

2/4/3/10/3

TC3

CONSTITUTIONAL ASSEMBLY

**SUGGESTED ALLOCATION OF FUNCTIONS
TO THE NATIONAL AND PROVINCIAL
GOVERNMENT LEVELS**

2 JUNE 1994

SUGGESTED ALLOCATION OF FUNCTIONS

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AGRICULTURE

1. Determination of norms and standards regarding -
 - 1.1 Plant improvement
 - 1.2 Livestock improvement
 - 1.3 Subdivision of agricultural land
 - 1.4 Agricultural resource conservation
 - 1.5 Utilisation of agricultural resources
 - 1.6 Agricultural credit and financial assistance
2. Determination of macro agricultural economic policy
3. Regulation of -
 - 3.1 Animal health
 - 3.2 Plant health
 - 3.3 Agricultural marketing
 - 3.4 Combatting of agricultural pests
 - 3.5 Co-operatives
 - 3.6 Veterinary public health
 - 3.7 Quality of plant and animal material and products
 - 3.8 Livestock brands
4. Control of
 - 4.1 Import and export of plants, animals, agricultural material and products (phytosanitary and zoosanitary control)
 - 4.2 Agricultural and stock remedies, stock feeds and fertilisers
5. Production of vaccines and other animal health products
6. Rendering of -
 - 6.1 Specialised diagnostic and research services with regard to animal diseases
 - 6.2 Financial assistance in national disaster situations
 - 6.3 Agricultural statistical services
7. Maintenance of international agricultural relations
8. Promotion of agricultural research, technology development and transfer (including agricultural engineering technology)

COMMUNICATION SERVICE

1. Management of communication projects
2. Compilation of publications
3. Provision of audiovisual services
4. Liaison with internal and foreign media
5. Provision of a government information service
6. Co-ordination of visitor programmes
7. Rendering of communication advice to government departments

CONSTITUTIONAL DEVELOPMENT

1. Dealing with specific legislation and other functions under the Constitution
2. Promotion of overall common approaches to intergovernmental relations
3. Rendering of support in regard to, and the formulation of draft legislation on constitutional matters
4. Rendering of support in the process of implementation of the Constitution

CORRECTIONAL SERVICES

1. Rendering of offender control services
 - 1.1 Prisons services
 - 1.2 Physical care of prisoners
 - 1.3 Community-based correctional services
2. Rendering of development and treatment services
 - 2.1 Psychological services
 - 2.2 Social work services
 - 2.3 Education and training
 - 2.4 Religious care
3. Management of prison industries
 - 3.1 Agricultural services
 - 3.2 Building works
 - 3.3 Workshops

CULTURE

1. Promotion of national culture
 - 1.1 Acquisition and making available of national cultural assets
 - 1.2 Promotion of culture at national and international level
 - 1.3 Payment of grants-in-aid to national cultural institutions, national libraries, museums, conservation bodies and related organisations
 - 1.4 Conservation of national cultural heritage
2. Regulation of place names
3. Rendering of a heraldic service
4. Rendering of archival services

DEFENCE

1. Defence of the Republic; protection of its sovereignty and territorial integrity
2. Rendering of service in compliance with the international obligations of the Republic with regard to international bodies and other states
3. Preservation of life, health or property
4. Provision or maintenance of essential services
5. Upholding of law and order in the Republic in co-operation with the South African Police Service
6. Rendering of service in support of any department of state for the purpose of socio-economic upliftment

ECONOMIC ADVISORY SERVICE

1. Analysis and planning of economic policy
2. Development of economic strategies/action plans
3. Rendering of economic policy advice
4. Rendering of professional services to government departments and other public institutions
5. Promotion of the co-ordinated implementation of economic policy
6. Development of economic policy planning instruments and models

EDUCATION

1. Determination of norms and standards regarding -
 - 1.1 Education programmes
 - 1.2 Examinations and certification of qualifications
2. Determination of legal persona and regulation of different types of educational institutions
3. Regulation of the educator profession
4. Regulation of the employment of college and school educators
5. Regulation and financial assistance of university and technikon education
6. Collection, processing and publication of education information

ENERGY AFFAIRS

1. Regulation and promotion of the development, distribution and utilisation of energy resources

ENVIRONMENT AFFAIRS

1. Coordination, monitoring, rendering of advisory services and determination of policies, guidelines and strategies regarding environmental matters of national importance, especially -
 - 1.1 Sustainable utilisation of renewable resources
 - 1.2 Environmental protection and management practices
 - 1.3 Environmental information and education
 - 1.4 Human living environment and cultural resources
 - 1.5 Environmental resource economics
2. Determination of norms and standards regarding -
 - 2.1 Management of the coastal zone and other sensitive areas
 - 2.2 Pollution control and waste management
 - 2.3 Environmental impact studies
 - 2.4 Management of toxic chemicals and other hazardous materials
3. Administration of the Antarctic Treaty and other international conventions, treaties, protocols, agreements and codes pertaining to the environment
4. Development of a national nature conservation plan to provide for the acquisition, protection and management of areas of national and international importance
5. Provision of meteorological services
6. Assessment and management of the living marine resources to ensure their sustainable utilisation

FINANCE

1. Fiscal policy development, including taxation policy and multi-year fiscal planning
2. Compilation of estimates of revenue
3. Administration of state revenue and state investment portfolio
4. Collection of constitutionally designated revenue
5. Imposition and collection of customs and excise duties on imported and locally manufactured goods and exercising of customs control
6. Administration of government pension funds and schemes
7. Arrangement of domestic and foreign loans and administration of state debt and contingent liabilities
8. Administration of financial relations with international institutions
9. Promotion of inter-governmental financial and fiscal relations
10. Administration of Loans Fund for Local Authorities
11. Regulation of foreign exchange matters

FOREIGN AFFAIRS

1. Promotion of South Africa's national interest by establishing and maintaining international relations
2. Undertake and coordinate bilateral and multilateral negotiations to promote South Africa's global and regional interests
3. Monitoring and maintenance of South Africa's international rights and obligations
4. Protection of the rights, property and persons of South African citizens abroad

FORESTRY

1. Regulation and control of afforestation
2. Regulation of -
 - 2.1 Quality of timber
 - 2.2 Wattle bark industry
3. Promotion of the forestry industry
4. Management, control and operation of commercial state forests and timber processing plants
5. Promotion of the cultivation of trees to combat the deterioration of the environment
6. Management of indigenous forests and other conservation areas on State forest land
7. Proclamation of protected trees
8. Prevention and combatting of grass, bush and mountain fires

HEALTH

1. Provision of a medical diagnostic service with regard to employment in controlled mines and works and compensation for occupational diseases with regard to such employment
2. Registration of drugs, medical specialist equipment and associated control activities
3. Regulation of the health professions
4. Regulation of foodstuffs, cosmetics, disinfectants and hazardous substances, including radiation and electromedical equipment and products
5. Regulation of medical schemes
6. Control of national research institutions
7. Determination of norms and standards regarding-
 - 7.1 Nutritional intervention
 - 7.2 Environmental conditions that constitute a health hazard
 - 7.3 Infectious and communicable diseases
 - 7.4 Human tissue
 - 7.5 Sterilisation and abortion
 - 7.6 Reception, detention and treatment of mentally ill persons
 - 7.7 Health care for convicted persons and persons awaiting trial
 - 7.8 Genetic services

HOME AFFAIRS

1. Rendering of population registration services
 2. Issuing of registration certificates, identity documents and international travel documents
 3. Regulation of elections and referenda and conducting national elections and referenda
 4. Control of the admission of persons to, residence in and departure from the RSA
 5. Rendering of a support service for peace structures
 6. Regulation of public holidays
 7. Regulation and control of publications*
 - 7.1 Ruling on undesirable publications, objects and public entertainments
 - 7.2 Certification of film and video material intended for public viewing
 8. Promotion of the local film industry
 9. Rendering of government printing services
- * The Constitution identifies "provincial public media" as a matter falling within the legislative competence of provinces. Clarity is still being sought regarding the scope and content of the function in question

HOUSING

1. Macro planning, co-ordination and monitoring of urban development and housing provision
2. Mobilisation and broad allocation of resources
3. Determination of housing priorities, norms and standards

JUSTICE

1. Administration of the judicial system
2. Regulation of the institution, rules, jurisdiction, administration and functioning of the courts
3. Provision of facilities and auxiliary services to the courts
4. Institution of prosecutions in criminal courts, appearance in judicial inquiries and as curator ad litem for the mentally ill.
5. Protection of the interests of minors and dependant children in divorce actions
6. Rendering of legal aid
7. Administration of estates and the protection of the interests of legally incompetent persons
8. Regulation of aspects of internal security
9. Regulation of the legal professions
10. Rendering of attorney services to government departments
11. Rendering of legal advice to government departments
12. Investigation of serious economic offences

LABOUR

1. Regulation of labour relations
2. Administration of occupational accident and diseases insurance fund
3. Administration of unemployment insurance fund
4. Determination and enforcement of occupational health and safety standards
5. Promotion of manpower training
6. Rendering of placement and career guidance services
7. Promotion of special job creation programmes

LAND AFFAIRS

1. Regulation and restitution of land rights
2. Regulation of the expropriation of property
3. Rendering of land surveying services
4. Registration of deeds
5. Regulation of land orientated professions

LANGUAGE MATTERS

1. Advising government on language policy
2. Promotion of official languages and terminology development at national level
3. Rendering of a language service to government departments

MINERAL AFFAIRS

1. Regulation of the exercising of mineral rights
2. Regulation of prospecting and mining activities
3. Determination and enforcement of safety, health and rehabilitation standards for mining activities
4. Promotion of the optimal supply and utilisation of mineral resources

NATIONAL INTELLIGENCE SERVICES

1. Collection, evaluation, correlation and interpretation of national security intelligence
2. Collection of intelligence relating to departmental activities at the request of any state department
3. Preparation and interpretation of national intelligence estimates

POLICE

1. Preservation of the internal security of the Republic
2. Investigation and prevention of organised crime or crime which requires national investigation and prevention or specialised skills
3. Keeping and provision of crime intelligence data, criminal records and statistics
4. Provision of forensic laboratory services
5. Rendering of services related to border control
6. Establishment and maintenance of a national public order policing unit
7. Rendering of national protection services
8. Operation of a special task force for high risk operations which require specialised skills

PUBLIC SERVICE COMMISSION

Rendering of support to the Public Service Commission with regard to -

1. Making of recommendations, giving of directions and conducting of investigations regarding -
 - 1.1 the organisation and administration of departments and the public service
 - 1.2 the conditions of service of members of the public service and matters related thereto
 - 1.3 personnel practices in the public service, appointments, promotions, transfers, discharge and other career incidents of members of the public service and matters in connection with the employment of personnel
 - 1.4 the promotion of efficiency and effectiveness in departments and the public service
 - 1.5 a code of conduct applicable to members of the public service
 - 1.6 the promotion of sound labour relations in the public service
 - 1.7 application of information technology by government departments
 - 1.8 training of public service personnel
2. Rendering of advice with regard to any matter relating to the public service or the employment; remuneration or other conditions of service of other public employees remunerated from public funds
3. Provision of advice and rendering of services relating to the employment and development of public servants and the application of information technology by government departments

PUBLIC WORKS

1. Provision, utilisation and disposal of accommodation for government purposes
2. Acquisition and disposal of fixed state property
3. Determination of building space and cost norms for office accommodation and official quarters
4. Regulating the architectural, quantity surveying, engineering and valuator professions
5. Erection of international fences

SCIENCE PLANNING

1. Promotion of the development and application of the sciences in achieving national objectives

SPORT

1. Promotion of sport
 - 1.1 Financial, administrative and technological support of national sports bodies
 - 1.2 Processing of nominations for State sports decorations
 - 1.3 Rendering of assistance to sports bodies in the presentation of sports events, conferences and functions on national and international level
 - 1.4 Awarding of grants-in-aid for sports facilities and apparatus in the national interest

STATE EXPENDITURE

1. Compilation of estimates of expenditure
2. Supervision of spending programmes of executive institutions
3. Regulation and control of exchequer matters including the following:
 - 3.1 Granting of dispensation
 - 3.2 Development and application of measures for the control of State moneys, property, goods and services (Treasury instructions)
 - 3.3 Administration of State income and expenditure accounts
 - 3.4 Development and maintenance of bookkeeping and financial management systems
 - 3.5 Rendering of bank services
 - 3.6 Cash flow management
4. Procurement of supplies and services, disposal of movable property, hiring or letting of goods and services and acquisition or granting of any right
5. Provision of central computer services

STATISTICAL SERVICE

1. Regulation of matters concerning statistics
2. Planning, collection, processing, compilation and publication of statistics of national importance regarding economic, demographic and social matters
3. Compilation of national and government accounts
4. Rendering of advice concerning statistics

TRADE AND INDUSTRY

1. Promotion of industrial development which cannot be done effectively by the provinces
2. Regulation of import and export
3. Promotion of international trade
4. Regulation of industrial standardization and quality
5. Determination and enforcement of measuring standards
6. Promotion of tourism
7. Regulation of companies and closed corporations and control of share blocks
8. Determination of norms and standards regarding the protection of consumer interests
9. Protection of patents, trade marks, copyrights and other intellectual property rights
10. Maintenance and promotion of orderly market conditions
11. Regulation of the procurement of strategic national supplies

TRANSPORT

1. Determination of norms and standards for passenger transport
2. Determination of norms and standards for urban transport
3. Regulation of international and interprovincial road transport
4. Regulation of international and interprovincial rail transport
5. Arrangement of third party insurance
6. Determination of national norms and standards for road traffic
7. Regulation of air and shipping safety
8. Administration of international agreements concerning civil aviation and shipping safety
9. Control of national sea port and navigation infrastructure
10. Control of national and international airport and air navigation infrastructure
11. Prevention and combatting of pollution of the sea by oil and ships
12. Planning and control of a national road network
13. Planning and control of a national rail network
14. Establishment of standards for the design, construction and maintenance of national roads

WATER AFFAIRS

1. Development of the national infrastructure for water provision
2. Apportionment of water
3. Control of the damming, storage, release and use of water
4. Management of inland and coastal marine water quality and sanitation
5. Management and control of water schemes
6. Control of the safety of dams
7. Regulation of water rights
8. Promotion of water research

WELFARE

1. Financial support of national welfare organisations
2. Regulation of fund-raising
3. Rendering of assistance in national disaster situations
4. Regulation of the social work profession
5. Determination of norms and standards regarding-
 - 5.1 Child & family care
 - 5.2 Care of the aged
 - 5.3 Care of drug dependents
 - 5.4 Offender care
 - 5.5 Care of the disabled
 - 5.6 Social security
6. Determination of population policy

AGRICULTURE

1. Rendering of support to farmers and agricultural communities with regard to -
 - 1.1 Extension services
 - 1.2 Training
 - 1.3 Financing
 - 1.4 Household food security
 - 1.5 Disaster aid
 - 1.6 Agricultural economics
 - 1.7 Agricultural engineering technology
 - 1.8 Marketing infrastructure
 - 1.9 Irrigation
 - 1.10 Stock watering systems
2. Promotion of -
 - 2.1 Agricultural resource conservation
 - 2.2 Sustainable utilisation of agricultural resources
 - 2.3 Agricultural technology development, adaptation and transfer (including agricultural engineering technology)
 - 2.4 Agricultural marketing
 - 2.5 Improvement of livestock, plants and related products
3. Rendering of -
 - 3.1 Animal health services
 - 3.2 Veterinary public health services
 - 3.3 Plant health services
 - 3.4 Veterinary laboratory services
 - 3.5 Agricultural statistical services
4. Regulation of -
 - 4.1 Abattoirs
 - 4.2 Subdivision of agricultural land
5. Determination of agricultural economic policy
6. Administration of matters pertaining to state agricultural land
7. Combatting of agricultural pests
8. Registration of livestock brands

COMMUNICATION SERVICE

1. Rendering of liaison and media services
 - 1.1 Management of communication projects
 - 1.2 Compilation of publications
 - 1.3 Provision of audiovisual services
 - 1.4 Liaison with internal and foreign media
 - 1.5 Provision of a government information service
 - 1.6 Co-ordination of visitor programmes
 - 1.7 Rendering of communication advice to government departments

CONSTITUTIONAL DEVELOPMENT

1. Promotion of the constitutional development of the province

CULTURE

1. Promotion of culture
 - 1.1 Promotion of arts, culture and cultural relations
 - 1.2 Acquisition and making available of cultural assets
 - 1.3 Payment of grants-in-aid to cultural institutions, libraries, museums, conservation bodies and related organisations
 - 1.4 Conservation of cultural heritage
 - 1.5 Processing of nominations for cultural decorations
2. Rendering of library services
3. Rendering of museum services
4. Rendering of archival services

EDUCATION

1. Provision of education at all levels, excluding university and technikon education

ENVIRONMENTAL CONSERVATION

1. Acquisition and management of protected areas
2. Protection of fauna and flora
3. Evaluation of environmental impact of development activities
4. Enforcement of environmental impact and pollution control measures
5. Control of coastal areas, sea-shores and admiralty reserves
6. Promotion of environmental education
7. Promotion of nature orientated outdoor recreation

FINANCE

1. Collection of constitutionally assigned revenue
2. Arrangement of domestic loans and administration of the province's official debt

HEALTH

1. Rendering of primary health care (including family planning), nutritional and environmental health services
2. Rendering of oral health services
3. Rendering of mental health services
4. Provision of community hospital services
5. Provision of regional hospital services
6. Provision of psychiatric and specialised hospital services
7. Provision of academic hospital services
8. Provision of forensic pathology specialist services and chemical forensic laboratory services
9. Training of medical, dental, nursing and other auxiliary health staff
10. Rendering of medical emergency services
11. Rendering of pharmaceutical services
12. Regulation of private hospitals and associated institutions
13. Licensing of institutions in terms of the Mental Health Act

HOME AFFAIRS

1. Conducting provincial elections and referenda

HOUSING

1. Rendering of assistance to local authorities to satisfy minimum housing needs
2. Provision of housing
3. Promotion of urban renewal

LAND AFFAIRS

1. Regional space planning
2. Regulation of establishment of townships and town planning
3. Regulation of land use
4. Allocation of State land

LANGUAGE MATTERS

1. Promotion of official languages and terminology development at provincial level
2. Rendering of a language service to government departments

LOCAL GOVERNMENT

1. Regulation and promotion of local government
2. Support of local authorities
3. Establishment of townships
4. Administration of nascent towns and settlements

POLICE

1. Investigation and prevention of crime
2. Development of community-policing services
3. Maintenance of public order
4. Provision of visible policing services, including-
 - 4.1 establishment and maintenance of police stations
 - 4.2 crime reaction units; and
 - 4.3 patrolling services
5. Rendering of protection services on provincial level

PROVINCIAL SERVICE COMMISSION

Support of the Provincial Service Commission with regard to

1. Making of recommendations, giving of directions and conducting of investigations regarding -
 - 1.1 the establishment and organisation of departments
 - 1.2 appointments, promotions, transfers, discharge and other career incidents of public servants
 - 1.3 the promotion of efficiency and effectiveness
 - 1.4 application of information technology by government departments
 - 1.5 training of public service personnel
2. Rendering of advice with regard to any matter relating to the public service or the employment, remuneration or other conditions of service of other public employees remunerated from provincial funds
3. Provision of advice and rendering of services relating to the employment and development of public servants

SPORT

1. Promotion of sport and physical recreation at provincial level
 - 1.1 Awarding of grants-in-aid
 - 1.2 Rendering of assistance with the organisation and presentation of sports conferences, courses, functions and provincial sporting events
 - 1.3 Creation of training opportunities for sportspeople

STATE EXPENDITURE

1. Compilation of estimates of revenue and expenditure
2. Supervision of spending programmes of executive institutions
3. Regulation and control of exchequer matters including the following:
 - 3.1 Granting of dispensation
 - 3.2 Development and application of measures for control of public moneys, property, goods and services
 - 3.3 Administration of the income and expenditure accounts of the provincial government
 - 3.4 Development and maintenance of bookkeeping and financial management systems
 - 3.5 Arrangement of bank services
 - 3.6 Cash flow management
4. Procurement of supplies and services, disposal of movable property, hiring or letting of goods and services and acquisition or granting of any right

TRADE AND INDUSTRY

1. Promotion of trade and industry
2. Promotion of small business development
3. Protection of consumers
4. Regulation of the supply and sale of alcoholic beverages
5. Regulation and control of casinos, racing, gambling and wagering
6. Promotion of tourism

TRADITIONAL AUTHORITIES

1. Regulation of the functions, powers, rights and duties of chiefs and tribal and community authorities
2. Recognition of tribes and recognition and appointment of chiefs
3. Institution of tribal and community authorities
4. Arrangement of elections of community authorities
5. Support of traditional authorities with regard to -
 - 5.1 administration of the affairs of the community
 - 5.2 fund raising
 - 5.3 granting of business rights
 - 5.4 community development projects
 - 5.5 budgeting
 - 5.6 financial administration
6. Promotion of indigenous law and custom

TRANSPORT

1. Rendering of financial assistance for the provision of urban transport infrastructure (including proclamation of metropolitan transport areas and administration of an Urban Transport Fund)
2. Rendering of financial assistance for passenger and commuter transport
3. Registration of motor vehicles
4. Enforcement of road transport, traffic and traffic safety regulations
5. Management of road traffic
6. Regulation of intraprovincial road transport
7. Regulation of intraprovincial rail transport
8. Construction and maintenance of national and provincial roads
9. Regulation of land usage along roads
10. Subsidisation of certain non-provincial roads
11. Regulation of airports other than national and international airports

WELFARE

1. Provision of and arrangements for residential and nonresidential facilities
2. Rendering of social distress relief
3. Rendering of relief in disaster situations
4. Provision of social security services
5. Rendering of professional services
6. Regulation and support of welfare organisations/services
7. Promotion of community development and execution of population policy programmes

WORKS

1. Provision, utilisation and disposal of accommodation for government purposes
2. Acquisition and disposal of fixed provincial property