functions would be appropriately located and performed at provincial level?

K Provinces were created a result of constitutional negotiations and have no policy framework that sets out their roles and functions.

37 Should there be a provincial system of government; how should this be determined and what are the alternative options?

38 If provinces are to be retained, what should be the criteria for determining the following?

Purpose

Structure and functions

Number·

Sources of funding

6.3 Questions on National Government

National government is Constitutionally mandated to execute leadership responsibility for the unity and direction of the country as a whole. Within the context of co-operative government, each sphere of government has both executive and legislative authority over its own jurisdiction, but are bound by co-operative governance principles in ensuring that they co-ordinate their efforts and work together for the good of the country. Both national and provincial spheres of government share monitoring and support mandates over local government.

L. The co-operative system of governance requires national government to play a leading role in ensuring effective intergovernmental relations.	39 How can national government ensure that the other spheres are efficient and effective? 40 How should national policy and planning be improved to support provincial and local government? 41 How should inter-sectoral co-ordination at national level be improved and the departments structured? 42 Both national and provincial government has a role in support and oversight of local government. How can this be done more effectively? 43 What role can national government play to obtain the scarce skills required by the three spheres of government?
M Although intergovernmental co-operation and integration is defined in legislation, collaboration is still voluntary with minimal authority and accountability.	44 How should a national vision be realised in practice given the responsibilities of each sphere of government in critical areas of social delivery? 45 How can the difficulties regarding distinctiveness between national government policymaking and implementation at provincial level be resolved? 46 What are the effective ways of strengthening the principles of co-operative governance as it relates to changing behavior and mindset? 47 In addition to using Intergovernmental Relations structures, how can distinctive, co-ordinated and aligned implementation take place in practice across the three spheres?

6.4 Current powers and functions

At the time of the adoption of the Constitution, the allocation of powers and functions (roles and responsibilities per sphere of government) in the Constitution were not based on the developmental roles of the spheres (see annexure B). Certain inconsistencies have been identified as these have arisen over the last 13 years of practice. Consequently there is a need to review the allocation of powers and functions to align with current challenges facing the spheres of government in pursuit of their developmental role.

(Please see Annexure B for table of powers and functions allocated across the three spheres)

The system of government is designed so that certain responsibilities are exclusive (performed by one sphere only), while others are concurrent (shared between different spheres).

N	The lack of clear operational definitions guiding the current allocation of powers and functions between spheres is a challenge.	48	What changes, if any, should there be in the functions that are currently allocated at national, provincial and local level?
		49	Why should there be changes?
		50	What criteria should be used to make changes?
O	There is a need to review the appropriate location of functional responsibilities between spheres	51	What is the value in spheres of government sharing functions (Health, Education, Housing etc?)
		52	Does the division of shared functions promote equal access to public services? Propose improvements.

6.5 Questions on development planning

The planning framework between national, provincial and local spheres seeks to align government's planning cycles and procedures. It seeks to ensure that developmental issues, policy implementation and services planning are well planned and budgeted for. The National Spatial Development Perspective (NSDP) is one key part of the Framework. This policy assists provinces and municipalities to understand their economic potential and this must be reflected in the plans of the other spheres. The Provincial Growth and Development Strategy (PGDS) is the provincial plan, and the Integrated Development Plan (IDP) is the municipal plan. The PGDS must therefore be a regionally or spatially co-ordinated planning approach that recognises the plans of the municipalities in the province.

The questions in this section explore the challenges in managing development planning. These questions also probe the meaning of geographical and spatial differences, and the impact these have on the planning and developmental role of a province (social, economic, environmental, institutional and otherwise).

P The various strategies, plans and frameworks of the three spheres do not necessarily speak to one another, and are not integrated to achieve the national vision.	53 How should the plans of the three spheres of government relate to each other and influence decision-making, resource allocation and implementation? 54 The planning framework is intended to improve integrated service delivery. Do you think this framework is working well? How could it be improved?
Q All provinces have developed Provincial Growth and Development Strategies (PGDS). The challenge is to ensure how these instruments can effectively contribute to economic growth and social development.	55 What are the economic, social and governance criteria for assessing the viability of provinces? 56 How have the provinces contributed to the reduction of disparities and socio-economic inclusion and exclusion? 57 What should be the socio-economic developmental role of the provincial government, and what instruments, levers and tools does it need to effectively perform this function? 58 To what extent do the current provincial boundaries enable provinces to function as efficient and effective growth and development hubs?
R Municipal areas vary, with urban and rural characteristics. This requires them to plan differently regarding, for example, basic services such as water and sanitation, and related economic development activities such as public infrastructure investments.	59 How do the rural or urban characteristics of your municipality impact on its ability to deliver services? 60 In a municipality known to you, how can the inequalities of the past be addressed? 61 The Integrated Development Plan should be an expression of a 'government-wide commitment to a municipal space.' How can this commitment be improved in practice? 62 How are Integrated Development Plans contributing to growth and development at municipal level?

6.6 Questions on monitoring and evaluation

The ability of the three spheres of government to plan properly based on empirical evidence and take informed decisions, including critically assessing the impact of policies and programmes against set objectives is depended on an effective, integrated and aligned system of monitoring and evaluation within and across spheres of government.

S   The use of different statistical data sets for measurement and the co-ordination of reporting progress on service delivery impact, including an effective system of monitoring and evaluation, remains a challenge within and across spheres of government.

63 What should be done to streamline different data sources within the spheres of government?

64 What mechanisms should government introduce to ensure that the country as a whole uses commonly agreed definitions and statistical data sets for measuring developmental outcomes?

65 What should be done to improve the co-ordination of reporting service delivery progress within the spheres of government?

Frequently asked questions

There are some questions that everyone asks – and rightly so. These kinds of questions help us to understand the process and find a way to engage with it.

Below there is a sample of such questions.

7.1 What does the White Paper process on provinces entail?

During the constitution-making process, ensuring a peaceful transition to democracy was the main consideration behind the establishment of government in its current form. There was no body of democratic practice which could assist in deciding how to allocate powers and functions between the spheres, as we do have today.

The Constitution created provincial government, but did not specify distinct objects for provincial government within the overall system. There is currently no policy and legislative framework for provinces.

7.2 Why is the White Paper on Provinces being developed now?

Government has for the past 13 years developed policies and systems of government as per the constitutional requirements. In all these years, provinces have been operating outside of a formal policy framework guiding them and other spheres on the role of this sphere. This resulted in some strengths and challenges that need to be affirmed and addressed respectively.

The absence of a definite policy on provincial government has generated uncertainty about the role of this sphere in reconstruction and development. This is of particular importance as the advent of local democracy has presented new opportunities for state organisation and efficiency.

7.3 Does this process question the principles of the Constitution?

Not necessarily - revisiting the principles of the Constitution to improve the system of governance, so as to improve the mandate of delivering services to the people, is not unconstitutional. It is an international norm to undertake these processes, as an example, the UK recently totally reviewed their system of local government.

It is also constitutional to review some of the provisions of the Constitution and this also needs to be done constitutionally. The approach to the question of permutation of "sub-national" spheres of government should be informed by this recognition that our country is one sovereign, democratic state as set out by the Constitution.

Questions help us to understand the process and find a way to engage with it.

7.3 Does this process question the principles of the Constitution?

Not necessarily - revisiting the principles of the Constitution to improve the system of governance, so as to improve the mandate of delivering services to the people, is not unconstitutional. It is an international norm to undertake these processes, as an example, the UK recently totally reviewed their system of local government.

It is also constitutional to review some of the provisions of the Constitution and this also needs to be done constitutionally. The approach to the question of permutation of "sub-national" spheres of government should be informed by this recognition that our country is one sovereign, democratic state as set out by the Constitution.

7.4 What is the future of provinces?

This process is about strengthening the whole of government to deliver on its mandate

Government does not have a position or foregone conclusion on this matter. It has not taken a decision on reducing or rationalising the number of provinces.

This white paper development process will deal with an array of issues that impact on the future of provinces - this will include the best way to structure government to more effectively perform its functions and deliver services.

7.5 Is this about more power to national government?

No, this process is rather about strengthening the whole of government to deliver on its mandate by ensuring that each sphere of government is able to do what it is supposed to do efficiently and effectively.

The three spheres of government have specific constitutional responsibilities. National government is responsible for norms and standard setting, provinces for ensuring implementation of national policy and local government for ensuring development within their localities.

7.6 What about the Single Public Service?

The development and review of white papers on provincial and local government will be aligned with the development of a Single Public Service Act. These efforts will seek to improve the capacity of the state to improve service delivery and development.

7.7 Why the review of the Local Government White Paper?

The Local Government White Paper needs to be reviewed to bring policy in line with practice. Over the last 13 years we have developed systems and some systems have evolved. Challenges, anomalies and lessons have developed in each of these. The Local Government White Paper is being reviewed to strengthen governance based on these factors.

As an example, the lessons of Project Consolidate show that providing hands-on support to municipalities has a direct benefit to local delivery in very short space of time. However, the long term capacity requirements of this sphere, mirroring the scarcity of key skills in the country, will require an improved institutional response.

7.8 Is government changing the mandate of local government?

The developmental vision and mandate remains central to the local government system in South Africa. Challenges have, however, been identified within this vision, that need to be reviewed and addressed.

7.9 Has the current local government system failed?

No, there is evidence that millions of South Africans have access to basic services through the local government system, on a scale unprecedented in the country.

This does not however mean that all is well. Government as part of its continuous regenerative efforts needs to deal with current challenges to ensure that local government does better than that it is currently doing.

7.10 Why is the dplg undertaking this task?

The **dplg** is mandated to develop policies and legislation with regard to provinces and local government.

The national cabinet has therefore mandated the **dplg** to co-ordinate this White Paper process on behalf of government as a whole.

> The developmental vision and mandate remains central to the local government system in South Africa.

How the public can get involved and the way forward

8.1 How will the process unfold?

The media will be reporting on the process in the daily and Sunday newspapers, and there will be some TV and radio coverage too. There will be regular press briefings to keep the media informed on progress and key issues emerging.

Key stakeholders such as national and provincial departments and local government, SALGA, NGOs and community based organisations will also be consulted and invited to make inputs through written submissions.

Through all of this process, researchers will be working on research areas to inform the policy process.

The **dplg** team will be inviting and engaging all sectors of society to fully participate in the white paper process. This participation ranges from consultations, inputs on the above themes, information sharing and views on any other process area believed to be of relevance.

The media will be reporting on the process in the daily and Sunday newspapers

8.2 How can the public engage with the process?

Members of the public are urged to respond to questions in the government gazette, newspaper supplements and the **dplg** website.

Besides answering the questions, submissions on any other topic not covered by the questions would be welcome. Experts and interest groups are also urged to submit papers on any issues that they would like these two white paper processes to cover. The answers and submissions should be sent to **dplg** by the 31st of October 2007.

8.3 How and where will the consultations take place?

There will be, in addition to the media debates, a variety of public events to support the regular flow of information that is intended to promote public involvement.

The **dplg** website, the radio and the newspapers will all carry news and information regarding when and where consultations will take place. They will be held in every province and will target many organisations and structures.

8.4 What will happen to inputs?

All comments will be considered together with the ongoing empirical research and focus groups, to develop a policy papers by December 2007.

How the public can engage with the process

Members of the public are urged to respond to the questions as found in the government gazette and on the **dplg** website. Experts and interest groups are also urged to submit interest papers on any issues they would like this policy review to consider.

The deadline for submissions is 31 October 2007.

The deadline for submissions is 31 October 2007.

Where should responses or inputs be sent to?

Contact details for the **dplg**

The telephone number to call for information on the process is:

012 336 5900

The number to fax your information on the process is:

012 336 5900

The email address to write to us with your views and opinions is:

policy@dplg.gov.za

The website address to view inputs and documents is:

www.thedplg.gov.za

(go to 'Policy Process: Provincial and Local Government' on the homepage)

To post your views or submissions, mail to:

The Minister for Provincial and Local Government

Attention: Project Manager, Policy Review

Private Bag X804

Pretoria

0001

Or to:

The Minister for Provincial and Local Government

Attention: Project Manager, Policy Review

87 Hamilton Street

Arcadia

Pretoria

0001

Annexures

Annexure A: Documents for research and reference

1. The Constitution of the Republic of South Africa 1996, Act 108 of 1996, Constitutional Assembly, Hn Communications, Cape Town.

2. White Paper on Local Government, 1998, Department of Constitutional Development, CTP Book Printers, Pretoria.
(Available at www.thedplg.gov.za/subwebsites/wpaper/wpindex.htm)

3. The Machinery of Government: Structure and Functions of Government, 2003, undated, Department of Public Service and Administration,
(available at www.dpsa.gov.za)

4. Towards a Ten Year Review – Synthesis Report on Implementation of Government Programme: Discussion document, 2003, The Presidency, Formset, Pretoria.
(Available at www.10years.gov.za/review/documents.htm)

5 The dplg GTZ Ward Committee Resource Book: Best practices and lessons learnt for municipal officials, councillors ad local governance practitioners, 2005, the dplg and GTZ South Africa, Pretoria.
(Available at www.dplg.gov.za)

6. Local Government Budgets and Expenditure Review: 2001/02 - 2007/08, October 2006, National Treasury.
(Available at http://www.treasury.gov.za)

7. A Nation in the Making: A discussion document on Macro-Social Trends in South Africa, 23 June 2006, The Presidency, Pretoria.
(Available at www.thepresidency.gov.za/docs)

8. Provincial Budgets and Expenditure Review: 2002/03 - 2008/09, October 2006, National Treasury, Pretoria.
(Available at http://www.treasury.gov.za)

9. State of the Cities Report, 2006, South African Cities Network, Johannesburg.
(Available at www.sacities.net)

10. Development Indicators Mid-Term Review, 21 June 2007, Presidency, Pretoria.
(Available at www.thepresidency.gov.za/docs/reports

11. Report on the Analysis of Municipal Budgets for the 2006/2007 Financial Year, July 2007, SALGA, Pretoria
(Available at www.Salga.net/).

12. The Five Year Local Government Strategic Agenda, 2007, unpublished documents, the dplg, Pretoria.

13. For copies of the Integrated Development Plans and Provincial Growth and Development strategies – see IDP Nerve Centre Website (www.idp.org.za)

Annexure B: Table of Powers and Functions across the three spheres of government

National	Provincial	Local
Administration of indigenous forest	Administration of indigenous forest	
Agriculture	Agriculture	
Airports	Airports other than international and national airports	Municipal airport
Animal control and diseases	Animal control and diseases	Facilities for the accommodation, care and burial of animals
Casinos, racing, gambling & wagering	Casinos, racing, gambling & wagering	
Lotteries and sport pools		
Consumer protection	Consumer protection	
Cultural matters	Cultural matter	
Disaster management	Disaster management	Firefighting management
Education including tertiary	Education excluding tertiary	
Environment	Environment	Promote safe and healthy environment (objects of LG)
Health services	Health services	Municipal health services
Housing	Housing	Building regulations
Indigenous and customary law	Indigenous and customary law	
Industrial promotion	Industrial promotion	Local economic development
Language policy	Language policy	
Media services	Media services	
Nature conservation	Nature conservation excluding national parks, national botanical gardens and marine resources	Local amenities and public places
Police	Police	

Pollution control	Pollution control	Air pollution and Noise pollution; control of nuisances
Population development	Population development	
Property transfer fees	Property transfer fees	Property rates
Public enterprises	Provincial public enterprises	Markets and municipal abattoirs
Public transport	Public transport	Municipal public transport
Public works	Public works	Municipal public works
Regional planning and development	Regional planning and development	Municipal planning
Road traffic regulations	Road traffic regulation	Municipal roads, traffic and parking
Soil conservation	Soil conservation	
Tourism	Tourism	Local tourism
Trade	Trade	Street trading; trading regulations; Licensing and control of undertakings that sells food to the public
Traditional leaders	Traditional leaders	
Urban and rural development	Urban and rural development	
Vehicle licensing	Vehicle licensing	Traffic and parking
Welfare services	Welfare services	Child care facilities
	Abattoirs	Municipal abattoirs
	Ambulance services	Municipal health services
National Archives	Archives other than national archives	
National libraries	Libraries other than national libraries	
	Liquor licenses	Control of undertaking that sell liquor to the public

National Museums	Museum other than national museums	
	Provincial planning	Municipal planning
	Recreation and amenities	Beaches and amusement facilities; local amenities; municipal parks and recreation; public places
Sport	Provincial sport	Local sport facilities
	Provincial roads and traffic	Traffic and parking
	Veterinary services, excluding regulation of the profession	Licensing of dogs; cleansing;
Electricity		Electricity and gas reticulation
International and national shipping and matters related thereto		Potoons, ferries, jetties and harbours
		Stormwater management systems in build-up areas
Water		Water and sanitation
		Billboards and the display of advertisement in public places
		Cemeteries, funeral palours and crematoria
		Fencing and fences
		Pounds
		Refuse removals, refuse dumps and solid waste disposal
Forestry		
Defence		
Civic affairs		
Foreign affairs		
Labour		

Annexure C: Glossary and definitions

CBOs	Community Based Organisations
DPLG	Department of Provincial and Local Government
IDP	Integrated Development Plan(A local and district based development plan)
IGR	Intergovernmental Relations (Relations between the three spheres of government)
IGR Structures	Structures used by the three spheres to interact. Examples include the District IGR Fora, Provincial Co-ordinating Fora, MinMecs etc.
NGOs	Non-Governmental Organisations
NSDP	National Spatial Development Perspective (A national based development framework)
PGDS	Provincial Growth and Development Strategies (A provincial based development plan)
SALGA	South African Local Government Association
Two-tier system	Outside of metros, municipalities fall under both district and local. This dual structure is what is called the two-tier system.

87 Hamilton Street, Arcadia, Pretoria

Private Bag X 804, Pretoria, 0001, South Africa

TELEPHONE: +27 (0) 12 334 0600

FACSIMILE: +27 (0) 12 334 0904

the **dplg**

Department:
Provincial and Local Government
REPUBLIC OF SOUTH AFRICA