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**SOUTH AFRICAN GOVERNMENT OFFICE
- WORLD TRADE CENTRE -**

28 June 1993

Head of the Administration
Multi-Party Negotiating Process
World Trade Centre

Dear Dr Eloff

**SUBMISSION BY THE SOUTH AFRICAN GOVERNMENT REGARDING
THE ALLOCATION OF FUNCTIONS AND POWERS**

1. Attached is a submission by the South African Government of a Working Document entitled ***SUGGESTED ALLOCATION OF FUNCTIONS AND POWERS BETWEEN THE CENTRAL AND REGIONAL LEVELS OF GOVERNMENT.***
2. Being a Working Document, it does not necessarily reflect the final position of the Government. It is however submitted in view of the remark at the end of par. 5 of the Fourth Report of the Technical Committee on Constitutional Issues to the Negotiating Council that

the allocation of specific elements of these functional areas to SPR's and other levels of government requires expertise in the field of public administration.

3. Kindly transmit the Working Document to the Technical Committee on Constitutional Issues for its consideration.

Yours sincerely

GOVERNMENT OFFICE: WORLD TRADE CENTRE

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WORKING DOCUMENT

**SUGGESTED ALLOCATION OF FUNCTIONS AND
POWERS BETWEEN THE CENTRAL AND
REGIONAL LEVELS OF GOVERNMENT.**

WORKING DOCUMENT

SUGGESTED ALLOCATION OF FUNCTIONS AND POWERS BETWEEN THE CENTRAL AND REGIONAL LEVELS OF GOVERNMENT

INTRODUCTION

1.0 COVERAGE

- 1.1 This working document contains suggestions concerning the allocation of main functions and legislative powers to the central and regional levels of government. Some main functions which have not been included are foreign affairs, defence and auditing.
- 1.2 The local level of government is not covered; however, it has been deemed helpful to include in respect of certain main functions some remarks concerning the local level of government.

2.0 PRESENTATION

- 2.1 In addition to its designation, each main function has been provided with a brief core description, or synopsis, reflecting its essence. For the remainder, the working document consists of a schedule for each main function containing condensed information in respect of each of the two levels of government in question. The information presented, is arranged in two main categories, viz. "departmental activities" and "legislative powers". The lastmentioned category is, in respect of the regional level, divided into two sub-categories, viz. legislative powers to be exercised within the parameters of legislation of the central level of government, and legislative powers to be exercised by a region in its own right.
- 2.2 Information is presented in a highly concentrated form in order to provide a reasonably complete overview of government functions in a single, manageable

working document of limited proportions. The field encompassed is a vast one, and a full discussion and analysis of every main function of government would imply the compilation of a very bulky document or set of documents.

3.0 ANALYTICAL APPROACH

3.1 The suggestions contained in the working document, presuppose the coming into being of fully-fledged government structures at the central, regional and local levels of government. Ideally, each level of government should, in matters appropriate to that level of government, be viable and capable of functioning efficiently and effectively. It should be answerable to its own particular constituency, meeting its constituency's expectations as articulated through the democratic political process.

3.2 The analytical approach adopted has therefore been one in which a matter is assigned to the lowest level at which it could be dealt with satisfactorily. To assign a matter which could be dealt with at a lower level of government, to a higher level, would simply serve to undermine the status and viability of governmental structures at the lower level of government. On the other hand, matters which properly need to be dealt with at a higher level of government should not be devolved or decentralised to a lower level.

4.0 DEFINITIONS

A few key terms and expressions are used in the working document with a specific meaning. It is deemed advisable to provide operational definitions for such terms and expressions:

"Government"

The complete, composite structure of government, including such essential components as a democratically elected legislative body, a governing body (cabinet

or executive council) accountable to the legislative body, and an executive organisation or administration. The Afrikaans equivalent would be owerheid. The term as defined, is applied with the same meaning at each level of government.

"Policy development and planning"

A collection of activities preceding the delivery of services or the implementation of other programmes of executive action, including policy formulation, drafting and processing of bills, drafting of regulations and other rules, drawing up of plans, determining norms, standards, bases and formulae, and compiling guidelines for dealing with official matters.

5.0 GENERAL REMARKS

The allocation of functions and responsibilities to different levels of government is a complex task. Some general remarks in this connection are indicated.

5.1 Jurisdictional boundaries

5.1.1 The clear and complete demarcation of boundaries will facilitate the efficient and effective conduct of government and administration. Concerning the regional level of government, there would appear to be consensus concerning this view; it only **remains** to demarcate the boundaries. The total area of the country would then be **divided** into regions, each with its own governmental bodies exercising jurisdiction within the boundaries decided upon.

5.1.2 For purposes of the rational allocation of functions and powers, the same requirement would seem to hold as far as the local level of government is concerned. It is considered advisable that the total area of a region be divided into areas of jurisdiction for local authorities.

5.1.3 Although the performance of certain functions extends across boundaries, it should not be assumed that in every such instance the function necessarily has to be allocated to a higher level of government. Every function needs to be looked at separately and the possibility examined of adjacent authorities concluding co-operation agreements in respect of specified functions. There is also likely to be considerable scope for neighbouring authorities to co-ordinate similar activities.

5.2 **Organisation structures**

The suggestions concerning activities at the central and regional levels of government do not imply that in every instance there should be a corresponding, separate government department. Designing suitable departmental structures at the two levels of government would be a separate exercise, using the allocation of functions upon which agreement has been reached as the point of departure.

5.3 **Funding**

The suggestions regarding the allocation of functions and powers contained in this working document, should be seen also in the context of the need for a thoroughgoing revision and redesign of the system for funding authorities at the various levels of government. The aim should be to achieve a situation in which the allocation of financial means is fully in harmony with the deployment of functions and powers. The degree to which a government - at whatever level of government - can be truly effective and accountable in the performance of its functions and the exercise of its powers, is determined largely by the degree of rationality, clarity and certainty with which its rights to receive and generate revenue have been established.

MAIN FUNCTIONS

ALPHABETICAL LIST OF MAIN FUNCTIONS

DESIGNATION	SYNOPSIS	APPENDIX
Agriculture	Promotion of agriculture	1
Civic Affairs and Migration	Protection of the identity, status and certain rights of the inhabitants of and aliens in the RSA	2
Correctional Services	The detention, care, utilisation, development, treatment and community re-integration of prisoners and probationers	3
Education	Determination of national education policy and the provision of education	4
Energy Regulating	Regulating of energy resources	5
Environment Affairs	Ensuring the effective protection and sustainable utilisation of the environment	6
Finance	Ordering of fiscal and monetary activities	7
Forestry	The promotion of the development of forestry and the cultivation of trees	8
Health Services	Regulation and provision of health services	9
Housing and Urban Development	Assistance to satisfy minimum housing needs and the promotion of urban development	10
Justice	The provision of administrative and professional services in support of the administration of justice	11

Land Surveying and Deeds Registration	The rendering of geodetic, topographic and cadastral surveying services and the registration of deeds	12
Local Government	Promotion and regulation of local government	13
Manpower	Promotion of the rights and interests of individuals and groups in the labour field	14
Mining and Minerals	Promotion of the optimal utilisation of mineral resources and safe and healthy mining conditions	15
Police Services	The maintenance of law and order and the ensuring of internal security	16
Regional Development	Promotion of the rate of development of areas/regions with due consideration to physical, social and economic factors	17
Social Welfare	Advancement of social welfare and social security	18
Trade and Industrial Promotion	Promotion of an economically viable trade and industrial structure and the protection of consumer interests	19
Transport		
*Transport Affairs	Regulation of transport affairs	20
*Provision of Roads	Provision of and control of the utilisation of roads	21
Water Supply	Provision of water	22
Works	Supplying the accommodation, housing, land and other structural needs of government departments	23

MAIN FUNCTION: AGRICULTURE

SYNOPSIS: Promotion of agriculture.

	REGIONAL	CENTRAL	REMARKS
<u>DEPARTMENTAL ACTIVITIES</u>	<ol style="list-style-type: none"> 1. Policy development and planning in respect of legislative powers. 2. Promotion of animal health. 3. Promotion of resource conservation and utilisation measures. 4. Support of farmers and agricultural communities. 5. Improvement of livestock, plants and related products. 6. Provision of regional agricultural water supply schemes. 7. Regulating of co-operative affairs. 8. Development and support regarding agricultural engineering technology. 9. Promotion of applied agricultural research. 	<ol style="list-style-type: none"> 1. Policy development and planning in respect of legislative powers. 2. Development and application of requirements for the advancement of the quality of plant and animal material. 3. Promotion of foreign agricultural liaison. 4. Provision of remedies for animal health and the preparation of vaccines. 5. Control import and export of agricultural products 6. Control agricultural and stock remedies, stock feeds and fertilisers. 7. Promotion of fundamental agricultural research (Agricultural Research Board). 	It is envisaged that the services already rendered by local authorities could be extended in respect of hygiene standards and the erection of abattoirs.
<u>LEGISLATION, WITHIN PARAMETERS DETERMINED BY LEGISLATION OF THE CENTRAL LEVEL OF GOVERNMENT -</u>	<ol style="list-style-type: none"> 1. Animal health. 2. Water supply. 3. Resource development and utilisation. 4. Improvement of livestock, plants and related products. 5. Co-operative affairs. 6. Marketing of agricultural products. 7. Agricultural remedies. 8. Veterinary public health. 9. Livestock brands. 	None.	

LEGISLATION, IN
OWN RIGHT -

1. Subdivision of agricultural land.
2. Hygiene standards.
3. Abattoirs.
4. Support of farmers and agricultural communities.

1. The registration and improvement of livestock, plants and related products.
2. Import and export of agricultural products.
3. Control over agricultural and stock remedies, stock feeds and fertilisers.
4. Co-operative affairs.
5. Marketing of agricultural products.
6. Water supply for agricultural purposes.
7. Promotion of animal health.
8. Resource conservation and utilisation.
9. Norms and standards in respect of veterinary public health.
10. Agricultural research.

MAIN FUNCTION : CIVIC AFFAIRS AND MIGRATION

SYNOPSIS: Protection of the identity, status and certain rights of the inhabitants of and aliens in the RSA.

	REGIONAL	CENTRAL	REMARKS
<u>DEPARTMENTAL ACTIVITIES</u>	<ol style="list-style-type: none"> 1. Policy development appropriate to regional level. 2. Controlling the admission, temporary residence and departure of persons. 3. Removal of illegal aliens. 4. Conducting regional elections and referendums. 	<ol style="list-style-type: none"> 1. Policy development, especially with regard to matters listed under "Legislation". 2. Maintaining a central population register. 3. Granting of permanent residence rights. 4. Deprivation of citizenship. 5. Deportation of undesirable persons. 6. Issuing of international travel documents. 7. Conducting national elections and referendums. 	<p>There would appear to be considerable scope for improving the service rendered to the public by utilising local authorities for the receiving and disposing of applications as well as the issuing of relevant certificates/documents regarding -</p> <ul style="list-style-type: none"> - the registration of births, marriages and deaths, amendment of personal particulars in the population register and identity documents; and - citizenship matters.
<u>LEGISLATION, WITHIN PARAMETERS DETERMINED BY LEGISLATION OF THE CENTRAL LEVEL OF GOVERNMENT</u>	<ol style="list-style-type: none"> 1. Elections at regional level. 2. Public holidays. 	None.	
<u>LEGISLATION, IN OWN RIGHT</u>	None.	<ol style="list-style-type: none"> 1. Registration of births, marriages and deaths as well as identity documentation. 2. Citizenship. 3. Aliens control. 4. Marriages. 5. Elections and referendums. 6. Public holidays. 	

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MAIN FUNCTION: CORRECTIONAL SERVICES

SYNOPSIS: The detention, care, utilisation, development, treatment and community re-integration of prisoners and probationers.

	REGIONAL	CENTRAL	REMARKS
<u>DEPARTMENTAL ACTIVITIES</u>	<ol style="list-style-type: none"> 1. Policy development, especially with regard to the matters indicated under "Legislation". 2. The provision of offender control services: <ul style="list-style-type: none"> - Prisons services. - Physical care of prisoners. - Community correction services. 3. The provision of development and treatment services: <ul style="list-style-type: none"> - Psychological services. - Social work services. - Education and training. - Religious care. 4. The provision of operational services: <ul style="list-style-type: none"> - Agricultural services. - Building works. - Workshops. 	None	On the basis of the analytical approach followed - <u>vide</u> Introduction - and provided a commitment to adhere to international conventions and minimum standards for the treatment of prisoners is written into the Constitution, the function can be completely devolved to the regional level of government.
<u>LEGISLATION, WITHIN PARAMETERS DETERMINED BY LEGISLATION OF THE CENTRAL LEVEL OF GOVERNMENT -</u>	None	None	
<u>LEGISLATION, IN OWN RIGHT -</u>	The provision of offender control services, development and treatment programmes and operational services.	None	

MAIN FUNCTION: EDUCATION

SYNOPSIS: Determination of national education policy and the provision of education.

	REGIONAL	CENTRAL	REMARKS
<u>DEPARTMENTAL ACTIVITIES</u>	<ol style="list-style-type: none"> 1. Policy development concerning pre-tertiary education, post-school education and teacher training in respect of the matters listed under "Legislation". 2. Examinations and certification of qualifications. 3. Provision of post-school education, teacher training and education for pupils with special learning needs. 4. Dealing with matters regarding universities and technikons. 	Policy development, especially with regard to the matters listed under "Legislation".	The provision of pre-tertiary education has not been included under either the central or regional levels of government. On the basis of the analytical approach briefly described in the Introduction, it would appear to be highly desirable to place the performance of this function as close as possible to the community to be served, viz. the responsible local authority. Such placement would presuppose the satisfaction by the local authorities of basic criteria of legitimacy and viability, as well as the effective maintenance at a higher level of government of acceptable standards regarding teaching programme development, examinations and qualifications, and teacher training. This is a possibility deserving of thorough further examination and consideration.
<u>LEGISLATION, WITHIN PARAMETERS DETERMINED BY LEGISLATION OF THE CENTRAL LEVEL OF GOVERNMENT -</u>	<ol style="list-style-type: none"> 1. Provision of pre-tertiary education, post-school education and teacher training. 2. Education programmes. 3. Examinations and certification of qualifications. 	None	
<u>LEGISLATION, IN OWN RIGHT -</u>	<ol style="list-style-type: none"> 1. Employment of CS-educators. 	<ol style="list-style-type: none"> 1. Legal persona and general regulation of different types of educational institutions. 2. Education programmes. 3. Professional registration of educators. 4. Examinations and certification of qualifications. 5. Labour relations concerning educators. 	

MAIN FUNCTION: ENERGY REGULATING

SYNOPSIS: Regulating of energy resources.

	REGIONAL	CENTRAL	REMARKS
<u>DEPARTMENTAL ACTIVITIES</u>	None	<ol style="list-style-type: none">1. Policy development and planning especially with regard to matters listed under "Legislation".2. Regulation of and advise on the development and utilisation of energy resources.3. Regulation of and advice on the acquisition and distribution of transport energy resources.	
<u>LEGISLATION, WITHIN PARAMETERS DETERMINED BY LEGISLATION OF THE CENTRAL LEVEL OF GOVERNMENT -</u>	None.	None.	
<u>LEGISLATION, IN OWN RIGHT -</u>	None.	<ol style="list-style-type: none">1. The generating and utilisation of electrical energy, natural gas and the application of coal and other energy resources.2. Acquisition and distribution of transport energy resources.	

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MAIN FUNCTION : ENVIRONMENT AFFAIRS

SYNOPSIS: Ensuring the effective protection and sustainable utilisation of the environment.

	REGIONAL	CENTRAL	REMARKS
<u>DEPARTMENTAL ACTIVITIES</u>	<ol style="list-style-type: none"> 1. Policy development appropriate to the regional level. 2. Regulation of conservation and utilisation of marine resources. 3. Acquisition and management of protected areas at regional level. 4. Protection of fauna and flora. 5. Promotion of ecotourism and nature orientated outdoor recreation. 6. Promotion of environment conservation. 7. Evaluation of environment impact studies and development activities in regional context. 8. Evaluation of the effective enforcement of environment impact and pollution control measures. 9. Environmental education. 	<ol style="list-style-type: none"> 1. Policy development, especially with regard to the matters listed under "Legislation". 2. Provision of meteorological services. 3. Evaluation of environment impact studies and control of development activities of a national character and dimension. 4. Prevention of the dumping of waste by foreign powers. 5. Regulation of cross border transport of hazardous substances. 6. Administration of the Antarctic Treaty and identified Islands. 7. Acquisition, protection and management of species and areas of national and international environmental importance. 	
<u>LEGISLATION, WITHIN PARAMETERS DETERMINED BY LEGISLATION OF THE CENTRAL LEVEL OF GOVERNMENT</u>	<ol style="list-style-type: none"> 1. Impact of development activities on the environment as well as rehabilitation and pollution control. 2. Control and utilisation of coastal areas. 	None.	
<u>LEGISLATION, IN OWN RIGHT</u>	<ol style="list-style-type: none"> 1. Conservation of ecosystems and species. 	<ol style="list-style-type: none"> 1. Impact of development activities and utilisation of resources on the environment as well as rehabilitation (integrated environment management). 2. Protection of species and areas of national and international importance. 3. Environment pollution control and waste management. 4. Control and utilisation of marine resources and coastal areas. 	

MAIN FUNCTION: FINANCE

SYNOPSIS: Ordering of fiscal and monetary activities.

	REGIONAL	CENTRAL	REMARKS
<u>DEPARTMENTAL ACTIVITIES</u>	<ol style="list-style-type: none"> 1. Policy development and planning appropriate to regional level of government. 2. Compilation of the budget of revenue and expenditure for the regional government. 3. Application of fiscal discipline and promotion of economic development. 4. Application of inter-governmental fiscal relations. 5. Collection of constitutionally assigned revenue and levies. 6. Administration of the income and expenditure accounts of the regional government. 7. Administration of the region's official debt and arranging domestic loans. 8. Administration of the region's Exchequer Act including the following: <ul style="list-style-type: none"> - Granting of dispensation to regional institutions. - Development and application of space and cost norms in the region. - Regulating the procurement of supplies and services for, the disposal of movable property of, the hiring or letting of anything, or the acquisition or granting of any right for or on behalf of the regional government. - Development and application of regulations for control of public moneys and property. - Development and maintenance of bookkeeping systems. 	<ol style="list-style-type: none"> 1. Macro-economic, fiscal (expenditure and taxes) and monetary policy development, including multi-year economic and fiscal planning. 2. Administration of state debt and arranging domestic and foreign loans. 3. Administration of state revenue account and state investment portfolio. 4. Determination of policy, application and co-ordination with lower level authorities in respect of fiscal, monetary and economic measures, as well as orderly inter-governmental fiscal relations. 5. Promotion of international financial relations. 6. Collection of constitutionally designated revenue and levies. 7. Imposition and collection of duties on imported and locally manufactured goods. 8. Compilation of the central government's budget of revenue and expenditure. 9. Supervision of spending programmes of executive institutions. 10. Administration of the Exchequer Act including the following: <ul style="list-style-type: none"> - Granting of dispensation. - Development and application of space and costs norms. - Regulating the procurement of supplies and services for, the disposal of movable property of, the hiring or letting of anything, or the acquisition or granting of any right for or on behalf of the State. - Development and application of policy for control of State moneys and property (Treasury Instructions). - Development and maintenance of bookkeeping systems. 	<p>As far as the collection of taxes is concerned, it is foreseen that there could be a single revenue collecting body serving the central and regional governments.</p>

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<p><u>LEGISLATION, WITHIN PARAMETERS DETERMINED BY LEGISLATION OF THE CENTRAL LEVEL OF GOVERNMENT -</u></p>	<ol style="list-style-type: none"> 1. Taxes, duties and levies. 2. Inter-governmental financial relations. 3. Auditing. 	<p>None.</p>	
<p><u>LEGISLATION, IN OWN RIGHT -</u></p>	<ol style="list-style-type: none"> 1. Certain taxes, duties and levies. 2. Regional treasury matters. 3. Inter-governmental financial relations. 4. Procurement administration. 	<ol style="list-style-type: none"> 1. Taxes, duties and levies. 2. Financial and monetary systems. 3. Inter-governmental fiscal relations. 4. The imposition of duties on goods. 5. Treasury matters in general. 6. Auditing. 7. Procurement administration. 	

MAIN FUNCTION: FORESTRY

SYNOPSIS: The promotion of the development of forestry and the cultivation of trees.

	REGIONAL	CENTRAL	REMARKS
<u>DEPARTMENTAL ACTIVITIES</u>	<ol style="list-style-type: none"> 1. Policy development appropriate to the regional level. 2. Control of afforestation within the framework of a national afforestation plan. 3. Control the quality of timber. 4. Conservation and utilisation of indigenous forests and other conservation areas. 5. Promotion of the cultivation of trees to combat the deterioration of the environment. 6. Promotion of the forestry industry. 7. Management, control and operation of commercial state forests and timber processing plants. 	<ol style="list-style-type: none"> 1. Policy development, especially with regard to the matters listed under "Legislation". 2. Development of an afforestation plan for the RSA. 3. Proclamation of protected trees. 4. Management, control and operation of commercial state forests and timber processing plants. 5. International liaison. 	<p>The management, control and operation of commercial state forests of the RSA has been entrusted to the SA Forestry Company. It would not appear to be imperative that all forests should be thus managed and operated by a single national company. The establishment of companies for commercial forestry at regional level warrants consideration.</p>
<u>LEGISLATION, WITHIN PARAMETERS DETERMINED BY LEGISLATION OF THE CENTRAL LEVEL OF GOVERNMENT -</u>	<ol style="list-style-type: none"> 1. Control of afforestation. 2. Control of the quality of timber. 3. Protection of trees and forest ecosystems. 4. Management of indigenous forests and other conservation areas on State forest land. 	None.	
<u>LEGISLATION, IN OWN RIGHT -</u>	<ol style="list-style-type: none"> 1. Prevention and combatting of grass/bush/mountain fires. 2. Promotion of the forestry industry. 3. Hiking trails. 4. Management, control and operation of state forests cultivated for commercial purposes as well as timber processing plants. 	<ol style="list-style-type: none"> 1. Afforestation. 2. The quality of timber. 3. Control of the wattle bark industry. 4. Proclamation of protected trees. 5. Management, control and operation of state forests cultivated for commercial purposes as well as timber processing plants. 6. Management of indigenous forests and other conservation areas on State forest land. 	

MAIN FUNCTION : HEALTH SERVICES

SYNOPSIS: Regulation and provision of health services.

	REGIONAL	CENTRAL	REMARKS
<u>DEPARTMENTAL ACTIVITIES</u>	<ol style="list-style-type: none"> 1. Policy development appropriate to the regional level, especially with regard to the matters listed under "Legislation". 2. Provision of advanced medical services attached to medical faculties. 3. Provision of regional hospital services. 4. Provision of forensic pathology specialist services and chemical forensic laboratory services. 5. Training of medical, dental, nursing and other auxiliary health staff. 6. Arrangement of medical emergency services. 7. Provision of professional, technical and other auxiliary services, including medical emergency services. 8. Control the establishment of private hospitals and associated institutions. 9. Licensing of institutions in terms of the Mental Health Act. 	<ol style="list-style-type: none"> 1. Policy development, especially with regard to matters listed under "Legislation". 2. Provision of a medical diagnostic service with regard to people who work in controlled mines and industries. 3. Operation and/or funding of national health research institutions. 4. Registration of drugs, medical specialists equipment and associated control activities. 5. Regulating hazardous substances, including radiation products. 	<p>It is foreseen that local authorities could play a greater role in the health field, with regard <u>inter alia</u> to -</p> <ul style="list-style-type: none"> - primary health care and environmental health services; - community hospitals; - private hospitals and associated institutions; - district surgeon services; and - emergency medical services.
<u>LEGISLATION, WITHIN PARAMETERS DETERMINED BY LEGISLATION OF THE CENTRAL LEVEL OF GOVERNMENT</u>	<ol style="list-style-type: none"> 1. Prevention and control of environmental conditions that constitute a health hazard, as well as hazardous substances. 2. Prevention and treatment of transferable and communicable diseases. 	None.	

	REGIONAL	CENTRAL	REMARKS
<u>LEGISLATION, IN OWN RIGHT</u>	<ol style="list-style-type: none"> 1. Secondary and tertiary health institutions. 2. Nursing and other auxiliary health staff training institutions. 3. Private hospitals and institutions. 4. Emergency medical services. 	<ol style="list-style-type: none"> 1. Environmental conditions that constitute a health hazard and hazardous substances. 2. Transferable and communicable diseases. 3. Drugs. 4. Human tissue. 5. Sterilisation and abortion. 6. Medical schemes. 7. Control bodies with regard to health professions. 8. Mental health. 9. Ex-officio medical services. 	

MAIN FUNCTION: HOUSING AND URBAN DEVELOPMENT

SYNOPSIS: Assistance to satisfy minimum housing needs and the promotion of urban development.

	REGIONAL	CENTRAL	REMARKS
<u>DEPARTMENTAL ACTIVITIES</u>	<ol style="list-style-type: none"> 1. Policy development, planning, programming and co-ordination appropriate to the regional level. 2. Policy implementation. 3. Resource allocation and administration. 4. Support of local authorities. 	<ol style="list-style-type: none"> 1. Policy development and planning, especially with regard to matters listed under "Legislation". 2. Mobilisation and broad allocation of resources. 3. Macro planning, co-ordination and monitoring of housing provision and urban development. 	It is foreseen that local authorities could play a much greater role than heretofore in the provision of housing.
<u>LEGISLATION, WITHIN PARAMETERS DETERMINED BY LEGISLATION OF THE CENTRAL LEVEL OF GOVERNMENT -</u>	<ol style="list-style-type: none"> 1. Provision of housing. 	None.	
<u>LEGISLATION, IN OWN RIGHT -</u>	<ol style="list-style-type: none"> 1. Rent control. 2. City renewal programmes. 	<ol style="list-style-type: none"> 1. Provision of housing and management of urban development, including - <ul style="list-style-type: none"> - housing strategy; - norms and standards; and - housing assistance measures. 	

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MAIN FUNCTION: JUSTICE

SYNOPSIS: The provision of administrative and professional services in support of the administration of justice.

	REGIONAL	CENTRAL	REMARKS
<u>DEPARTMENTAL ACTIVITIES</u>	<ol style="list-style-type: none"> 1. Policy development, appropriate to the regional level and especially with regard to matters listed under "Legislation". 2. Provision of facilities and auxiliary services for the functioning of the regional division of the Supreme Court. 3. Institution of prosecutions in criminal courts, appearance in judicial inquiries and as <u>curator ad litem</u> for the mentally ill. 4. Protection of the interests of minors and dependant children in divorce actions (Family Advocate). 5. Administration of estates and the protection of the interests of legally incompetent persons. 6. Investigation of complaints regarding actions of official bodies and misappropriation of public funds and property. 	<ol style="list-style-type: none"> 1. Policy development, especially with regard to the matters listed under "Legislation". 2. Provision of facilities and auxiliary services for the Appellate Division of the Supreme Court. 3. Investigation of serious economic offences. 4. Investigation of complaints regarding the actions of official bodies and misappropriation of public funds and property. 5. Furnishing of advice to the head of state with regard to specified matters. 6. Extradition of offenders. 	<p>It is possible that local authorities could also play a substantial role in supporting the judicial system, for instance by the provision of facilities and auxiliary services to lower courts. The feasibility of entrusting certain activities within the particular functional area to local authorities warrants careful consideration. Activities which cannot be satisfactorily dealt with at the local level will, in accordance with the analytical approach followed - <u>vide</u> Introduction - have to be entrusted to the regional level.</p>
<u>LEGISLATION, WITHIN PARAMETERS DETERMINED BY LEGISLATION OF THE CENTRAL LEVEL OF GOVERNMENT -</u>	<ol style="list-style-type: none"> 1. The functioning of the regional division of the Supreme Court. 2. Administration of estates and the protection of the interests of legally incompetent persons. 	None	

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LEGISLATION, IN OWN
RIGHT -

1. Protection of the interests of minors and dependant children in divorce actions (Family Advocate).
2. Office, functions and powers of the Ombudsman.
3. Rules with regard to the administration of the functioning of lower courts.
4. Appointment/assignment of:
 - Justices of the peace.
 - Peace officers.
 - Commissioners of oaths.
 - Valuers.
 - Sheriffs.

1. Serious economic offences.
2. Office, functions and powers of the Ombudsman.
3. Court structures, procedures and jurisdiction.
4. Interception of mail and communications and the monitoring of conversations.
5. Prosecutions, judicial inquiries and appearance as curator ad litem for the mentally ill.
6. Matters concerning the divisions of the Supreme Court.
7. Estates and protection of the interests of legally incompetent persons.

MAIN FUNCTION: LAND SURVEYING AND DEEDS REGISTRATION

SYNOPSIS: The rendering of geodetic, topographic and cadastral surveying services and the registration of deeds.

	REGIONAL	CENTRAL	REMARKS
<u>DEPARTMENTAL ACTIVITIES</u>	<ol style="list-style-type: none"> 1. Policy development and planning in respect of legislative powers. 2. Examination and approval of cadastral surveys. 3. Savekeeping of cadastral survey records. 4. Registration of deeds and sectional titles. 5. Registration of notarially executed deeds. 6. Savekeeping of records. 	<ol style="list-style-type: none"> 1. Policy development and planning in respect of legislative powers. 2. Development and maintenance of the geodetic, topographic and cadastral survey systems. 3. Compilation and maintenance of topographic and cadastral maps for the national map series. 4. Establishment of a national triangulation network. 5. Development and maintenance of a national system for the registration of deeds. 	The need for a uniform system throughout the country dictates that regional legislation would cover only procedural matters.
<u>LEGISLATION, WITHIN PARAMETERS DETERMINED BY LEGISLATION OF THE CENTRAL LEVEL OF GOVERNMENT -</u>	<ol style="list-style-type: none"> 1. Registration of deeds and sectional titles. 2. Registration of notarially executed deeds. 3. Surveying of land. 	None.	
<u>LEGISLATION, IN OWN RIGHT -</u>	None.	<ol style="list-style-type: none"> 1. Deeds and sectional titles. 2. Notarially executed deeds. 3. Geodetic, topographic and cadastral surveying. 	

MAIN FUNCTION: LOCAL GOVERNMENT

SYNOPSIS: Promotion and regulation of local government.

	REGIONAL	CENTRAL	REMARKS
<u>DEPARTMENTAL ACTIVITIES</u>	<ol style="list-style-type: none"> 1. Policy development, especially with regard to matters listed under "Legislation". 2. Rendering of administrative support to local government institutions to promote development towards autonomy. 3. Declaration of disasters. 4. Regional space planning. 	None.	<ol style="list-style-type: none"> 1. It is foreseen that the promotion and regulation of local government in a new dispensation could best be dealt with at the regional level of government. No functions or legislative powers are therefore suggested for the central level of government. 2. There would appear to be considerable scope for local authorities to manage a considerably wider spectrum of functions than in the past, provided basic criteria of legitimacy and viability are satisfied.
<u>LEGISLATION, WITH- IN PARAMETERS DETERMINED BY LEGISLATION OF THE CENTRAL LEVEL OF GOVERN- MENT -</u>	None.	None.	
<u>LEGISLATION, IN OWN RIGHT -</u>	<ol style="list-style-type: none"> 1. Establishment of local governments. 2. Loans to local governments. 3. Demarcation of areas of jurisdiction. 4. Budgetary matters. 5. Disasters. 6. Regional space planning. 7. Institutional matters in respect of local government. 8. Land utilisation. 9. Norms for fire brigade services. 10. Local government administrative systems. 11. Standards for local government training. 12. Norms for civil protection services. 13. Estimates/valuations. 	None.	

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MAIN FUNCTION : MANPOWER

SYNOPSIS: Promotion of the rights and interests of individuals and groups in the labour field.

	REGIONAL	CENTRAL	REMARKS
<u>DEPARTMENTAL ACTIVITIES</u>	<ol style="list-style-type: none"> 1. Policy development and planning in respect of legislative powers. 2. Registration of trade unions, employers' organisations and industrial councils as well as the regulation of labour relations in regional context. 3. Registration of labour brokers. 4. Exemption from minimum conditions of employment. 5. Determining of minimum wages as well as exemption therefrom. 6. Exemption from minimum requirements in respect of occupational safety standards. 7. Promotion of manpower training. 	<ol style="list-style-type: none"> 1. Policy development, especially with regard to matters listed under "Legislation". 2. Maintenance of a national register in respect of trade unions, employers' organisations and industrial councils and the administration of certain matters concerning organised labour on national level. 3. Administration of tribunals for the settlement of labour disputes. 4. Maintenance of accident and unemployment insurance funds. 5. Issuing of certificates of competence to engineers as well as the registration of installation electricians and forklift operators. 6. Certification of divers and diving supervisor training. 7. Certification of respirators and auditory protectors. 8. Accreditation of bodies for the inspection of vehicles which transport substances under pressure. 	<p>Various services and regulatory activities in the manpower field not shown under either the central or regional levels of government, could be provided and conducted effectively by local authorities. The utilisation of this potential for increased involvement of local authorities warrants serious consideration.</p>
<u>LEGISLATION, WITHIN PARAMETERS DETERMINED BY LEGISLATION OF THE CENTRAL LEVEL OF GOVERNMENT</u>	<ol style="list-style-type: none"> 1. Matters concerning conditions of employment. 2. Safety of work places and machinery (occupational safety). 	None.	
<u>LEGISLATION, IN OWN RIGHT</u>	<ol style="list-style-type: none"> 1. Minimum wages. 2. Promotion of manpower training. 3. Placement and career guidance services. 	<ol style="list-style-type: none"> 1. Accident and occupational disease insurance. 2. Unemployment insurance. 3. Safety measures regarding the manufacture of explosives. 4. Labour relations. 5. Minimum conditions of employment. 6. Minimum standards in respect of safety of work places and machinery. 7. Manpower training certification. 	

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MAIN FUNCTION: MINING AND MINERALS

SYNOPSIS: Promotion of the optimal utilisation of mineral resources and safe and healthy mining conditions.

	REGIONAL	CENTRAL	REMARKS
<u>DEPARTMENTAL ACTIVITIES</u>	<ol style="list-style-type: none"> 1. Policy development appropriate to the regional level, and especially with regard to the matters listed under "Legislation". 2. Regulation of the orderly disposal, alienation and expropriation of mineral and land rights. 3. Issuing of authorizations for prospecting, mining, the removal of minerals and the disposal thereof. 4. Safekeeping of registered mining rights and titles. 5. Application of standards in respect of mining rehabilitation and mining hygiene. 6. Ensure the optimal mining of mineral resources. 7. Enforcement of safety and health standards in respect of mining activities and equipment. 	<ol style="list-style-type: none"> 1. Policy development, especially with regard to the matters indicated under "Legislation". 2. Development of safety and health standards for mining activities and equipment. 3. Development of standards in respect of mining rehabilitation and mining hygiene. 4. Identification, assessment and mapping of the nature and extent of mineral resources and reserves. 5. Provision of scientific and technological support to the mining and mineral industry. 	<p>It is a debatable question whether minerals should be regarded as regional or national assets. In the event of minerals being classified as national assets, legislative powers would have to be allocated to the central level of government.</p>
<u>LEGISLATION, WITHIN PARAMETERS DETERMINED BY LEGISLATION OF THE CENTRAL LEVEL OF GOVERNMENT -</u>	<ol style="list-style-type: none"> 1. Application of safety and health standards for mining activities and equipment. 2. Application of standards in respect of mining rehabilitation and mining hygiene. 	None.	
<u>LEGISLATION, IN OWN RIGHT -</u>	<ol style="list-style-type: none"> 1. Mineral and land rights in respect of mining. 2. Prospecting rights. 3. Performance of mining activities. 4. Removal and utilisation of minerals. 5. Registration of mine rights and titles. 	<ol style="list-style-type: none"> 1. Determination of safety and health standards for mining activities and equipment, including standards for certificates of competency in respect of certain groups of mine workers and certain operators of mining equipment. 2. Determination of standards in respect of mining rehabilitation and mining hygiene. 	

MAIN FUNCTION: POLICE SERVICES

SYNOPSIS: The maintenance of law and order and the ensuring of internal security.

	REGIONAL	CENTRAL	REMARKS
<u>DEPARTMENTAL ACTIVITIES</u>	None	<ol style="list-style-type: none"> 1. Policy development especially with regard to the matters indicated under "Legislation". 2. Rendering of a national information and investigation service with regard to organized crime. 3. Maintenance of international police liaison ("INTERPOL"). 4. Rendering of a central criminal record service. 5. Rendering of a forensic laboratory service. 6. Maintenance and development of professional standards (including training and certification of police officers). 	<p>On the basis of the analytical approach followed - <u>vide</u> the Introduction - it would seem that communities would be best served if they were themselves to accept responsibility for the provision of day to day policing services in their locality. In effect this would mean that local authorities would be entrusted with visible policing and ordinary crime combatting and investigation, including appropriately defined legislative powers. In summary therefore, the policing function is seen as one that could be deployed between the central and local level of government, excluding the regional level. A phased implementation would no doubt be necessary.</p>
<u>LEGISLATION, WITHIN PARAMETERS DETERMINED BY LEGISLATION OF THE CENTRAL LEVEL OF GOVERNMENT -</u>	None	None	
<u>LEGISLATION, IN OWN RIGHT -</u>	None	Regulation of policing services with regard to - <ul style="list-style-type: none"> - organised crime; - international liaison; - criminal records; and - forensic laboratory work. 	

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MAIN FUNCTION: REGIONAL DEVELOPMENT

SYNOPSIS: Promotion of the rate of development of areas/regions, with due consideration to physical, social and economic factors.

	REGIONAL	CENTRAL	REMARKS
<u>DEPARTMENTAL ACTIVITIES</u>	1. Policy development and planning in respect of legislative powers. 2. Appropriate action to promote the attainment of regional development aims.	None.	It is envisaged that local authorities could be substantially involved in development activities.
<u>LEGISLATION, WITHIN PARAMETERS DETERMINED BY LEGISLATION OF THE CENTRAL LEVEL OF GOVERNMENT -</u>	None.	None.	
<u>LEGISLATION, IN OWN RIGHT -</u>	Development plans and programmes.	None.	

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MAIN FUNCTION : SOCIAL WELFARE

SYNOPSIS: Advancement of social welfare and social security.

	REGIONAL	CENTRAL	REMARKS
<u>DEPARTMENTAL ACTIVITIES</u>	<ol style="list-style-type: none"> 1. Policy development appropriate to the regional level, especially with regard to the matters listed under "Legislation". 2. Provision and/or arrangement for the provision of residential and non-residential facilities. 3. Regulation of fund-raising in regional context. 4. Rendering of social distress relief. 	<ol style="list-style-type: none"> 1. Policy development, especially with regard to the matters listed under "Legislation". 2. Operation of an overall social welfare data base. 3. Regulation of national fund-raising. 4. Proclamation of national disaster situations. 5. Registration of national welfare organisations. 6. Maintenance of national statutory social welfare registers. 	<p>It is foreseen that voluntary welfare organisations will continue to play a major and indispensable role in the provision of professional welfare services, and to this end will continue to be subsidised from public funds. In view of the responsibilities of local authorities towards their communities, it would appear to be necessary to redefine their role in the welfare field.</p>
<u>LEGISLATION, WITHIN PARAMETERS DETERMINED BY LEGISLATION OF THE CENTRAL LEVEL OF GOVERNMENT</u>	<ol style="list-style-type: none"> 1. Determining of standards for statutory prescribed treatment. 2. Procedures for the consideration and payment of social allowances. 	None.	
<u>LEGISLATION, IN OWN RIGHT</u>	<ol style="list-style-type: none"> 1. Registration of regional welfare organisations and fund-raising organisations. 2. Determining of criteria for financial grants to welfare organisations for social welfare programmes. 3. Disasters and emergencies in regional context. 4. Residential and non-residential facilities and treatment. 5. Regional consultative structures. 	<ol style="list-style-type: none"> 1. Social security. 2. Statutory intervention in the lives of people. 3. The social work profession and probation officers. 4. National consultative structures for social welfare. 5. National fund-raising. 6. National disasters. 	

976

MAIN FUNCTION: TRADE AND INDUSTRIAL PROMOTION

SYNOPSIS: Promotion of an economically viable trade and industrial structure and the protection of consumer interests.

	REGIONAL	CENTRAL	REMARKS
<u>DEPARTMENTAL ACTIVITIES</u>	<ol style="list-style-type: none"> 1. Policy development appropriate to the regional level. 2. Protection of consumers. 3. Promotion of the establishment of industries. 4. Promotion of the regional tourism industry. 5. Promotion of small business development. 	<ol style="list-style-type: none"> 1. Policy development, especially with regard to the matters listed under "Legislation". 2. Maintaining and promotion of an orderly industrial structure. 3. Promotion of orderly and fair internal trade. 4. Promotion of foreign trade and exports. 5. Promotion of industrial standardization and quality. 6. Regulation of measuring standards. 7. Protection of rights in patents, trade marks and designs. 	It would appear that small business development could also be appropriately and successfully promoted at the local level of government.
<u>LEGISLATION, WITHIN PARAMETERS DETERMINED BY LEGISLATION OF THE CENTRAL LEVEL OF GOVERNMENT -</u>	<ol style="list-style-type: none"> 1. Establishment of industries. 2. Protection of consumers. 	None.	
<u>LEGISLATION, IN OWN RIGHT -</u>	<ol style="list-style-type: none"> 1. Small business development. 2. The supply and sale of alcoholic beverages. 	<ol style="list-style-type: none"> 1. Industrial and business development and protection. 2. Internal trade and consumer affairs. 3. National measuring standards. 4. Foreign trade relations, imports and exports. 5. Strategic national supplies. 6. Rights in patents, trade marks and designs. 7. Registration and administration of companies, closed corporations and control of share blocks. 8. Scientific and technological research and development. 	

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MAIN FUNCTION: TRANSPORT AFFAIRS

SYNOPSIS: Regulation of transport affairs.

	REGIONAL	CENTRAL	REMARKS
<u>DEPARTMENTAL ACTIVITIES</u>	<ol style="list-style-type: none"> 1. Policy development and planning appropriate to the regional level. 2. Proclamation of metropolitan transport areas. 3. Administration of urban transport fund. 4. Operation of NATIS. 5. Regulation of road transport. 	<ol style="list-style-type: none"> 1. Policy development, especially with regard to the matters listed under "Legislation". 2. Developing norms and standards for passenger transport. 3. Developing norms and standards for urban transport. 4. Dealing with matters regarding the Rail Commuter Corporation. 5. Arranging the operation of the Multilateral Motor Vehicle Insurance Fund. (Third Party Insurance) 6. Developing and maintaining NATIS. 7. Developing of national principles for road traffic. 8. Maintaining air and shipping safety. 9. Controlling port infrastructure. 10. Arranging for the enforcement of international conventions and agreements with regard to air and shipping safety as well as oil pollution. 11. Co-ordination of the Republic's search and rescue operations and liaison with neighbouring states. 	
<u>LEGISLATION, WITHIN PARAMETERS DETERMINED BY LEGISLATION OF THE CENTRAL LEVEL OF GOVERNMENT -</u>	<ol style="list-style-type: none"> 1. Control of transport matters. 	None.	
<u>LEGISLATION, IN OWN RIGHT -</u>	<ol style="list-style-type: none"> 1. Financial assistance for passenger and commuter transport. 2. Urban Transport Fund. 	<ol style="list-style-type: none"> 1. Rail Commuter Corporation. 2. Road transport. 3. Third Party Insurance. 4. Air and shipping safety. 5. Pollution of the sea by oil and ships. 6. Enforcement of international search and rescue conventions. 	

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MAIN FUNCTION: PROVISION OF ROADS

SYNOPSIS: Provision of and control of the utilisation of roads.

	REGIONAL	CENTRAL	REMARKS
<u>DEPARTMENTAL ACTIVITIES</u>	<ol style="list-style-type: none"> 1. Policy development and planning appropriate to the regional level and especially with regard to the matters listed under "Legislation". 2. Planning, design, construction and maintenance of national and secondary roads. 3. Control of land usage along roads. 4. Operation of a regional motor vehicle registration system. 5. Enforcement of road traffic and traffic safety regulations. 	<ol style="list-style-type: none"> 1. Policy development and planning, especially with regard to the matters indicated under "Legislation". 2. Provision and management of national road network. 3. Establishing standards for the design, construction and maintenance of national roads. 	There would appear to be scope for local authorities to play a larger role in the system of road provision.
<u>LEGISLATION, WITHIN PARAMETERS DETERMINED BY LEGISLATION OF THE CENTRAL LEVEL OF GOVERNMENT -</u>	<ol style="list-style-type: none"> 1. Road traffic management. 	None.	
<u>LEGISLATION, IN OWN RIGHT -</u>	<ol style="list-style-type: none"> 1. Control of land usage along secondary roads. 2. Planning, construction and maintenance of secondary roads. 3. Subsidised roads. 4. Motor vehicle registration. 5. Road transport permits. 	<ol style="list-style-type: none"> 1. National and toll roads. 2. Road traffic management. 	

bfb

MAIN FUNCTION: WATER SUPPLY

SYNOPSIS: Provision of water.

	REGIONAL	CENTRAL	REMARKS
<u>DEPARTMENTAL ACTIVITIES</u>	<ol style="list-style-type: none"> 1. Policy development and planning appropriate to the regional level, and especially with regard to the matters listed under "Legislation". 2. Apportionment of water within the limits of allocated water rights. 3. Control of the damming, storage and release of water and the use of water from allocated sources in regional context. 4. Establishment and control of regional water supply bodies. 5. Application of a water quality management plan. 6. Development and management of regional water schemes. 7. Enforcement of dam safety regulations. 8. Rendering of financial assistance to local governments for the erection of water and sewage works. 	<ol style="list-style-type: none"> 1. Policy development and planning, especially with regard to the matters listed under "Legislation". 2. Development of national water schemes as well as joint water schemes with neighbouring states. 3. Apportionment of water from centrally controlled sources. 4. Control of the damming, storage and release of water, and the use of water from allocated sources. 5. Development and maintenance of a water quality management plan. 6. Management and control of national water schemes. 7. Control of the safety of dams. 8. Promotion of water research. 	The proposed allocation of activities should not affect services regarding the provision of water already rendered by local authorities.
<u>LEGISLATION, WITHIN PARAMETERS DETERMINED BY LEGISLATION OF THE CENTRAL LEVEL OF GOVERNMENT -</u>	<ol style="list-style-type: none"> 1. Apportionment of water. 2. Damming, storage, release and use of water. 3. Water quality management. 	None.	
<u>LEGISLATION, IN OWN RIGHT -</u>	<ol style="list-style-type: none"> 1. Development, management and control of allocated water schemes. 2. Water and irrigation boards. 3. Assistance to local governments. 	Water supply matters, including: <ul style="list-style-type: none"> - Apportionment of water. - The damming, storage, release and distribution of water. - Agreements with neighbouring states. - Quality of water. - Development of water resources. - Management and control of national water schemes. - Safety of dams. - Water rights. - Water research. 	

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MAIN FUNCTION: WORKS

SYNOPSIS: Supplying the accommodation, housing, land and other structural needs of government departments.

	REGIONAL	CENTRAL	REMARKS
<u>DEPARTMENTAL ACTIVITIES</u>	<ol style="list-style-type: none"> 1. Policy development, especially with regard to the matters listed under "Legislation". 2. Acquisition, provision, utilisation and disposal of accommodation. 3. Procurement and disposal of fixed property. 4. Supply and maintenance of furniture. 5. Security of buildings. 6. Supply of infrastructure to building complexes. 7. Administration of schemes for the housing of government employees. 8. Rendering of gardening and terrain maintenance services. 	<ol style="list-style-type: none"> 1. Policy development, especially with regard to the matters listed under "Legislation". 2. Acquisition, provision, utilisation and disposal of accommodation. 3. Procurement and disposal of fixed property. 4. Supply and maintenance of furniture. 5. Security of buildings. 6. Supply of infrastructure to building complexes. 7. Administration of schemes for the housing of government employees. 8. Rendering of gardening and terrain maintenance services. 9. Regulating the architectural, quantity surveying, engineering and valuator professions. * 10. Erection of international fences. 	<p>Works is an auxiliary function which every level of government should perform in its own right.</p> <p>* It has become customary for the works department at national level to deal with these matters.</p>
<u>LEGISLATION, WITHIN PARAMETERS DETERMINED BY LEGISLATION OF THE CENTRAL LEVEL OF GOVERNMENT -</u>	None.	None.	
<u>LEGISLATION, IN OWN RIGHT -</u>	<p>(Applicable to works embarked upon by regional government.)</p> <ol style="list-style-type: none"> 1. Procuring, utilisation and disposal of fixed property. 2. Appointment of consultants and contractors for the provision of building services and to undertake building and maintenance work. 3. Control of fixed property registered in the name of the government. 	<p>(Applicable to works embarked upon by central government.)</p> <ol style="list-style-type: none"> 1. Procuring, utilisation and disposal of fixed property. 2. Appointment of consultants and contractors for the provision of building services and to undertake building and maintenance work. 3. Control of fixed property registered in the name of the government. <p>(Matters of general concern.) *</p> <ol style="list-style-type: none"> 1. Expropriation of land. 2. Regulation of the architectural, quantity surveying, engineering and valuator professions. 	

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