**PROVINCE OF KWAZULU-NATAL**
**ISIFUNDAZWE SAKWAZULU-NATALI**

# Cabinet Manual

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# FOREWORD

The Executive Council is the highest decision-making body in the Province. It provides for a forum in which Members of the Executive Council collectively consider, debate, and decide on the key issues affecting the Province. The Executive Council does so following particular procedures and conventions.

This Cabinet Manual therefore lays down principles, procedures and conventions by which the Executive Council system operates.

It is an authoritative guide which must be followed by all who are involved in the Cabinet processes (Members of the Executive Council and their offices, Heads of Department and all other senior government officials).

This edition of the Manual captures incremental changes as a result of the continued development of our decision-making processes as our democracy advances. The edition also includes key issues affecting Members of the Executive Council including the requirement to disclose financial interests, procedures for taking leave and for embarking on international visits. This Manual also includes government's integrated planning framework and the budgetary, legislative and human resource planning cycles.

This Manual therefore seeks to foster a culture of integrated planning, decision-making and implementation. It also seeks to ensure that the Executive Council is provided with information that is relevant, thoroughly processed and timeously submitted to enable informed decisions to be taken.

I urge all those working in government to take cognisance of this Manual when conducting business with the Executive Council. The Director-General's office is available to advise and assist where necessary.

*Dr Z L Mkhize*
Premier of KwaZulu-Natal

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# GLOSSARY

| | | |
|---|---|---|
| APP | – | Annual Performance Plan |
| CFO | – | Chief Financial Officer |
| COHOD | – | Committee of Heads of Departments |
| DIPP | – | Directorate: Intergovernmental and Provincial Protocol |
| DIRCO | – | Department of International Relations and Cooperation |
| ESI | – | Economic Sectors and Infrastructure |
| FOSAD | – | Forum of South African Directors-General |
| G&A | – | Governance and Administration |
| HOD | – | Head of Department |
| IGR | – | Intergovernmental Relations |
| IYM | – | In-Year Monitoring |
| JCPS | – | Justice, Crime Prevention and Security |
| LOGB | – | Leader of Government Business |
| MANCO | – | Management Committee |
| MEC | – | Member of the Executive Council |
| MinComBud | – | Ministers' Committee on the Budget |
| MINMEC | – | Minister and Members of Executive Councils |
| MISS | – | Minimum Information Security Standards |
| MTBPS | – | Medium-Term Budget Policy Statement |
| MTEC | – | Medium Term Expenditure Committee |
| MTEF | – | Medium Term Expenditure Framework |
| MTSF | – | Medium Term Strategic Framework |
| NIA | – | National Intelligence Agency |
| NPA | – | National Prosecution Authority |
| PFMA | – | Public Finance Management Act |
| SAPS | – | South African Police Services |
| SASSA | – | South African Social Security Agency |
| SPCHD | – | Social Protection, Community and Human Development |

# Chapter One
# KEY LEGISLATIVE MANDATES

**1.  Key Legislative Mandates**

1.1  Provincial Executive Councils are established in terms of the Constitution of the Republic of South Africa, Act 108 of 1996.

1.2  In terms of Chapter 5, Section 125, Sub-Section (1) of the Constitution, the Executive Authority of a Province is vested in the Premier of that Province.

1.3  Section 125, Sub-Section (2) states that the Premier exercises the Executive Authority, together with other Members of the Executive Council by, inter alia:

  i.  implementing Provincial legislation in the Province
  ii.  implementing all National legislation within the functional areas listed in Schedule 4 and 5 except where the Constitution or an Act of Parliament provides otherwise
  iii.  administering in the Province, National legislation outside the functional areas listed in Schedule 4 and 5, the administration of which has been assigned to the Provincial Executive in terms of an Act of Parliament
  iv.  developing and implementing Provincial Policy
  v.  coordinating the functions of the Provincial Administration and its Departments
  vi.  preparing and initiating Provincial legislation, and
  vii.  performing any other function assigned to the Provincial Executive in terms of the Constitution or an Act of Parliament.

1.4  In terms of Section 132 of the Constitution:

  i.  The Executive Council of a Province consists of the Premier, as head of the Council, and no fewer than five and no more than ten Members appointed by the Premier from among Members of the Provincial Legislature.
  ii.  The Premier of a Province appoints Members of the Executive Council (MECs), assigns them powers and functions, and may dismiss them.

# Chapter Two
# EXECUTIVE COUNCIL CONVENTIONS AND PRINCIPLES

## 2.1    Collective Responsibility

2.1.1   The convention of collective responsibility of Members of the Executive Council (MECs) for government decisions is central to the Executive Council system of government. Executive Council decisions must reflect collectivity and are binding on Members of the Executive Council as government policy.

2.1.2   The Executive Council is the principal decision-making body of the Provincial government. It comprises of all Members of the Executive Council and its decisions are given formal effect through Acts of Parliament, actions of the Executive Council or the executive powers held by Members of the Executive for the administration of their portfolios.

2.1.3   The Executive Council is responsible for the performance of the Provincial government. Each Member of the Executive Council acts jointly with and on behalf of the Executive council  in their capacity as Members of the Executive Council, irrespective of their political standing. Not only does this ensure collective responsibility, but it also enhances collective adherence to all decisions made in the Executive Council.

2.1.4   All MECs are expected to give their support in public debate to decisions of the Government.

2.1.5   MECs should ensure that policy initiatives or expenditure commitments that require the Executive Council's authority are not announced in advance of Council's consideration. In exceptional cases where prior Council clearance is not possible, proposed announcements must be cleared with the Premier and, if expenditure is involved, with the MEC for Finance first.

2.1.6   MECs should not make public statements or comment on policy proposals that they are bringing, or which are to be brought by others, to Council. Promotion in public of a particular matter may pre-empt Council's deliberations.

2.1.7   It is inappropriate for MECs to accept invitations to speak or to comment publicly on matters outside their portfolios in circumstances which may involve disagreement or which are likely to be construed as amounting to disagreement with the conduct of another portfolio, without prior concurrence of the appropriate MEC or the Premier.

## 2.2   The Exercise of Members of the Executive's Statutory Powers and Functions in the Collective Executive Council Context

2.2.1   Many statutes provide for individual Members of the Executive to take particular actions or decisions. Where Members of the Executive have statutory authority to take decisions or actions as individuals, they are legally required to exercise statutory powers themselves. However, they should do so within the framework of the collective responsibility of the Executive Council.

2.2.2   Where decisions or actions would affect the collective interest of government, the MEC should not take actions or decisions without consultation and without submitting an Executive Council memorandum.

## 2.3   Executive Council Confidentiality

2.3.1   Collective responsibility is supported by the strict confidentiality attached to Executive Council documents and to discussions in the Executive Council Chamber. The openness and frankness of discussions in the Executive Council Chamber are protected by the strict observance of this confidentiality.

2.3.2   Effective Executive Council confidentiality requires the protection of Council deliberations not only at the time an issue was or is current, but also in the future.

2.3.3   Members of the Executive and officials should not disclose proposals likely to be considered at forthcoming meetings, outside Executive Council-approved consultative procedures. Furthermore, they should not disclose the nature or content of the discussions or the views of individual Members of the Executive or officials expressed at the meeting itself.

### 2.4 Accountability to the Legislature and the Principle of Separation of Powers

2.4.1 In performing their executive functions, Members of the Executive Council are collectively and individually accountable to the Provincial Legislature.

2.4.2 This accountability is premised on the constitution which charges the Legislature with an oversight role over the Executive. In accounting to the Legislature, the Executive Council does so within the Constitutional framework.

2.4.3 The accountability does not undermine the principle of separation of powers between the Executive and the Legislature. These institutions remain distinct and functionally independent of one another.

2.4.4 Towards the above end, the activities and actions of the Provincial Departments (administrative organs) are determined by the government (the Executive Council). Members of the Executive, as political heads, are subject to the joint authority of the Executive Council for such actions and activities.

# Chapter Three
# ROLES AND RESPONSIBILITIES

**3.1    The Premier**

3.1.1   In terms of the constitution, the Executive Authority of the Province is vested in the Premier. The Premier exercises the Executive Authority, together with the Members of the Executive Council.

3.1.2   As the head of the Executive Council, the Premier chairs the meetings of this structure. He is also, in terms of the Constitution, responsible for appointing the Members of the Executive Council, assigns their powers and functions and may dismiss them.

3.1.3   Furthermore, the Premier is responsible for:

   i.      assenting to and assigning Provincial Bills
   ii.     referring a Provincial Bill back to the Provincial Legislature for reconsideration of the Bill's constitutionality
   iii.    referring a Bill to the Constitutional Court for a decision on the Bill's constitutionality
   iv.     summoning the Legislature to an extraordinary sitting to conduct special business
   v.      appointing Commissions of Inquiry, and
   vi.     calling a referendum in the Province in accordance with National legislation.

**3.2    The Executive Council**

3.2.1   Section 125, Sub-Section (2) of the Constitution states that the Premier
        exercises the Executive Authority, together with other Members of the
        Executive Council by, inter alia:

        i.      implementing Provincial legislation in the Province
        ii.     implementing all National legislation within the functional areas
                listed in Schedule 4 and 5 except where the Constitution or an Act
                of Parliament provides otherwise
        iii.    administer in the Province, National legislation outside the
                functional areas listed in Schedule 4 and 5, the administration of
                which has been assigned to the Provincial Executive in terms of an
                Act of Parliament
        iv.     developing and implementing Provincial policy
        v.      coordinating the functions of the Provincial administration and its
                Departments
        vi.     preparing and initiating Provincial legislation, and
        vii.    performing any other function assigned to the Provincial Executive
                in terms of the Constitution or an Act of Parliament.

**3.3    Members of the Executive Council**

3.3.1   In terms of the Public Finance Management Act, Act 1 of 1999, Members
        of the Executive Council bear Executive Authority in respect of their
        Departments as well as public entities falling under their portfolios.

3.3.2   Consequently, ultimate responsibility for Departmental management
        rests with Members of the Executive who are legally and politically
        accountable to the Legislature for the administration of their
        Departments. It is the policy of the Provincial Government to enhance
        Ministerial responsibility and accountability consistent with its collective
        commitments.

### 3.4    Executive Council Sub-Committees

3.4.1    The Executive Council will, from time to time, establish Sub-Committees to carry out particular mandates as determined by the Executive Council.

3.4.2    As a principle, the role of the Sub-Committees is to make recommendations to the Executive Council on particular issues. Based on such recommendations, the Executive Council takes decisions.

3.4.3    There will be cases where, because of the nature of the issues being dealt with by the Sub-Committee or because of the practical realities, the Executive gives a particular Sub-Committee the mandate to work on particular issues and take appropriate action as the Committee deems necessary, which action can, at a later date, be endorsed by the Executive.

3.4.4    There are two types of Sub-Committees, namely, Standing and Ad Hoc Sub-Committees.

3.4.5    Standing Committees deal with long-term (and almost permanent) issues whereas Ad Hoc Committees deal with short term issues. Ad Hoc Committees get dissolved as soon as the matter being dealt with has been concluded.

3.4.6    The Sub-Committees are chaired by various Members of the Executive Council as determined by the Premier or Executive Council.

3.4.7    The Chairperson of a relevant Sub-Committee or his/her delegatee convenes meetings of that particular Sub-Committee.

3.4.8    The meetings of the Executive Council Sub-Committees are normally held on Wednesdays, prior or after Executive Council meetings, or on any other day during the week, depending on the availability of Members.

3.4.9    Support for the Standing Sub-Committees is provided by the Executive Council Secretariat whereas Ad Hoc Sub-Committees are supported by the Department, headed by the Member of the Executive Council who chairs the Sub-Committee.

3.4.10 Depending on the nature of issues, some Executive Council Sub-Committees are also supported by corresponding Technical Committees consisting of relevant Heads of Departments.

3.4.11 Secretariat services for all Technical Sub-Committees are to be provided for by the lead Department of that particular Sub-Committee.

## 3.5 Leader of Government Business

### 3.5.1 Preamble

The Leader of Government Business portfolio is relatively new in most constitutional democracies and is meant to provide a necessary strategic connection or link between two pillars of government namely, the Executive Council and Legislature. It is, somewhat, through the Leader of Government Business conduit that the separation of powers is maintained by the said institutions. The Leader of Government Business assists the Premier, Speaker and Chief Whip in programming government activities or affairs.

### 3.5.2 Background and Legal Framework

The South Africa Constitution of 1996 (Act 108 of 1996) adopted the system of governance where there is a "separation of power". In simple terms, it means from National to Local Government, there are three pillars of government – the Executive, the Legislature, and the Judiciary – which are functionally independent of each other.

The relevant provisions of the South African Constitution read as follows:

i.      Section 92(2) of the Constitution provides that "Members of the Cabinet are accountable collectively and individually to Parliament for the exercise of their powers and the performance of their functions".

ii.     Section 92(3) stipulates that "Members of the Cabinet must:

        (a) act in accordance with the Constitution, and
        (b) provide Parliament with full and regular reports concerning matters under their control".

iii.    Section 44(4) provides that "When exercising its legislative authority, Parliament is bound only by the Constitution, and must act in accordance with, and within the limits of the Constitution".

iv.     Section 165(2) reads as follows: "The courts are independent and subject only to the Constitution and the law, which they must apply impartially and without fear, favour or prejudice".

        The "separation of powers" doctrine enshrined in our Constitution is central to the democratic parliamentary system of governance as it provides "checks and balances". It can be noted from the provisions of the Constitution that the pillars of government are bound by the Constitution in as far as their decisions are concerned. Therefore, the actions of each tier of government are measured against the Constitution of the land.

        The separation of powers is there to ensure that there is no functional interference between the three tiers, but that pillars of government work in a coordinated manner as one government. Likewise, the Provincial government comprises of the three pillars of government which are all functionally independent of each other. Although the Judiciary is one of the three spheres of government, in most cases it functions separately from the rest. The Executive and Legislature, on the other hand, work hand in glove, but at the same time ensures that the separation of powers is maintained at all cost. It is in this spirit that a quasi-independent link between the two institutions becomes of crucial significance.

### 3.5.3 Appointment of Leader of Government Business

In terms of Chapter 5, Section 91, Clause 4 of the South African Constitution, the President must appoint a member of Cabinet to be the Leader of Government Business in the National Assembly. In KwaZulu-Natal, the Leader of Government is appointed in terms of Rule 20 of the Legislature Standing Rules which provides as follows:

"As soon as possible after an election or whenever the position of Leader of Government Business is vacant, the Premier should appoint a Member of the Executive Council as Leader of Government Business and inform the Speaker of the appointment in writing. The Speaker will notify the House of the appointment of the Leader of Government Business upon receipt of the appointment in writing from the Premier".

### 3.5.4 Role of the Leader of Government Business

The role of the Leader of Government Business includes the following:

i. Provide necessary support to the Premier
ii. Formal communication link between the Executive Council and the Legislature
iii. Central point of coordination between the Executive Council and the Legislature
iv. Arrangement of Government Business in the Legislature and legislative programme of Parliament in consultation with the Whips of Parliament
v. Scrutinises motions for selection on behalf of government. Also review responses on questions (particularly similar questions posed to all Departments) to determine the quality and support that may be required to ensure that the collective view of the Executive is conveyed
vi. Moving Procedural motions relating to the business of the House in respect of matters affecting the Executive Council
vii. Carrying out any government business delegated or approved by the Premier and/or Cabinet
viii. Provide briefings to Cabinet during the Leader of Government Business standing item on Parliamentary matters

ix.     Monitors progress of Bills in the Executive and the Legislature

x.     Provide direction in the structuring of programmes of major government events/celebrations

## 3.6   Director-General

3.6.1  The Director-General is the head of the Provincial Administration and is also the Secretary to the Executive Council in terms of the Public Administration Act.

3.6.2  In terms of the Public Administration Act, the Director-General is also responsible for inter-governmental relations between the Provincial administration and other administrations, as well as National Departments and for the intra-governmental cooperation between the relevant Provincial administration and its various Provincial Departments, including the coordination of their actions and legislation.

## 3.7   Heads of Departments

3.7.1  A Head of Department is, in terms of the Public Service Act, responsible for the efficient management and administration of his or her Department, including the effective utilisation and training of staff, maintenance of discipline, the promotion of sound labour relations and the proper use of State property.

3.7.2  In terms of the Public Finance Management Act, the Head of a Department is the Administrative Head and Accounting Officer for the Department.

# Chapter Four
# ATTENDANCE AT MEETINGS, LEAVE OF ABSENCE AND ACTING APPOINTMENTS

## 4.1    Attendance at Cluster/Executive Council Meetings

4.1.1    Members of the Executive Council should clear Wednesdays for Executive Council meetings. No appointments should be scheduled or commitments to any other activity made, unless it is absolutely essential, in which case the matter should be discussed with the Premier first and his/her permission obtained to be absent or to arrive late at an Executive Council meeting.

4.1.2    Towards the above, in planning for overseas visits, Members of the Executive Council must observe the provisions in the Ministerial Handbook which states that "in view of Member's official duties in the Republic, the extent and duration of visits abroad should be limited to absolutely essential, and arrangements should be made, as far as possible, in such a way that Members are not absent from office for more than one Cabinet meeting per journey".

## 4.2    Appointment of Acting Members of the Executive Council (MEC)

4.2.1    If an MEC is off-duty either due to ill-health, being on vacation or on an international visit, the Office of the Premier must be informed accordingly so that an acting MEC may be appointed.

4.2.2    In order to regularise the above, a submission must be made to the Office of the Premier, indicating the specific period of absence and recommending an MEC to act during the period of the relevant MEC's absence.

4.2.3    MECs need to honour the period which they have been booked to be off-duty, especially due to ill-health, so that they are not on and off duty during the period in which they have been booked off-duty. In this regard, not only does this put their lives at risk but it also creates administrative and legal difficulties as an MEC cannot be present during the time when another is acting.

**4.3      Attendance at Cluster Meetings by Heads of Departments**

4.3.1   Similarly, Heads of Departments should clear Wednesdays for Cluster meetings. They should not schedule appointments or commit themselves to any other activity on Wednesdays, unless it is absolutely essential, in which case they should then first discuss the matter with the chairperson concerned and obtain his/her permission to be absent or to arrive late at an Executive Council meeting.

**4.4      Appointment of Acting Heads of Departments**

4.4.1   If the Premier has not delegated the duty to the relevant MEC, the Premier will appoint Acting Heads of Departments. Whenever a need arises for an Acting Head to be appointed, Departments send submissions to the Office of the Premier for such an appointment to be made, recommending the person to be appointed in an acting capacity.

# Chapter Five
## CODES OF ETHICS AND CONFLICT OF INTEREST

**5.1    Introduction**

5.1.1    The Executive Members Ethics Act, 1998 provides for a Code of Ethics governing the conduct of Members of the Executive Council.

5.1.2    Following this Act, a Code of Ethics was duly developed by which all Members of the Executive Council are bound.

**5.2    Declaration of Interests by Members of the Executive Council**

5.2.1    Among other things, the Code provides for a Member of the Executive Council to declare any personal or private financial or business interest that the Member may have in a matter that is before the Executive Council, Executive Council Committee or in relation to which the Member is required to take a decision as a Member of the Executive Council.

5.2.2    The Code outlines the process to be followed in the declaration of such interests by Members of the Executive Council.

5.2.3   Towards the above, the following should be noted:

    i.    Every Member must disclose to the Secretary (Director-General) particulars of all the financial interests of the Member, the Member's spouse or dependant children, to the extent that the Member is aware of such interests

    ii.    The first disclosure must be made within 60 days of a Member's assumption of office or of a Member becoming aware of such interest

    iii.    After this, Members are required to disclose their financial interests annually

    iv.    Members of the Executive Council are also required, in terms of the Rules of the Legislature, to disclose their financial interests to the Registrar appointed by the Speaker

    v.    Towards the above, the Provincial Executive Council has agreed that MECs should instruct their personal assistants to liaise with the Legislature's secretary, as well as the Director-General, and satisfy themselves that the information about their financial interests is supplied to both the Executive and the Legislature

## 5.3   Disclosure by Members of the Senior Management Service

5.3.1   Similarly, the Public Service Act, 1994, as amended, provides for all Members of the Senior Management Service to disclose their financial interests. In this regard, Members of the Senior Management Service must disclose their interests by not later than 30 April each year.

# Chapter Six
# INTEGRATED PLANNING FRAMEWORK AND PLANNING CYCLES

## 6.1    Integrated Planning Framework and Planning Cycle

6.1.1   The optimum impact of government programmes requires coordination and integration in both policy development and implementation.

6.1.2   Towards the above, the planning of government activities and implementation of government programmes across all spheres, takes place within an overall planning framework.

6.1.3   The main objective of the planning framework of government is to align government's planning cycles and procedures and to ensure that policy and planning inform budgetary processes. Government sets its key policy priorities based on the mandate it receives from the electorate. These need to be translated into policies and programs, which are implemented by the various Departments and agencies.

6.1.4   All Provincial government Departments should therefore in their planning, take into account this framework, as outlined below:

i.      A Medium Term Strategic Framework (MTSF) is developed after a general election incorporating, amongst others, the electoral mandate. The MTSF outlines the government's medium-term strategy to meet the electoral mandate. It serves as the foremost frame of reference outlining the government's policy posture and programme to improve the conditions of life of South Africans over the five-year electoral mandate period.

ii.     The MTSF is a focused set of medium-term strategic priorities shared by all spheres of government which informs planning, budgeting and implementation. The MTSF is the key output of a broader planning framework and is intended to direct planning and resource allocation across all spheres of Government.

iii. In the above regard the National and Provincial Departments have to develop their Five-Year Strategic Plans and budget requirements taking into account the medium-term imperatives listed in the MTSF.

iv. The Medium Term Strategic Framework operates over the electoral mandate period and informs the Medium Term Expenditure Framework (MTEF) with a shorter three-year cycle. The Medium Term Expenditure Framework details government's three-year rolling expenditure and revenue plans for National and Provincial Departments.

v. Based on the Medium Term Strategic Framework, a Government Programme of Action is developed which in essence translates the MTSF imperatives into a yearly government action plan.

## 6.2 The Integrated Planning Cycle

6.2.1 The Planning Cycle represents a continuous process of planning, implementation and review. It encompasses a series of activities that take place year after year, informed by the Medium Term Strategic Framework. The integrated planning cycle, which integrates the activities of the National, Provincial and Local government spheres, can be summarised as follows:

i. In January, the formal planning processes at a policy-making level takes place at the National Cabinet Lekgotla where the past year is reviewed, programme of action for the current year developed, and medium-term issues reflected upon.

ii. In February, the on-coming financial year programmes are communicated to the nation, first in broad political terms in the State of the Nation Address by the President, and secondly in terms of detailed budgetary allocations, by the Minister of Finance.

iii. Provinces present their State of the Province Addresses later in February, and their budgets in March.

iv. In April, National Clusters present to Cabinet the first of their two-monthly reports on the implementation of the Programme of Action, and Provinces are meant in various ways to contribute to this assessment.

v.      In the period March-April Local Government structures hold their planning Makgotla, firstly, to finalise the details of their on-coming year programmes and budgets, and secondly, to reflect on broad priorities for the MTEF outer-year period.

vi.     The fiscal year for National and Provincial spheres starts in April.

vii.    In May, the Presidency, working with the Management Committee for the Forum of Directors-General, drafts the MTSF for the MTEF outer-year period, guided by the broad outcomes of the January Lekgotla.

viii.   In this period, Provinces start discussing their own medium-term issues. These activities converge at the Forum of South African Directors-General (FOSAD) workshop in June, where FOSAD finalises proposals on the MTSF for discussion at the July Lekgotla.

ix.     Because the MTSF applies to a five-year electoral mandate period, what happens on an annual basis is that an environmental scan is conducted and major policy issues identified which dictate amendments to the MTSF or, drafting of an annexure that elaborates strategic issues to be appended to the MTSF.

x.      It is also between May and June that municipal mayors present their State of Local Municipality Addresses outlining programmes for their new financial year.

xi.     The July National Executive Council Lekgotla reviews implementation of the current year Programme of Action, and it adopts the MTSF (or amendments thereto) for the MTEF outer years. Provinces make their inputs directly as participants in this Lekgotla.

xii.    It is after this that a detailed budgeting process commences, and what had all along been medium-term issues, start to assume immediacy.

xiii.   In August Departments and Provinces complete and submit their detailed budgetary requests to National Treasury – orally presented where necessary during September.

xiv.    Also in August and early September, Provinces are meant to hold their medium-term planning Makgotla. All these activities are informed, content-wise, by the MTSF, including whatever updates or amendments the July Cabinet Lekgotla would have decided upon.

xv.   The two-monthly reporting to Cabinet reaches another nodal point in September, and the last set of these reports for the year is presented to the Executive Council in November.

xvi.  It is during November that each Department and Province submits an-end-of-year report to The Presidency. These reports outline major activities of these entities, and are based on identified themes, with the aim of isolating critical issues – both short- and medium-term – that would help inform discussion during the January Cabinet Lekgotla.

xvii. In this period, Local Government structures, with some clarity on resources allocated to them, start developing their programmes and budgets for the on-coming budgetary year and the medium-term period.

xviii. In December, FOSAD meets to undertake three levels of planning activity in preparation for the January Cabinet Lekgotla: review of the programme for the current year, planning in the detail for the on-coming year and reflections on issues for the new medium-term period.

## 6.3 Detailed Graphic Representation of the Planning Cycle

| MONTH | ACTIVITY | PURPOSE | IMPLEMENTING AGENTS |
|---|---|---|---|
| JANUARY | National Executive Council Lekgotla | • Programme of Action for the year<br>• Broad medium-term issues | Premiers, Members of the National Cabinet, Deputy Ministers, Directors-General |
| FEBRUARY | Provincial Executive Council Lekgotla | • Programme for the year<br>• Broad medium-term issues | Members of the Executive Council and Heads of Departments |
| | State of the Nation Address | • Public Communication | President |
| | Official Opening of the Legislature | • Commencement of Legislature business for the year | Members of the Legislature, Members of the Executive Council |
| | State of the Province Address | • Public Communication | Premier |
| MARCH | Annual Performance Plan tabled at Legislature | • Departmental Programme of Action | Departments |
| | Budget Speech | • Public Communication | Treasury |
| | Report to the National Cabinet on the Programme of Action | • Monitoring and Evaluation and Public Communication | Clusters and the Executive Council |
| APRIL | Budget Hearings | • Present budgets to Finance Portfolio Committee for acceptance | All Departments |
| | Local Government Makgotla | • Programme for the financial year | Municipal Executive Committees and Managers |

| MONTH | ACTIVITY | PURPOSE | IMPLEMENTING AGENTS |
|---|---|---|---|
| MAY | FOSAD MANCO discusses draft MTSF | • Discuss and process document for submission to July National Cabinet Lekgotla | FOSAD |
| | Annual Financial Statements | • Present Financial Performance and Position of Departments | Departmental Accounting Officers |
| JUNE | State of Local Government Addresses and Budgets | • Public Communication | Mayors |
| | FOSAD Workshop | • Prepare for July National Cabinet Lekgotla | FOSAD, including Provincial Directors-General and Heads of Departments |
| | Report to National Cabinet on the Programme of Action | • Monitoring and Evaluation and Public Communication | Clusters and Executive Council |
| JULY | National Cabinet Lekgotla | • Review implementation of Programme of Action<br>• Adopt MTSF | Premiers, Ministers, Deputy Ministers, Directors-General |

| MONTH | ACTIVITY | PURPOSE | IMPLEMENTING AGENTS |
|---|---|---|---|
|  | Departments and Provinces submit strategic priorities to National Treasury based on the MTSF | • Assists the Ministers' Committee on the Budget (MinComBud) and National Treasury to start planning for allocation of resources | Departments, MinComBud, National Treasury, Provinces |
| AUGUST | Preparation of the Medium Term Expenditure Framework | • Three year budget submission to Treasury | Departmental Accounting Officers |
|  | Report to National Cabinet on the Programme of Action | • Monitoring and Evaluation and Public Communication | Clusters and the Executive Council |
|  | Provincial Executive Council Lekgotla | • Review of the implementation of the Provincial Programme of Action | Members of the Executive Council and Heads of Departments |
|  | Tabling of the Annual Report at the Legislature | • Departmental performance for the current financial year highlighted | Departmental Accounting Officers |
| SEPTEMBER | Medium Term Expenditure Committee Hearing | • Oral discussions on budgetary submission | Departments, National Treasury, Provinces, Cluster Chairs |
| OCTOBER | Presentation of the Medium-Term Budget Policy Statement (MTBPS) | • Communicate medium-term spending plan | Treasury |

| MONTH | ACTIVITY | PURPOSE | IMPLEMENTING AGENTS |
|---|---|---|---|
| | Yearly reports to The Presidency from Departments and Provinces | • Annual review and/or focus on specific issues | Departments, Provinces, The Presidency |
| NOVEMBER | Local Government Makgotla | • Medium-Term plans | Municipal Executive Committees and Managers |
| | Adjustments Estimate Adjusted Budget Speech Adjusted Appropriation Bill | • Final Budget Submission for the financial year | Departmental Accounting Officers

Treasury |
| DECEMBER | FOSAD Workshop | • Prepare for January National Cabinet Lekgotla | FOSAD, including Provincial Directors-General and Heads of Departments |

### 6.4    Human Resource Management Compliance Calendar

Linked to the planning cycle is the Human Resource Management Compliance Calendar which consists of a series of activities that take place annually.   The planned and integrated management of such Provincial human resources activities as they individually and collectively contribute to the realisation of governmental strategic goals is fundamental. Therefore, adherence to the requisites of the Human Resource Compliance Calendar, which highlights critical key result and performance areas, is of strategic importance in streamlining human resource management as per legal and PFMA prescripts (Refer to Annexure A for the comprehensive Compliance Calendar).

### 6.5    Annual Performance Plan (APP)

6.5.1   The Five-Year Strategic and Performance Plan per Provincial Department is produced per election cycle which forms the basis for the development of an Annual Performance Plan (APP).

6.5.2   The purpose of the Annual Performance Plan is to set out what the Provincial Department intends to do in the on-coming financial year towards progressively achieving the priorities set in the MTSF.

6.5.3   The Annual Performance Plan must therefore specify performance measures and targets.

6.5.4   The in-year implementation of the Annual Performance Plan is monitored through the Quarterly Performance Reports, while the end year reporting is done in the Annual Report.

### 6.6    Provincial Budget Cycle and Process

6.6.1   In March each year, the MEC for Finance tables a Provincial Budget for the new financial year (which commences in April). According to the Public Finance Management Act (PFMA) (Section 27(2)), the Provincial Budget has to be tabled within two weeks of the National Budget being tabled by the National Minister of Finance.

6.6.2    On Provincial Budget Day, the Provincial MEC tables the Budget Speech, the Main Appropriation Bill and the Estimates of Provincial Expenditure (this was previously known as "Budget Statements").

6.6.3    The Budget Day is the "end product" of a culmination of events.

6.6.4    As early as May every year, National Treasury issues a Budget Guideline circular which indicates the budget processes and formats to be used in preparing the budget for the new Medium Term Expenditure Framework (MTEF).

6.6.5    After receiving this, Provincial Treasury holds a Treasury Guidelines workshop with all the Departments (and the respective Public Entities) where Departments are workshopped on what they need to submit, and by when, in terms of the budget submissions for the next three-year period or MTEF. This workshop is held annually in June/July.

6.6.6    Provincial Departments submit their first budget inputs to Provincial Treasury in August every year. These inputs are also submitted to National Treasury by their Provincial counterparts in a special budget database provided for this purpose by National Treasury. The inputs are analysed by Provincial Treasury, and a Budget Submission document is drafted.

6.6.7    The contents of this Budget Submission document is discussed with each Department separately during the annual Medium Term Expenditure Committee (MTEC) meetings which traditionally happen during September or October. These meetings are attended by Heads of Departments and Chief Financial Officers and National and Provincial Treasury representatives. In some instances, where more information is required from the Department, they may be called upon to attend a second MTEC, which normally happens in early November.

6.6.8    The outcome of these meetings is that MTEC makes funding recommendations to the Ministers' Committee on the Budget (MinComBud).

6.6.9 The recommendations from MinComBud are then submitted to the Executive Council which approves additional funding allocations to initiatives. Once this decision has been made, the Provincial Budget Management unit uses this information to draft allocation letters to the sixteen Departments, indicating what additional funding they will receive.

6.6.10 The Departments then incorporate this into their tables and resubmit the budget proposals for the next MTEF period to Provincial Treasury, who in turn, submits it to National Treasury in the budget database. This second submission date to National Treasury is normally in early December.

6.6.11 The tables submitted at this stage are included in the Estimates of Provincial Expenditure and the engagement between Provincial Treasury and Departments intensifies between late November and February, confirming amounts and the narrative.

6.6.12 The amounts depicted in the tables are also used to draft the legally required Main Appropriation Bill which is tabled in the Provincial Legislature, along with the Budget Speech and the Estimates of Provincial Expenditure on Budget Day.

6.6.13 Once the main budget has been voted upon by the Provincial Legislature and the new financial year has commenced, the Departments can start to spend their budgets.

6.6.14 As no amount of planning can anticipate every possible occurrence, Departments are able to amend their budgets in-year by way of budget shifts or virements. In some instances, such shifts or virements require Treasury approval, and Provincial Treasury is tasked with ensuring that such requests are Public Finance Management Act compliant.

6.6.15 In addition, National Treasury also sometimes allocates more funds to the Province, as a result of unforeseen circumstances such as the higher than anticipated wage agreements, or for various events which had not initially been budgeted for.

6.6.16 These budget changes and increased transfers from National Treasury can only be undertaken if they have been appropriated and voted upon. As such, these need to be tabled and voted on at the Provincial Legislature, annually. Prior to submission to the Provincial Legislature though, Provincial Treasury submits any proposed additional funds from National Treasury, as well as any requests for additional funding by Departments to MinComBud and to the Executive Council for approving as to which Departments will receive additional funding. Provincial Treasury then sends allocation letters to all Departments advising them of any additional funding that will accrue to them.

6.6.17 Departments incorporate this into their inputs and Provincial Treasury then prepares the Adjusted Budget, which is tabled in the KwaZulu-Natal Legislature in October/November every year. The MEC for Finance tables the Adjustments Estimate on this day, along with an Adjusted Budget Speech and the legally required Adjusted Appropriation Bill.

6.6.18 The Provincial Treasury also monitors spending by Departments on a monthly basis through the submission of an In-Year Monitoring (IYM) report. Provincial Treasury analyses this report which will eventually forms the basis of a monthly Executive Council memorandum which alerts Council to any potential over-expenditure.

6.6.19 In addition, Provincial Treasury prepares quarterly reports on the spending patterns of Departments. These reports are used to engage with the Departments and to question unrealistic projections. It also is a platform where Departments have to indicate how they will rein-in expenditure if it looks like they will overspend.

6.6.20 The Mid-Year and the Close-Out Quarterly Reports briefs the Finance Portfolio Committee on the expected year-end expenditure projections. This briefing session forms the basis for the Committee to engage with the respective Departments on their spending patterns.

### 6.7 Provincial Legislative Cycle and Processes

6.7.1 Critical in the government planning framework is the legislative process. In this regard, the planning framework integrates activities which take place within the legislative framework. Although the primary role of the Legislature is to make laws, there is a series of activities which involve the Legislature and which Departments have to consider in their planning.

6.7.2 Over and above this, the Legislature considers draft pieces of legislation in order to exercise its power to make laws. A draft piece of legislation (called a Bill) must formally be submitted to the Legislature before the Legislature can consider passing it as a law. Most Bills are prepared by government Departments under the direction of Members of the Executive Council. In the above regard, the following must be noted in relation to the legislative programme and the preparation of Bills by Departments:

   i.    The State Law Advisory Services in the Office of the Premier is responsible for the legal editing and certification of legislation tabled before the Executive Council to obtain approval before introduction of the said legislation in the Provincial Legislature. Therefore, in order to allow the State Law Advisory Services and the Provincial Legislature to plan their work programme, Provincial Departments must submit details of their proposed Legislative programme for any given year to the State Law Advisory Services by 31 January.

   ii.   This proposed Legislative Programme should contain a list of draft Bills which the responsible Member of the Executive Council intends introducing in the Provincial Legislature in the session of the Legislature commencing in February of any given year. The list should also contain details of the dates on which Provincial Departments intend formally referring the Bills listed to the Chief Directorate: State Law Advisory Services for legal editing and certification.

   iii.  Departmental Legislative Programmes must be reviewed and updated bi-monthly for submission to the State Law Advisory Services.

   iv.   When a Department has completed a Bill and intends to submit the same to the Executive Committee, it must first be submitted to the State Law Advisory Services for certification.

v.   The legal editing process may, depending upon the length and complexity of a Bill and the quality of the draft submitted by a Department, take from 14-30 days before certification.

vi.  After certification, the Bill must be translated into isiZulu and Afrikaans (Departments should budget 21-30 days for translation). The Bill must then be referred to Provincial Treasury for purposes of costing and certification.

vii. During this time, the Department must arrange for the drafting of an Executive Council memorandum and the "Memorandum on the Objects of the Bill" and the responsible Member of the Executive Council must obtain approval from the Executive Council to proceed with the Bill's introduction in the Provincial Legislature. This must be done though the Cluster system.

viii. When the Executive Council approves that the Bill may be referred to the Provincial Legislature for introduction, the responsible Member of the Executive Council must refer the certified and approved Bill to the Speaker of the Provincial Legislature accompanied by the Treasury Certificate, Certification Letter, Memorandum on the Objects of the Bill, together with the isiZulu and Afrikaans texts thereof. The process is then handled further by the Provincial Legislature. The Bill is published for comment for 30 days by the Speaker of the Provincial Legislature before referral of the Bill to the relevant Portfolio Committee of the Provincial Legislature.

ix.  It could, therefore, in any given case, take up to three months for a Bill to commence being considered by a Portfolio Committee of the Legislature after the first formal referral of the draft Bill to the Chief Directorate: State Law Advisory Services for legal editing and certification. Provincial Departments should be aware of this and plan their Legislative Programmes accordingly, bearing in mind recesses and adjournments of the Provincial Legislature.

x.   The Portfolio Committee must consider the Bill, possibly make proposed amendments and refer its report on the Bill to the plenary of the Provincial Legislature for consideration where the Bill may be passed into law and enacted.

xi.  During the Portfolio Committee stage of a Bill, it is important that the Departmental line functionaries, the Departmental legal advisors and the State Law Advisor attached to the State Law Advisory Services in the Office of the Premier who certified the Bill, are all present when the Bill is considered by the Portfolio Committee to assist the Portfolio Committee with explanations and clarification (in terms of legalities, formulation, policy issues, practical considerations and otherwise) and to assist the legal advisors to the Provincial Legislature with the formulation of amendments and appropriate consequential amendments.

xii.  It is important to note that the continuing review and rationalisation of laws which must be undertaken by all Departments will, of necessity, impact on the Legislative Programmes of Provincial Departments. In establishing the most appropriate legislative framework for public service delivery, good governance and administration, Departments must, on a continuous basis, review and appraise legislation they administer to ensure that the applicable legislative framework is current, aligned with policy and best addresses service delivery needs and priorities.

xiii.  It is imperative that Provincial Departments formulate policy on a wide range of matters within their competence and sphere of responsibility, as it is neither possible nor desirable to draft legislation in a policy vacuum. This general lack of settled policy required to underpin new legislation should not, however, impact negatively on progress within Departments with mere "technical" rationalisation in respect of aligning old and existing legislation with the Constitution and post-1994 legal frameworks and establishing a legal basis by means of enabling provisions for existing Departmental functions, activities and practices not previously or currently authorised or regulated by law.

## Chapter Seven
# THE EXECUTIVE COUNCIL DECISION-MAKING PROCESS

### 7.1 Executive Council Clusters

7.1.1 The Executive Council decision-making process is underpinned by the Cluster System. The system entails thorough interrogation and processing of matters before they are submitted to Council.

7.1.2 In terms of this system, Executive matters to be dealt with by the Executive Council have to be processed by each of the Council's Technical and Political Clusters. Therefore, in very few cases should matters go straight to the Executive Council without having been to each of the Clusters.

7.1.3 The Cluster system was established to facilitate resourceful, cross-sectoral thinking on public policy issues and to have an integrated approach to policy-making and governance in the Province.

7.1.4 This approach requires MECs, as Executing Authorities, and Heads of Departments, as their Accounting Officers, to adopt an approach that will involve the entire Cluster when developing or initiating government policy and legislation from their respective domains.

7.1.5 One important outcome of the establishment of this system is that Executive Council memoranda will arise from the collaborative interactions among relevant sectors rather than Departmental memoranda driving the Executive Council system, as was the case.

7.1.6 The four Executive Council Clusters in the Province are:

    i.     Governance and Administration (G&A)
    ii.    Economic Sectors and Infrastructure (ESID)
    iii.   Social Protection, Community and Human Development (SPCHD)
    iv.   Justice, Crime Prevention and Security (JCPS)

**Table 1**
**Composition of the Clusters**

| | GOVERNANCE AND ADMINISTRATION (G&A) | ECONOMIC SECTORS AND INFRASTRUCTURE (ESID) | SOCIAL PROTECTION, COMMUNITY AND HUMAN DEVELOPMENT (SPCHD) | JUSTICE, CRIME PREVENTION AND SECURITY (JCPS) |
|---|---|---|---|---|
| **CORE MEMBERS** | • Office of the Premier<br>• Cooperative Governance and Traditional Affairs<br>• Provincial Treasury<br>• Community Safety and Liaison | • Economic Development and Tourism<br>• Transport<br>• Public Works<br>• Agriculture, Environmental Affairs and Rural Development<br>• Provincial Treasury | • Education<br>• Health<br>• Social Development<br>• Sport and Recreation<br>• Human Settlements<br>• Arts and Culture<br>• South African Social Security Agency (SASSA) | • Community Safety and Liaison<br>• South African Police Services (SAPS)<br>• Justice<br>• National Prosecution Authority (NPA)<br>• Home Affairs<br>• Correctional Services<br>• National Intelligence Agency (NIA)<br>• South African National Defence Force<br>• Social Development |
| **NON-CORE MEMBERS** | All Other Departments | All Other Departments | All Other Departments | All Other Departments |

## 7.2    The Role of the Clusters

### 7.2.1   Executive Council Clusters

i.      Executive Council Clusters provide a forum for more detailed consideration and discussion of issues before referral to the Executive Council. As a principle, matters for decision by the Executive Council should be considered first by one or more Executive Council Clusters.

ii.     Executive Council Clusters derive their powers from the Executive Council and can only make recommendations which are ratified by the Executive Council. Members of the Executive and Departments must not act on the Executive Council Cluster decisions unless they have been confirmed (or amended) by the Executive Council.

### 7.2.2   Technical Clusters

i.      There are four corresponding Technical Support Clusters which support the Executive Council Clusters.

ii.     Technical Clusters are chaired by Heads of Departments as appointed by the Premier for the duration of their term of office.

iii.    Technical Clusters provide a forum where the Heads of Departments can deal with the technical aspects of all cross-cutting issues before they can be referred to the Executive Council Clusters.

iv.     The main functions of the Technical Clusters are to:

- coordinate the programs and projects within their particular Cluster
- investigate and report on issues identified by the Executive Council Cluster
- process Executive Council memoranda pertaining to the Cluster
- facilitate the implementation of Executive Council decisions, and
- monitor and evaluate the effectiveness of the decisions made.

v.      Attendance at a meeting where a Department is a core Member is compulsory. Where a Department is a non-core Member, another senior official may be assigned to represent the Department.

### 7.3 Membership: Core and Non-Core Members

7.3.1 Clusters are made up of Departments who are core Members of that particular Cluster.

7.3.2 To ensure effectiveness in the operation of the Cluster system, and also to ensure that the Clusters are more manageable, it is important to classify Membership either as core or non-core.

7.3.3 Most Departments are affected by policy matters being dealt with in virtually all the Clusters, e.g Treasury. However, even though a Department would see itself as belonging in all the Clusters, it has to choose one Cluster where it will serve as a core Member. It can then be a non-core Member of the other Clusters.

7.3.4 This is particularly so as Clusters usually meet simultaneously and therefore it does affect the workings of the Cluster if a Department was to be a core Member of more than one Cluster.

7.3.5 In the case of Technical Clusters, core Departments are represented by their respective Heads of Departments in the HOD Clusters, and non-core Departments are represented by Senior General Managers. Where a Department is a core Member of more than two Clusters, the HOD should make known his/her primary Cluster, which he/she will be expected to attend. A Senior General Manager would attend the secondary Cluster meeting.

7.3.6 All Departments are non-core Members of all the Clusters, except the JCPS. This means that if there is a matter affecting the Department in another Cluster, in the case of Technical Clusters, the HOD may send his/her representative (Senior General Manager or, in special cases, General Managers) to attend such a Cluster meetings.

7.3.7 In the case of Executive Council Clusters, where a MEC is a Member of two Clusters, he/she should signal his/her primary and secondary Cluster, with attendance at the primary Cluster being prioritised, and attendance at the secondary Cluster being based on issues that require his/her attention in the secondary Cluster.

7.3.8 The quorum in each Executive Council Cluster will be 50% + 1 of core Members (with the exception of JCPS); and for the HODs Cluster the quorum will be 50%.

7.3.9 Each of the four Clusters deals with issues specific to their Clusters which include, but are not limited to, the following:

| Social Protection, Community and Human Development | Poverty eradication, social development issues, health, education and issues pertaining to social justice. |
|---|---|
| Economic Sectors and Infrastructure | Financial issues, economic development, infrastructural investment and job creation. |
| Governance and Administration Cluster | Public administration, human resource development and international relations. |
| Justice, Crime Prevention and Security | Peace and security, crime prevention and related matters |

## 7.4    Setting of Priorities by Government

7.4.1 The decision-making cycle starts with the planning phase by the Executive Council. In this regard, the Executive Council would, prior to the beginning of each financial year, go on a retreat to determine the Provincial priorities (short, medium and long-term) and also structure its programme for the on-coming financial year.

7.4.2 This culminates in the development of a Government Programme of Action.

7.4.3 The priorities of government are informed by the government's Medium Term Strategic Framework and other policy frameworks, e.g. the State of the Nation and Province Addresses as well as the Budget Speeches.

7.4.4 The rationale for this is that all government Departments would then base their planning and strategic plans on the determined priorities and programme of action. Even Departmental budget plans should therefore be informed by the set priorities.

7.4.5 Memoranda from Departments should therefore seek to respond to the government's priorities.

### 7.5  Development of Memoranda from Departments

7.5.1   Based on the priorities which have been set by the Executive Council, Departments initiate policy proposals in consultation with other Departments and agencies likely to have an interest in the proposals.

7.5.2   In doing so, Departments have to ensure that such proposals are not in conflict with the policy direction of government and will not impose financial commitments that would not be affordable by government.

7.5.3   Furthermore, it is the responsibility of the Department initiating the proposal to ensure that such a proposal is not in conflict with previous Executive Council resolutions.

### 7.6  Technical Cluster Discussion

7.6.1   Once a Department has prepared a policy proposal, it then tables the proposal, in the form of a draft memorandum, to the relevant Technical Cluster.

7.6.2   At this stage, the originating Department gets a chance to engage other Departments on the matter, prior to it being considered by Members of the Executive.

7.6.3   Heads of Departments and other senior government officials then interrogate the matter thoroughly and all its implications to ensure that by the time it is considered by Members of the Executive Council, it is well deliberated upon.

7.6.4   Once the matter is discussed at a Technical Cluster level, it ceases to be a Departmental matter and now becomes a Cluster matter.

### 7.7  Discussion at the Executive Council Cluster Level

7.7.1   Once the Technical Cluster is satisfied that the matter has been vigorously interrogated and ready for the next level, it is then referred to the Executive Council Cluster, consisting of relevant Members of the Executive Council.

7.7.2　Similarly, the Executive Council Cluster would also make its input until it is satisfied that the matter is ready to be taken to the final stage, the Executive Council level.

7.7.3　The Cluster may engage with different stakeholders and ask for more information and presentations before it concludes the matter.

## 7.8　Executive Council Decisions

7.8.1　By the time the matter is brought to the Executive Council, it would have gone through all the stages referred to above and is ready for a decision to be made.

7.8.2　At the Executive Council stage, the matter is presented by the Chairperson of the relevant Executive Council Cluster.

7.8.3　The Executive Council would then take a decision on the matter, which then becomes a binding Council resolution.

## 7.9　Straightforward Executive Council Matters

7.9.1　There will be matters which, by their very nature, are straightforward and which do not need to be taken through the process outlined above, but tabled directly in the Executive Council.

7.9.2　These would be matters which:

　i.　would not necessarily have implications for other Departments, or
　ii.　are of a sensitive nature and only require consideration by the Executive Council, or
　iii.　relate to significant appointments which only require Executive Council consideration.

7.9.3　A straightforward matter has to be placed on the agenda of the Executive Council through an Executive Council memorandum within the stipulated deadlines.

# Chapter Eight
# EXECUTIVE COUNCIL BUSINESS AND PRESENTATION OF ITEMS

## 8.1 What should be submitted to the Executive Council?

8.1.1 As a general rule, Members of the Executive should put before their colleagues the sorts of issues they themselves would wish to be consulted on.

8.1.2 Matters of the following nature are normally tabled at the Executive Council through its Clusters:

    i.     new policy proposals and proposed significant variations to existing policies

    ii.    proposals that will affect government's financial position or important financial matters

    iii.   matters concerning the machinery of government

    iv.   proposals involving new legislation

    v.    matters concerning the portfolio interests of a number of Members of the Executive

    vi.   controversial matters

    vii.  significant appointments

    viii. reports of a substantive nature affecting government policy

    ix.   Ministers and Members of Executive Councils (MINMEC) Reports

    x.    Executive Council Sub-Committee Reports

## 8.2 Matters that need not be submitted to the Executive Council

8.2.1 Matters that should not, as a general rule, be brought to the Executive Council include:

    i.     matters concerning the day-to-day management of a portfolio that have been delegated to a Department

    ii.    operational (non-policy) statutory functions

    iii.   the exercise of statutory decision-making powers (within existing policy) concerning individuals

8.2.2   It may, nonetheless, be appropriate to bring an item in this list to the Executive Council's attention if it is significant or likely to be controversial.

## 8.3     How do matters get submitted to the Executive Council?

8.3.1   Business comes before the Executive Council in the following manner:

i.     Cluster recommendations for ratification by the Executive Council, accompanied by memoranda from Departments
ii.    Straightforward issues which do not impact on other portfolios and which, by their very nature, do not need to be referred to any Executive Council Cluster
iii.   The Premier will exercise his discretion on what matters he would handle out of the Executive Council
iv.    Issues discussed at the Executive Council are only those which appear on the Executive Council agenda and for which there is a memorandum with clear recommendations. In this regard, the Executive Council Secretariat will not place any item on the agenda unless an appropriate memorandum has been lodged with it

## 8.4     Manner of Presentation of Items at Executive Council Meetings

8.4.1   The Chairperson of the Executive Council Cluster through which the memorandum has been processed with the assistance of the MEC from whose Department the memorandum originated will present it to the Executive Council.

8.4.2   Officials who are experts in the matter can be invited to assist in presenting the Cluster recommendation to the Executive Council.

8.4.3   In view of the demands Executive Council meetings make on the Members of the Executive's time and the need to contain the volume of Executive Council business, when presenting items, Members of the Executive are expected to provide a summary of what is contained in the memorandum (Refer to Chapter 14).

8.4.4   When they attend Executive Council meetings, Members of the Executive are expected to have read the documents for the meeting and therefore, when making their presentations, Members of the Executive Council are not expected to read the entire Executive Council memorandum.

8.4.5   Executive Council memoranda are strictly limited to six typed pages (including the cover sheet, summary, body and recommendations), typed in a 12-point font.

8.4.6   It is often necessary to attach annexure to memoranda. In such cases, the essence of the findings, measures to be taken and/or recommendations appearing in the annexure should be summarised in the memorandum itself.

## 8.5   Agendas

8.5.1   The Executive Council Secretariat draws up the agendas for the Executive Council and Executive Council Cluster meetings in consultation with the Premier, the Director-General and the chairs of the Clusters (in the case of Cluster meetings).

8.5.2   The Executive Council Secretariat is required to ensure that the Executive Council agenda contains only items that have already been considered by an Executive Council Cluster, save for a few exceptional circumstances.

## 8.6   Quorum

8.6.1   A quorum for Executive Council meetings is half the full Membership of the Executive Council, plus one.

8.6.2   The quorum for Cluster meetings shall be decided by the chairperson of that Cluster, taking into account the presence of appropriate Members of the Executive.

## 8.7   Communication equipment inside Executive Council / Executive Council Cluster meetings

8.7.1   Cellular phones are not allowed inside Executive Council/Executive Council Cluster meetings. Members of the Executive and Heads of Departments may leave their cellular phones either with their security personnel or with Members of the Executive Council Secretariat.

# Chapter Nine
# TYPES OF EXECUTIVE COUNCIL MEMORANDA

## 9.1  Introduction

Executive Council memoranda differ in content depending on the issue that a particular Department/agency wants the Executive Council to consider. It is therefore crucial for the writer of an Executive Council memorandum to understand this difference to enable him/her to draft the memorandum in a manner that would be easy for the Members of the Executive Council to understand in terms of action that is expected from it. The basic format of writing an Executive Council memorandum is, however, the same for all types of memoranda.

## 9.2  Types of Memoranda to the Executive Council

Executive Council Memoranda can be divided into four categories namely, Decision (Policy) Memoranda, Information Memoranda, Proposals for Appointments Memoranda and Legislative Memoranda.

### 9.2.1  Decision Memoranda

Most memoranda that get presented to the Executive Council are those that require decisions. These form the basis upon which major government policies are determined. Decision items require Executive Council's approval, endorsement or support for particular proposals. It is absolutely critical, and in the interest of good governance, that the Executive Council takes informed decisions based on information that is accurate, relevant and well processed.

Towards the above, it does not serve the Executive Council well when it is put under pressure and has to take decisions haphazardly simply because of time constraints, therefore memoranda must be submitted well on time through the relevant Clusters. When submitting memoranda requiring decisions by the Executive Council, Departments are expected to ensure that:

i.     The Executive Council is given sufficient background on the matter
ii.    Various options, together with intended implications, are presented
iii.   All implications are well elaborated in the memorandum
iv.    The memorandum clearly indicates how the policy proposal responds to governmental priorities
v.     The recommendations are clear and not ambiguous. In this regard, the memorandum requiring decision must end with clear recommendations and it must not just be left to the Executive Council to decide on the matter without guidance and a recommendation being provided. It must be very clear what it is that needs approval, support and endorsement. In very few instances must a recommendation state that "The Executive Council is requested to deliberate and decide on the matter".

### 9.2.2   Information Memoranda

Information memoranda are prepared in cases where, though the Executive Council is not required to take a decision in the matter, the matter is of such a nature that the Executive Council has to be taken into confidence on the matter.

This for instance would be the case of a matter that, though purely a Departmental matter and under normal circumstances would not have been brought to the Executive Council, its nature is such that it is likely to be or is already in the public domain. In such a case, the Member of the Executive concerned would therefore brief the Executive Council on the matter and the steps that have been taken to deal with it. In that case, though the idea is simply to inform Council, the Department still has to submit a fully-fledged memorandum outlining all the implications. If there are no intended implications, it must be stated as such in the relevant section of the memorandum.

The only difference between a memorandum requiring Executive Council decision and the one simply to inform Council in the matter would be the recommendation/s. In this regard, whereas the decision memoranda would end with a recommendation requesting the Executive Council to approve, endorse, support or agree to a matter, the information memorandum will simply require the Council to "be informed of the matter".

Previously, information memoranda would simply end with a recommendation requiring the Council to "note the matter". The word "note" is no longer used in the Council recommendation but instead, the recommendation must say "The Executive Council is informed of… ".

### 9.2.3   Significant Appointment Memoranda

MECs are required to bring all "significant" full-time and part-time appointment proposals to the Executive Council for consideration. Appointments are significant if:

i.      the Members who, in connection with their role on a body, receive remuneration of any type from Government funds, or are responsible for allocating Government funds or resources
ii.     they are to belong to regulatory and licensing bodies, commissions, industry tribunals, Amakhosi and boards
iii.    significant appointment proposals are subject to strict intra-Government consultation requirements to ensure that:

- gender and multi-cultural considerations, and interested community Members are taken into account and given the opportunity to add to the expertise of bodies to which key appointments are being made, and
- remuneration for Members is commensurate with Government policy.

iv.  Memoranda seeking Executive approval of significant appointments should:

- present all the information required by MECs succinctly and accurately to consider the proposed appointment properly
- explain what process has been followed for the proposed appointment
- follow broadly the basic format for the Executive Council memoranda. It should contain information about the various issues listed below:

   a) the legislative provisions or government decisions that give rise to appointments to the particular organisation
   b) why the appointment is necessary
   c) description of the position and the MECs declaration that an appropriate appointment process has been followed
   d) proposed appointee's qualification
   e) term of the proposed appointment
   f) possibility of conflict of interest in the appointment
   g) any other matters affecting the suitability of the proposed appointee
   h) account of the consultation undertaken
   i) copy of nominee/appointee's CV must also be attached.

### 9.2.4  Legislative Memoranda

Legislative Memoranda aim to get the approval of the Executive Council to introduce a Bill to the Legislature. This is the last stage in the Legislative drafting process before a Bill is submitted to the Legislature. However, Departments have to refer a Bill to the Executive Council Clusters in its very draft stages to enable the Executive Council to consider all the intricacies during its formulation stages. During this stage the memorandum should include the following:

i.  the title of the memoranda must reflect the proper name of the Bill that is the subject of the memorandum. In this regard, the long and the short title must be clearly reflected in the Bill.
ii.  it should briefly summarise the policy to be implemented by the Bill.
iii.  indicate any aspects of the Bill that are likely to be contentious.

iv.  explain why the Legislative action is needed to implement the policy.
v.   indicate whether it complies with the Constitution of the Republic of South Africa and other existing laws both Provincially and Nationally.
vi.  summarise the consultation on policy issues that has already taken place or will be needed.

## 9.3    Mentions

Mentions are meant to simply inform the Executive Council of matters that would be of interest to Members. Mentions do not necessitate an Executive Council memorandum being developed since no decision is required by Council and there are no implications that Council has to be aware of. An example of this would be a matter dealing with "An award won by the Department". Mentions are distinct from Information Memoranda. Mentions, as the name suggests, are normally submitted to state something and must be summarised in a one-page document. If the matter has either organisational, personnel, financial, communication, legal or other implications, it cannot be submitted as a Mention. A fully-fledged Information Executive Council memorandum will have to be prepared in that regard. Furthermore, Mentions are not meant to accommodate a situation where a document could not be submitted on time and therefore the matter is presented as a "Mention".

# Chapter Ten
# GUIDELINES FOR THE DRAFTING OF MEMORANDA AND MENTIONS

## 10.1 Introduction

The requirements governing memoranda that are submitted to the Executive Council and Executive Council Clusters have been set so that memoranda that serve before the Executive Council are of a consistently high standard and include the information Members of the Executive Council require for taking decisions. The requirements are enforced by the Executive Council Secretariat on behalf of the Executive Council. If a memorandum does not meet these requirements, the memorandum may be returned to the MEC's office for the identified defect to be remedied.

## 10.2 Length of Memoranda

Those preparing Executive Council or Executive Council Cluster memoranda must keep in mind that there is a heavy demand on MECs' time. A balance must therefore be struck between the competing needs for information and brevity.

Memoranda should not be more than SIX pages long (excluding annexures). This rule has been set to ensure that memoranda are concise. MECs often have a large number of memoranda to read before meetings, and do not have the time to read long memoranda.

It is unacceptable to reduce the size of the typeface, narrow the margins or otherwise fill up the page with text to keep within the SIX page limit. The minimum type size for memoranda is 12 point. A well formatted memorandum assists MECs to quickly absorb the contents of the memorandum.

If detailed tables or similar supporting material are absolutely necessary, they should be attached as annexures.

### 10.3    Good Presentation

Well presented memoranda will assist MECs in their consideration thereof. Memoranda to the Executive Council and Executive Council Clusters should:

10.3.1    Keep to the SIX page limit

10.3.2    Be concise, without excluding essential information, coherent and logical

10.3.3    Be written in plain language

10.3.4    Not assume the reader has expert knowledge

10.3.5    Be structured so that the key issues stand out

10.3.6    Avoid detailed lists. Summarise the information instead

10.3.7    Use charts and diagrams where they can assist in understanding

10.3.8    Have clear recommendations to enable decisions to be easily and logically assessed

10.3.9    Use annexure to include detailed information that is vital to the issue

10.3.10  In terms of layout, use headings and sub-headings, short paragraphs, uncomplicated sentences and bullet points

10.3.11  Have all paragraphs numbered

10.3.12  Have all pages numbered, including the annexures

10.3.13  Use a good clear font

### 10.4 Format of Memoranda

The following guidelines show the headings and type of information that needs to be included in memoranda, and sets them out in the style that should be used [Refer to Annexure B].

### 10.4.1 Head Notes

**Security Classification**

The National Intelligence Agency has recommended that SECRET should be the official security classification of all Executive Council documents. At the beginning of each and every page of your memorandum this security classification should appear.

**Portfolio**

State the name of the Department from which the memorandum is originating.

**Name of the Cluster**

The memorandum must bear the name of the Cluster it is intended to serve in, e.g. "Governance and Administration". Similarly, when a memorandum does not have to be tabled at any Cluster but directly to the Executive Council, this must be indicated accordingly.

**Agenda No.:**
[Leave blank as the information will be filled in by the Executive Council Secretariat who will allocate the numbers]

**File No.:**
[Leave blank as the information will be filled in by the Executive Council Secretariat who will allocate the numbers]

**Date:**
[State the date of the meeting on which the memorandum should be considered]

### 10.4.2  Subject

The subject of the Executive Council memorandum is the title which will be reflected on the agenda and in the minutes of the Executive Council and of an Executive Council Cluster.

### 10.4.3  Purpose

Briefly explain the purpose at the beginning of the memorandum in one or two sentences. Succinctly state what matters the Executive Council is being asked to consider or decide upon. Examples are:

"To obtain approval for ..."
"To inform the Executive Council of ..."
"To inform the Executive Council of  ...." and "to obtain approval for .... ".

### 10.4.4  Summary

There must then be a summary which should contain the essence of the motivation in the memorandum. The summary should be a few paragraphs in length and succinctly explain the main issues.

### 10.4.5  Discussion

Under this heading, the writer should take into account the following: Background to the matter, a formulation of the problem, a discussion of alternative options and motivation for the recommendations.

Background information should include the following:

- A brief explanation of the reasons for the memorandum.
- If the matter has already served before the Executive Council or Executive Council Cluster, reference should be made to this, quoting a previous resolution (item/paragraph and date is essential).
- A summary of developments, if the historical run of events is of any importance, should be dealt with here.

If the problem that has given rise to the memorandum cannot be clearly deduced from the purpose, it should be discussed briefly. If it is a memorandum that stems from an Executive Council resolution, reference should be made to the resolution number and/or date of the meeting.

The memorandum must also indicate what Provincial Priority is being addressed and how is it addressed.

Where applicable, alternative solutions to the problem should be mentioned and the pros and cons of each discussed briefly.

The recommendations, which will follow later in the memorandum, should be motivated.

### 10.4.6    Other Departments/ Bodies Consulted

It is important that all affected Departments be consulted, hence, in this section the names of the Departments/bodies consulted are mentioned. Should any of the bodies concerned disagree fundamentally with the recommendation, it should be mentioned here and a clear statement of their objection should be included.

### 10.4.7    Organisation and Personnel Implications

State whether the proposed Executive Council decision may imply that:

- a Department undertakes new functions
- existing allocated functions are re-assigned to another Department, institution or body
- a new institution or body which is not a Department comes into being
- improvements in the service conditions of any group of civil service personnel have been introduced. It should be indicated whether the Public Service Commission was consulted and what its view on the matter is.

Furnish the details of the net increase/decrease in personnel numbers, if the proposed Executive Council decision implies a net increase/decrease in personnel numbers, with an indication of the categories such as Management Echelon, other personnel and general assistants.

**10.4.8    Representativity**

It is important to list in the memorandum, especially those dealing with significant appointments, the representativity of the institution as affected  by the appointments. Representativity is the implementation of affirmative action measures to redress the disadvantages in employment experienced by designated groups (blacks, women, or people with disabilities) to ensure their equitable representation in all occupational categories and levels in the workforce. Executive Council documents should indicate the number and composition (race, gender, disability) of the incumbents of the posts that is on the same level as the post to which proposed appointment will be effected.

**10.4.9    Constitutional and Legal Implications**

When submitting certain recommendations for consideration, a Department should specifically consider whether the recommendations are consistent with the constitution. Depending on the nature of the recommendations, the opinion expressed may vary from a general opinion to that of a formal legal opinion. It will be preferable if the said opinion could be annexed to the memorandum for the benefit of those Members of the Executive Council who will be interested in studying the opinion. If in the body of the memorandum, you have referred to a particular legislation, it is important to either cite the relevant clause or include it as an annexure.

**10.4.10   Financial Implications**

All memoranda that contain recommendations on expenditure or revenue, or that have huge financial, fiscal or economic implications, must first be referred to the Provincial Treasury for comment.

The memoranda should outline the following:

• The effect which the revenue and the expenditure flowing from the recommendations will have on the Provincial Budget for the present financial year
• Costs carried forward to the next financial year
• The proposed funding of the expenditure

### 10.4.11 Recommendations

Discussions at the Executive Council or Executive Council Cluster meeting will usually focus on the recommendations. It is therefore very important that decisions that are needed are set out in a clear and unambiguous manner as well as in a logical order.

Recommendations must be written so that they can be converted into a minute recording of the Executive Council or the Executive Council Cluster decision. They must provide a clear guide to MECs and Departments that have to implement the decision. They must be able to stand alone and their meaning must be clear to those who may not have read the memoranda.

Each recommendation must be supported by a statement(s) in the body of the memorandum. Do not introduce new material or points into the recommendations. Do not refer in the recommendations to detail provided in the memorandum. It may be useful to draft the recommendations first and then go back and write the rest of the memorandum in a way that supports the recommendations. Do not omit important issues on which decisions are required. If a report back is proposed, recommend a realistic, achievable date. If no date is recommended, there is a possibility that MECs may choose one that cannot be met by the Department. Recommendations should also state to whom the proposed report back is to be made and which Departments are to be involved.

If the recommendation consists of more than one sentence, it must be drafted in such a way that there is a logical flow in such sentences. For instance, a portion of the recommendation that require the Executive Council to be informed of a particular issue should be separated from the one where the Executive Council is requested to approve something.

In many instances, the recommendations that are tabled for consideration by the Executive Council are so badly crafted that it is difficult to ascertain what the Executive Council is expected to do. When formulating your recommendations, it is suggested that the following format, as captured in the Drafter's Guide used by the Executive Council Secretariat to draft Executive Council resolutions, be used.

It is recommended that the Executive Council:

• is informed of
• agrees that
• agrees to
• directs
• invites
• approves
• authorises

In summary, good recommendations:

• Identify all the decisions needed
• Contain a minimum of noting recommendations
• Are accurate in every detail
• Do not leave any room for doubt about what is being decided
• Make sense independently of the memorandum
• Set out clear options for MECs to decide
• Give clear instructions on the next steps or work required, identifying who is to do the work and by when
• Rescind earlier decisions, where necessary.

### 10.4.12  Contact Person

Following the recommendations, the writer of the Executive Council memorandum should write the name and the telephone number of the contact person, should there be queries to the memorandum.

### 10.4.13  Involvement of Heads of Departments and MECs

All memoranda for the Executive Council and Executive Council Clusters must be signed by both the Head of Department and the MEC. MECs should therefore always be kept informed in advance about prospective Executive Council memorandum. An MEC may need to approve policy proposals in advance, he or she may wish to see early drafts of a memorandum; and/or meet with officials to discuss proposals.

MECs should also have time to consider the final version of a memorandum and to consult with colleagues, before they sign it out to the Executive Council or the Executive Council Cluster. Officials preparing memoranda on policy issues should discuss with the MECs office how he or she wishes to approach a particular issue. If there are further developments after the memorandum has been sent to the MEC, it may be useful to provide an additional brief to the MEC before the Executive Council or Executive Council Cluster. Other additional briefing material for the MEC can be included in a Departmental report accompanying the Cluster memorandum.

### 10.5 Format of Executive Council Mentions

10.5.1    A Mention must not be more than ONE A4 page in length.

10.5.2    As in Executive Council Memoranda, Mentions must be classified "SECRET".

10.5.3    Included in Executive Council Mention head notes, must be the Department of Origin, Subject, Date, Agenda Item and File Number.

10.5.4    The Body of a Mention must include the following sub-headings:

   i.    Purpose
         Always start with, "To inform the Executive Council ..."

   ii.   Summary
         A brief summary on the subject being mentioned.

   iii.  Recommendation
         This section should always start with the sentence, "The Executive Council is informed ....", thereafter list the intended purpose.

10.5.5    A Head of Department and Member of the Executive Council must be the authorisation signatories to a Mention.

# Chapter Eleven
# EXECUTIVE COUNCIL PROCEDURES

## 11.1    Executive Council Meeting Cycle

11.1.1    The Executive Council decision-making-process follows a three week meeting cycle.

11.1.2    It starts with the Technical Clusters in week one which meet to make technical inputs into issues.

11.1.3    The second week is the meeting of the Executive Council Clusters which consider matters that come from Technical Clusters.

11.1.4    The third week is the meeting of the Executive Council which considers the recommendations of the Executive Council Clusters. This week also coincides with the first meeting of the Technical Clusters for the next cycle.

## 11.2    Executive Council Programme

11.2.1    The Executive Council meets throughout the year, on Wednesdays following the Executive Council Cluster meetings.

## 11.3    Procedure for the Submission of Documents to the Executive Council

11.3.1    As a general rule, all memoranda sent to the Executive Council must first be served before each of the relevant Technical Clusters. Once a matter has been processed by the Technical Clusters, it is then referred to a corresponding Executive Council Cluster. Once the Executive Council Cluster is satisfied that the matter is ready for discussion at Executive Council level, it is then accordingly referred to Council.

11.3.2 In very few cases should matters go straight to the Executive Council without having been to each of the Clusters. This will be in the case of straight-forward matters which do not impact on other Departments.

11.3.3 This therefore calls for good planning by all senior managers, taking into account all the steps that have to be followed in the decision-making process.

11.3.4 When submitting a matter to the Executive Council, the letter in Annexure C must be attached thereto.

**11.4 Deadline for the Submission of items to the Executive Council Secretariat for inclusion in the Agenda of the Technical Cluster, Executive Council Clusters or Executive Council**

11.4.1 All memoranda that have to be tabled before the Technical Clusters, Executive Council Clusters, or Executive Council must be submitted to the Executive Council Secretariat before 15h00 on the Thursday preceding the Technical Clusters, Executive Council Clusters, or Executive Council meeting.

**11.5 Procedure for the Submission of "Urgent Items"**

11.5.1 There will be instances where items could not be submitted to the Executive Council Secretariat on time, but will constitute an "urgent item" by their very nature.

11.5.2 These apply to developments and eventualities which are completely unforeseen, such as natural disasters, outbreak of diseases, etc.

11.5.3 The Premier's authority has to be sought before a matter can be included on the Executive Council agenda as an "urgent matter", simply because the matter would have been received after the Premier had already approved the Executive Council agenda.

**11.6    Procedure for the Submission of "Mentions"**

11.6.1   Mentions still have to be reflected on the agenda of the Executive Council and still have to be circulated to Members of the Executive. In this regard, the deadline for the submission of Mentions is 12h00 on the Monday preceding the meeting.

**11.7    Format of Executive Council Memoranda**

11.7.1   Both the Executive Council memoranda and Mentions have to be prepared as per the formats discussed in Chapter 10.

11.7.2   Documents that do not comply with these formats will be sent back to the originating Department for correction.

# Chapter Twelve
## STRUCTURES SUPPORTING THE EXECUTIVE COUNCIL

### 12.1 Committee of Heads of Departments (COHOD)

12.1.1 The Committee of Heads of Departments serves as the key inter-Departmental coordination mechanism for Provincial government. It serves as a platform and a high-level forum for the Director-General, who chairs the Committee, to engage with Heads of Departments to discuss strategic and transversal issues, prior to such issues being considered by the Executive Council, in the case of issues going to the Executive Council.

12.1.2 COHOD, therefore, is the primary implementation arm of the Executive Council, instrumental in establishing an integrated seamless and streamlined government which is crucial for effective service delivery towards poverty alleviation.

12.1.3 COHOD also discusses key transversal administrative issues affecting the Provincial government and coordinates the work of Clusters.

12.1.4 The Intergovernmental Relations Unit is responsible for secretariat support to COHOD.

### 12.2 Secretariat Support to the Clusters

12.2.1 The Executive Council Secretariat supports the Executive Council and Clusters.

### 12.3 Support to Cluster Task Teams

12.3.1 Secretariat support to the Technical Cluster Task Teams is provided by the lead Department in that particular Task Team.

## 12.4    The Executive Council Secretariat

12.4.1  The Director-General in the Office of the Premier is the Secretary to the Executive Council, responsible for, amongst others, the routine administration of Council matters in accordance with policies established by the Executive Council and procedures set out in the Executive Council Manual, as well as the overall coordination of the implementation of Executive Council decisions.

12.4.2  Located within the Office of the Director-General is the Executive Council Secretariat which supports the operation of the Executive Council and Clusters through, inter alia:

    i.     providing expert advice to facilitate the operation of the Executive Council and its processes

    ii.    critically reviewing memoranda received from Departments for compliance with the Manual to ensure that the processes of decision-making have been properly followed and that policies proposed are properly aligned, synergised and integrated

    iii.   facilitating the management of the decision-making processes of the Executive Council and Executive Council Clusters as well as ensuring that decisions are acted upon

    iv.   providing accurate records of all meetings

    v.    coordinating the business of the Executive Council, Executive Council Clusters, Technical Clusters and Executive Council Sub-Committees through providing logistical support, and

    vi.   safekeeping and management of Executive Council documents and records through an efficient information storage, retrieval and distribution system as well as act as custodians of Executive Council records of present and past governments.

## 12.5    Government Communication

12.5.1  The Chief Government Communication Officer is responsible for communicating the decisions of the Executive Council to the public.

12.5.2  Towards this end, the Chief Government Communication Officer attends all Executive Council meetings in order to understand and capture the Council's position on issues being discussed.

**12.6     Monitoring and Evaluation**

The purpose of the Monitoring and Evaluation Unit, established in line with the overarching policy framework for the monitoring and evaluation of the South African Government, is to assist the Provincial Government to measure, monitor and evaluate performance, progress and impact of its Programme of Action. Furthermore, the Unit ensures the effective implementation of the government-wide monitoring and evaluation system that contributes to improved governance and enhanced effectiveness of public sector organisations and institutions in the Province.

**12.7     Cluster Managers in Departments**

12.7.1  All Departments are required to appoint officials who are essentially going to focus on supporting the Cluster System to ensure the quality of documentation that is to be presented to the Executive Council.

12.7.2  The Departmental Cluster Support officials are responsible for, amongst other things:

     i.    overall management and coordination of all Cluster projects which have to be undertaken by their own Departments
     ii.   driving the Cluster programme in their own Department
     iii.  assisting Heads of Departments in planning and monitoring the implementation of projects and providing reports to the Clusters in respect of the Cluster programs
     iv.  rendering technical assistance to Departmental Project Managers in so far as the implementation is concerned as per individual Cluster, and
     v.   providing support in ensuring the effective implementation of decisions.

12.7.3  Furthermore, chairpersons of both the Executive Council and Technical Clusters must have designated officials within their Departments who support them in this role by liaising with the Cluster Secretariat from the Executive Council Secretariat.

# Chapter Thirteen
# EXECUTIVE COUNCIL DOCUMENT MANAGEMENT

### 13.1    Executive Council Documents

13.1.1 Executive Council documents contain intelligence information, which, by their very nature, is sensitive and requires security measures in terms of accessibility, storage and transmission, and should be treated with care and protected from unauthorised release. In this regard, strict compliance with the Minimum Information Security Standards (MISS) guidelines is of cardinal importance.

13.1.2 All Members of the Executive Council and their personnel, as well as senior government officials, have a duty to protect information contained in Executive Council documents, which include:

   i.       business lists for meetings
   ii.      programmes and notices of meetings
   iii.     submissions and memoranda, including copies lodged with the Secretariat and copies held elsewhere
   iv.      reports and attachments to submissions and memoranda (whether or not actually attached) which have been brought into existence for the purpose of being considered by Executive Council/Clusters
   v.       any papers circulated by Members of the Executive related to matters under discussion
   vi.      correspondence between Members of the Executive and the Premier which is submitted to the Executive Council or proposes matters to be raised in Council without submission
   vii.     Cluster Recommendations and Executive Council Resolutions
   viii.    documents of the Secretariat including notebooks or other material that in any way records the deliberations of the Executive Council, and
   ix.      copies of and extracts from documents referred to above.

### 13.2 Handling of Executive Council Documents

13.2.1 All Executive Council documents are marked "Secret".

13.2.2 According to the MISS document "Secret" is used when the compromise of information:

   i. can result in the disruption of the planning and fulfilling of tasks, i.e. the objectives of a State or Institution in such a way that it cannot properly fulfill its normal functions, and
   ii. can disrupt the operational cooperation between the Institutions in such a way that it threatens the functioning of one or more of these Institutions.

13.2.3 For more information on the classification, handling, transmission and storage of classified documents, please refer to the Minimum Information Security Standards (MISS) document. Basic requirements for handling of Executive Council documents are:

   i. documents must be conveyed in a safe, locked container
   ii. documents must be dispatched in a double envelope or cover and be sealed
   iii. documents must be locked away in a safe storage place. The doors of all offices must be fitted with security locks and there must be control over movement
   iv. internal distribution should be reflected in registers for incoming and outgoing mail. Apart from being registered, a system of route forms should be implemented to ensure that a document can be traced
   v. documents may not be taken home without the written approval of the Head of Department
   vi. only facsimile machines equipped with encryption as prescribed by the Communication Security Policy/Instructions must be used
   vii. documents may be typed only by persons having appropriate security clearance
   viii. documents must be destroyed using a shredder, and
   ix. copies of all secret documents must receive a copy number and be registered in the same way as the original document.

13.2.4 Heads of Departments are responsible for ensuring that the prescriptions of the national security policy are applied in their Departments and, for this purpose, ensure that adequate systems, information and training are available to relevant staff.

13.2.5 Requests for access to Executive Council records under the Promotion of Access to Information Act, No. 2 of 2000, must be dealt with according to the provisions of the Act.

13.2.6 All senior officials and staff in the Member of the Executive Council's offices who must have access to Executive Council documents in the execution of their duties must be subjected to security clearance.

# Chapter Fourteen
## INTERNATIONAL RELATIONS

**14.1    Provincial Regulatory Framework for International Relations**

14.1.1   Provincial International Relations emanates from South Africa's re-entry into the international community after 1994 which created opportunities to access international resources through international cooperation in the form of foreign investment, donor funding, joint ventures, research programmes and government assistance programmes.

14.1.2   International activities are governed by the Constitution and the general foreign policy of the country. Section 231 of the Constitution only applies to international agreements between countries that are governed by international law. The Constitution therefore does not expressly define the powers of Provincial government with regards to international relations nor does it provide specific direction regarding the various types of international agreements or transactions such as international contracts.

14.1.3   Hence, a Provincial International Relations Framework was adopted by the Executive Council on 1 November 2006.

**14.2    Guidelines with respect to Communication with the Department of International Relations and Cooperation (DIRCO)**

14.2.1   The Department of International Relations and Cooperation (DIRCO) interacts with the Intergovernmental Relations (IGR) Unit in the Office of the Premier as the only official contact and liaison point in the Province. Therefore all correspondence regarding incoming and outgoing visits should be communicated through the IGR Unit to enable the Office of the Premier to interact with the DIRCO and Missions abroad effectively and to also facilitate and provide guidance on arrangements where required.

14.2.2 The Directorate: Intergovernmental and Provincial Protocol (DIPP), in an endeavour to facilitate overseas travels effectively and efficiently, have designed a prescribed form for notice of visits. The intention is to have as much information as practically possible to submit to Missions abroad to enable them to match our counterparts in cases of study tours, bilateral engagements, etc.

14.2.3 DIRCO is capacitated with officials who are knowledgeable in international political, economic and social information that might be required when planning international visits and therefore there is a need to have access to these resources. Where visits are prepared well in advance, information sessions might be arranged with DIRCO Political Desks at various levels.

**14.3    Notice of Intended Visits**

14.3.1 As prescribed by DIRCO, notice must be given at least six weeks in advance of an intended visit. However, the Premier will use his discretion to also consider short notice requests. This will ensure that appropriate meetings/interaction can be arranged and necessary logistics are facilitated. Trips arranged at too short a notice invariably do not fully meet their objectives. All visits are supposed to be planned, approved and budgeted for, for the whole financial year.

14.3.2 Travel plans should be submitted monthly, half-yearly, and annually for overseas visits. Information like CVs, passports and photographs should be gathered well in advance to ensure that these are readily available.

14.3.3 DIRCO has established a norm of a maximum of 10 persons per delegation and has requested that delegations are kept as small as possible. It is only in exceptional circumstances that larger delegations are acceptable e.g. road shows and exhibitions.

**14.4    Approval for Visits Abroad**

14.4.1 All MECs should request authority from the Premier through a memorandum before undertaking any international trip on behalf of the KwaZulu-Natal Provincial Government. This also applies to visits initiated by National Departments or by international hosts.

14.4.2 All officials, including the Head of Department, must seek the approval of the relevant MEC through a memorandum before undertaking any intended international trip.

14.4.3 Following international visits, an evaluation report detailing the actual event, together with a critical evaluation of the outcomes and proposed plan of action required, is to be submitted to Executive Council within a month upon return. This report should also be submitted to the IGR Unit for record keeping.

## 14.5 Approval of Cooperative Arrangements

14.5.1 In view of the general authority of the Premier, any comprehensive Cooperation Arrangement between the Province and a foreign country/ Province/region is to be signed by the Premier and endorsed by the Executive Council.

14.5.2 Any Twinning Arrangement between a Provincial Department and a foreign institution must be tabled at the Executive Council and must be signed by the relevant MEC under whose functional responsibility the Arrangement applies. A Head of Department, who has the relevant delegated authority, after approval by the relevant MEC, can sign specific Project Arrangements that implement Cooperation Arrangements.

## 14.6 Processing of payments on behalf of delegations to Missions Abroad via the Department of International Relations and Cooperation

14.6.1 Due to the wide geographical spread, DIRCO is on average a month or two behind with regard to submission of claims to Departments, which results in Departments reimbursing the Missions Abroad later than required, with the consequential negative impact on the cash flow of the Department of International Relations and Cooperation.

14.6.2 Departments or institutions traveling abroad for official purposes and where DIRCO is requested to assist with the payment of expenditure should follow the process listed below. DIRCO (missions abroad) will assist with facilitation and payment of the following:

      i.      Obtaining of quotations for the requested services
      ii.     Hotel and conference bookings and payment thereof
      iii.    Transport arrangements, bookings and payment

14.6.3 The CFO of the requesting Department or institution must forward their request for quotations for services required to the missions abroad via the DIRCO Protocol Unit ten working days prior to the visit outlining the following:

      i.      Purpose and type of service required
      ii.     Names and number of officials requiring the service
      iii.    An advance amount to be deposited into the DIRCO bank account

14.6.4 DIRCO will pay the service providers for the services required. The amount owing will then be debited to the requesting Department and cleared against the advance payment made.

14.6.5 The requesting Departments are required to attend to expenses of a private nature that may have been incurred by their officials following their own internal processes. DIRCO will not be responsible for the collection/recovery of amounts from individual officials of the requesting Departments or institutions for visa processing and vaccinations.

14.6.6 No subsistence and travelling advance will be made available by any DIRCO office on behalf of any delegation visiting missions abroad. These must be dealt with by the requesting Department/institutions.

## 14.7 Diplomatic and Official Passports

14.7.1 It is of vital importance that Departmental officials who travel abroad frequently on official business apply for diplomatic/official passports. The Department of International Relations and Cooperation has implemented stringent measures with respect to the possession of diplomatic/official passports within Provincial Departments.

14.7.2   Officials should apply for official and/or diplomatic passports via the nearest Department of Home Affairs office. Such passports should be handed over to the IGR Unit within the Office of the Premier, for safe keeping.

14.7.3   When applying for an Official or Diplomatic Passport the following is required:

   i.    A letter from the Office of the Premier, signed by the Manager of the Intergovernmental Relations Unit, supporting the application of an official/diplomatic passport
   ii.   The full names of the applicant as they appear in their Identity Document, Identity Number and the designation of the applicant must also be furnished
   iii.  Two passport sized photographs

14.7.4   The IGR Unit is the designated custodian of official and diplomatic passports. Diplomatic and official passports will be released upon written authorisation from the Premier or relevant MEC prior to any official international trips being undertaken.

14.7.5   In terms of the Department of International Relations and Cooperation Draft Policy, only the Premier, Premier's Spouse and MECs are entitled to Diplomatic Passports.

14.7.6   Official Passports may be issued to officials within the public sector if the individual is a civil servant and is a frequent traveler abroad on official business, however, either the Premier/MEC/Director-General/Deputy Director-General must grant authority for official passports.

14.7.7   Privileges enjoyed by Diplomatic and Official passport holders include:

   i.    Fees for obtaining visas is waivered for both Diplomatic and Official Passport holders
   ii.   Holders of Diplomatic Passports are entitled to use the airport VIP facilities free of charge

## 14.8 Provincial Status Report on International Relations

14.8.1 All Ministries and/or Departments are required to submit information on international visits (incoming and outgoing) and progress on international projects on an ongoing basis. This information is consolidated into a Provincial status report that is presented to the Executive Council on a six-monthly basis and is duly reported to the DIRCO.

# Chapter Fifteen
## GUIDELINES TO OFFICIALS PRESENTING TO THE EXECUTIVE COUNCIL

**15.1    Introduction**

15.1.1   There are two types of presentations to the Executive Council, viz.:

i.      Presentations by outside bodies/institutions
ii.     Presentations by government officials in support of a Member of the Executive Council

**15.2    Presentation by Outside Bodies/Institutions**

15.2.1   Presentations by outside bodies/institutions are accommodated once a request is received through a formal letter written to the Premier. The letter must give the background to the organisation seeking to present and the purpose of the presentation.

**15.3    Presentation by Government Officials in Support of a Member of the Executive Council**

15.3.1   As a principle, all other matters reflected in the Executive Council's agenda get presented by the Member of the Executive whose Department has submitted the memorandum.

15.3.2   Where a Member of the Executive requires a Departmental official to present a memorandum to the Executive Council, this must be communicated in writing to the Executive Council Secretariat for the matter to be placed on the agenda as such since this has time implications. This is also so to avoid an element of surprise and to ensure that the Premier and other Members of the Executive may be aware that a particular item on the agenda will be accompanied by a presentation by Departmental officials.

### 15.4    Attendance at Executive Council Meetings

Officials/Representatives of institutions presenting to the Executive Council can expect to meet the following people in the Executive Council Chamber:

15.4.1    The Executive Council headed by the Premier and ten Members of the Executive Council

15.4.2    The Director-General

15.4.3    Advisors to the Premier

15.4.4    The Head of Government Communication

15.4.5    The Head of the Executive Council Secretariat

15.4.6    Secretariat

### 15.5    Scheduling of Presentations

15.5.1    Presentations to the Executive Council are normally scheduled first on the agenda to enable other deliberations to continue afterwards. In this regard, it is advisable that presenters arrive at least 30 minutes before presentations so that all logistical issues around their presentations are sorted out on time.

15.5.2    Executive Council meetings usually commence at 09h00 when there are presentations to be made. The Executive Council Secretariat, would, in its communication with the presenters, confirm the exact time of the meeting.

**15.6    More than one Presentation to the Executive Council**

15.6.1   Efforts are always made to limit the number of presentations per Executive Council sitting. However, it is not always possible to schedule just one presentation per session. Although presenters are given a specific time when they are likely to present, this tends to depend on the conclusion of the earlier presentation. The nature of presentations and issues being discussed sometimes result in prolonged discussions.

15.6.2   Presenters should therefore be prepared for this eventuality.

**15.7    Nature of Presentations**

15.7.1   Since presentations are normally made in PowerPoint, the Executive Council Chamber is adequately resourced with the necessary presentation facilities (computer, data projector, and screen).

15.7.2   Presenters who require special facilities, e.g. DVD and audio facilities are required to communicate their requirements to the Executive Council Secretariat at least two days before the presentation.

**15.8    Prior submission of presentations and names of the delegation to the Executive Council Secretariat**

15.8.1   Memoranda and presentations must be sent to the Executive Council Secretariat on the Thursday preceding the Executive Council meeting, together with a list of names, designations and contact numbers of people who will be part of the delegation making the presentation.

15.8.2   This helps in ensuring that presentations are circulated together with the documents that normally get sent to Members of the Executive prior to meetings.

15.8.3   Furthermore, it allows ample time to load the presentations and to ensure compatibility.

15.8.4   These can either be sent via email or hand-delivered on compact disc.

### 15.9    Length of Presentations

15.9.1    The time allocated per presentation on the agenda is 30 minutes, made up of 20 minutes for the presentation and 10 minutes for discussion.

15.9.2    Presenters are therefore required to take note of this when preparing their presentations and not prepare lengthy presentations that cannot be made within the allocated time. The presentations should merely summarise issues and not provide lengthy details. For instance, a presenter who prepares a 50-slide presentation with the intention of presenting all the slides will naturally struggle to complete the presentation within the time allocated, resulting in the presenter being interrupted and requested to conclude the presentation.

15.9.3    If the presentation is to be made by more than one person from the same group, the presenters have to develop a joint presentation that summarises the issues to be discussed. If this is not possible, the Executive Council Secretariat needs to be informed well in advance since the length of presentation will impact on the overall agenda for the day. Unforeseen lengthy presentations tend to interrupt the Executive Council programme for the day, and may have a negative effect on other presentations and other urgent issues.

15.9.4    If there is a need to provide the Executive Council with more details which cannot be included in a 20 minute presentation, it is advisable that an annexure be prepared for distribution with the memorandum and presentation.

### 15.10    Outline of the Process of Presentations to the Executive Council

15.10.1  The following is an outline of the process of presentations to the Executive Council under normal circumstances:

    i.    When the Executive Council is ready to meet the relevant presenters, an official from the Executive Council Secretariat will invite the presenter(s) and lead them to their seats in the Chamber.

    ii.    The Premier will welcome the presenter(s). If the presenters are from outside Provincial Government, the Premier would introduce the Executive and Secretariat and ask the leader of the delegation to introduce the delegation.

    iii.    The Premier would request the presenter(s) to make the presentation.

    iv.    Once the presentation has been concluded, the Premier would request Members of the Executive Council to ask questions or make comments. In this regard, normally the Premier would take questions/comments from a few Members before allowing the presenter(s) to respond. Presenters should therefore be ready to take notes as questions are being asked/comments made and would respond once requested by the Premier to do so.

## Chapter Sixteen
## EXECUTIVE COUNCIL PROTOCOLS AND ETIQUETTE

**16.1    Relationship with the Executive Council**

The Executive Council is the highest decision-making structure in the Province. This body must therefore be accorded the necessary decorum. In this regard, when interacting with the Members of the Executive Council, whether as individuals or as a collective, necessary respect, politeness and professionalism must be shown at all times. Furthermore, conduct of officials around the vicinity of Executive Council meetings must demonstrate respect for the Executive Council. Conversations outside Executive Council meetings must not be loud and noisy, which may disturb Executive Council meetings.

**16.2    Addressing Members of the Executive**

16.2.1  The appropriate manner of addressing Members of the Executive is as follows:

| | | |
|---|---|---|
| i. | Premier: | "Honourable Premier" |
| ii. | Members of the Executive Council: | "Honourable MEC" |

**16.3    Dress Code and Appearance**

16.3.1  As said above, all those interacting with Members of the Executive Council must respect the dignity of the Executive Council. In this regard, even their appearance and their dress code must be in a manner that conforms to the standards of neatness and decency. The following guidelines are provided in determining an appropriate dress code.

i.    Diplomatic/Dignified Dress Code
ii.   Dress neatly and formally
iii.  Men should wear a jacket and tie
iv.   Women should dress in a pants suit, skirt on or below the knee, no low cut tops or straps, no slops or casual clothing like jeans and T-Shirts

### 16.4   Use of Cellphones

Cellphones are not allowed inside the Executive Council Chamber. When invited into the Executive Council Chamber, those meeting the Executive Council should make use of the boxes available outside the Executive Council Chamber to store their instruments whilst they are in the Executive Council meeting.

| KEY RESULT AREA AND PERFORMANCE AREA | | RESPONSIBILITY | DUE DATE | LEGISLATION |
|---|---|---|---|---|
| **1.** | **STRATEGIC PLANNING** | | | |
| 1.1 | Development of Strategic Plan in line with MTEF | Executive Authority and HOD | End of January each year | PSR Chapter 1. III. B.1 and Treasury Regulations 5.2 |
| 1.2 | Submission of Strategic Plan to the Executive Authority for approval | HOD | End of February each year | |
| 1.3 | Preparation of departmental operational plan | HOD | Mid March each year | |
| **2.** | **SERVICE DELIVERY IMPROVEMENT PROGRAMME** | | | |
| 2.1 | Preparation of Service Delivery Improvement Plan and submission to EA for approval | HOD | End of February each year | PSR Chapter 1. III C |
| **3.** | **HUMAN RESOURCE PLANNING** | | | |
| 3.1 | Development of Human Resource Plan | HOD | End of March each year | PSR Chapter 1 III D |
| 3.2 | Report on implementation of HR Plan | HOD | End of October each year | |

| KEY RESULT AREA AND PERFORMANCE AREA | | RESPONSIBILITY | DUE DATE | LEGISLATION |
|---|---|---|---|---|
| **4.** | **EMPLOYMENT EQUITY** | | | |
| 4.1 | Preparation of an Employment Equity Plan (one to five years in duration) including review if necessary | HOD | End of March | Employment Equity Act: Section 13 (2) c |
| 4.2 | Reporting on progress of implementation of employment equity plan | HOD | 1 October each year | Employment Equity Act: Section 13 (2) d |
| 4.3 | Assigning one or more senior managers to monitor the implementation of employment equity plan | HOD | | Employment Equity Act: Section 24 a |
| **5.** | **SKILLS DEVELOPMENT** | | | |
| 5.1 | Budgeting of at least one percent of the payroll for training of employees | HOD | Mid-March each year | PSR Chapter 1. IX B.4 and SDA Chapter 7. 30 (a) |
| 5.2 | Appointment of a Skills Development Facilitator | HOD | | |
| 5.3 | Establishment of Workplace Human Resource Development Committee | HOD | | |
| 5.4 | Registration with SARS in order to obtain an SDL number | HOD | | |
| 5.5 | Compilation of Workplace Skills Plan | HOD | End of March each year | PSETA |
| 5.6 | Reporting on a quarterly basis to PSETA | HOD | 15 July, October, January and April each year | PSETA |

| KEY RESULT AREA AND PERFORMANCE AREA | | RESPONSIBILITY | DUE DATE | LEGISLATION |
|---|---|---|---|---|
| 5.7 | Reporting annually to PSETA | HOD | End of June each year | PSETA |
| **6.** | **FINANCIAL DISCLOSURE** | | | |
| 6.1 | Disclosure of financial interests to the Executive Authority by members of SMS | SMS members | 30 April each year | PSR Chapter 3 C.1 |
| 6.2 | Disclosure of financial interests to the Executive Authority by members of SMS who assume duty after 1 April each year | SMS member | 30 days after assumption of duty | PSR Chapter 3 C.3 |
| 6.3 | Submission of disclosure forms by the Executive Authority in respect of members mentioned in 6.1 | Executive Authority | 31 May each year | PSR Chapter 3 C.4 |
| 6.4 | Submission of disclosure forms by the Executive Authority in respect of members mentioned in 6.2 | Executive Authority | 30 days after receipt of the disclosure form | PSR Chapter 3 C.5 |
| **7.** | **PERFORMANCE MANAGEMENT AND DEVELOPMENT** | | | |
| 7.1 | Entering into an employment contract with the Premier by HODs | HODs | | PSA Section 12.2 and PSR Chapter 1 VII. B.2.1 |
| 7.2 | Submission of a copy of the employment contract to the Minister of DPSA | Premier | As soon as possible after the conclusion of the contract | PSR Chapter 1 VII. B.2.2 |
| 7.3 | Entering into performance agreement between HODs and their Executive Authorities | HODs | End of March each year | Par. 7 of Annexure 2 of PSR |

| KEY RESULT AREA AND PERFORMANCE AREA | | RESPONSIBILITY | DUE DATE | LEGISLATION |
|---|---|---|---|---|
| 7.4 | Entering into performance agreement between SMS members who are in service on 31 March each year and their immediate supervisors/HODs | SMS members | 31 March each year | SMS Manual Chapter 4 Par. 8.1 |
| 7.5 | Entering into performance agreement between SMS members who are appointed after 31 March each year within three months after their appointment and their immediate supervisors/HODs | SMS members | Three months after appointment | SMS Manual Chapter 4 Par. 8.1 |
| 7.6 | Entering into performance agreement between employees below SMS level and their immediate supervisors/SMS members | Employees | 31 March each year | SMS Manual Chapter 4 Par. 8.1 |
| 7.7 | Reporting on a quarterly basis upwards through the correct channels of communication | Employees | Quarterly | PSR Chapter 1 VIII B.4 |
| 7.8 | Annual assessment of all employees by their supervisors | Employees | By 30 April each year | PSR Chapter 1 VIII B.4 |

| KEY RESULT AREA AND PERFORMANCE AREA | | RESPONSIBILITY | DUE DATE | LEGISLATION |
|---|---|---|---|---|
| **8.** | **GRIEVANCE MANAGEMENT** | | | |
| 8.1 | Reporting of management of grievances to the Public Service Commission on a six monthly basis | HOD | End of June and December each year | Grievance Rule I.1 |
| **9.** | **HIV/AIDS AND RELATED MATTERS** | | | |
| 9.1 | Designation of SMS member to implement the provisions of Regulation VI E | HOD | | PSR VI.E.5 (c) |
| 9.2 | Establishment of HIV/AIDS committee with adequate representation and support from all stakeholders, including trade unions representatives to facilitate the effectiveness of the provisions of Regulations VI E | HOD | | PSR VI E 5 (e) |
| **10.** | **INCAPACITY LEAVE** | | | |
| 10.1 | Monthly reporting of cases to OTP | HOD | End of every month | PILIR |
| **11.** | **FILLING OF FUNDED VACANT POSTS** | | | |
| 11.1 | Reporting to OTP on a quarterly basis | HOD | April, July, Oct, Jan | G & A POA |
| **12.** | **INTEGRATED PROVINCIAL HUMAN RESOURCE MANAGEMENT FORUM** | OTP | 29 April 2010, 24 June 2010, 30 Sept 2010, 25 Nov 2010 | |
| **13.** | **HUMAN RESOURCES SUMMIT** | OTP | 30 April 2010, Feb 2011 | |
| **14.** | **HUMAN RESOURCES CONVENTION** | OTP | 12-14 October 2010 | |

**A. Format of a Memorandum**

<div align="center">

**SECRET**

**MEMORANDUM TO THE EXECUTIVE COUNCIL**

</div>

**PORTFOLIO: NAME OF DEPARTMENT**

<div align="right">

**Agenda No.:** ............
**File No.:** ............
**Date:** ............

</div>

**SUBJECT: _____**

**1.      Purpose**

What do you want the Executive Council to do?
To inform the Executive Council / To request approval/ To report on /
To table ...

**2.       Summary**

2.1     A brief summary of the matter together with a summary of the proposed actions / recommendations.

**3.      Background**

3.1     Give a brief background of your memorandum ...

**4.      Discussion**

4.1     This is the core of the Executive Council memorandum. The writer needs to make a case for his/her memorandum. Supporting documents must be included as an annexure.

**5.      Organisational and Personnel Implications**

5.1     Provide information about any implication the memo will have on the organisational structure or personnel if any.

**6.      Financial Implications**

6.1     Provide information on all financial or costs that will be incurred if any.

**7.      Communication Implications**

7.1     Cabinet would want to know if they approve the memorandum, how that decision will be communicated to the population at large.

**8.      Constitutional / Legal Implications**

8.1     Is the memorandum in line with the Constitution of the country, if so which section of the Constitution? Is the memo in conflict with any other act?

**9.      Other Departments / Bodies Consulted**

**10.     Recommendations**

10.1    This is the most important part of the memo because these recommendations will form part of the Cabinet Resolution. In other words, what you put as a recommendation is what Cabinet is interested in.

The recommendation must be written as follows:

It is recommended that Cabinet:

a)      Be informed of the memorandum on ...
b)      Approves the ...

**11.     Contact Person**

(The line function person/ manager)
(Phone number)

**12.     Head of Department Signature and Date**

**13.     Member of the Executive Council Signature and Date**

**B.  Format of a Mention**

<div align="center">

**SECRET**

**EXECUTIVE COUNCIL MENTION**

**PORTFOLIO: NAME OF DEPARTMENT**

</div>

<div align="right">

**Agenda No.:** …………
**File No.:** …………
**Date:** …………

</div>

**SUBJECT: _____**

1.    **Purpose**

      To inform the Executive Council of ………….

2.    **Discussion**

3.    **Recommendation**

      It is recommended that the Executive Council be informed of ……………

4.    **Head of Department Signature and Date**

5.    **Member of the Executive Council Signature and Date**

# Annexure C
# SAMPLE OF AN ACCOMPANYING LETTER FOR THE SUBMISSION OF MEMORANDA TO THE EXECUTIVE COUNCIL

**MINISTRY LETTERHEAD**

Ref: (Ministry Reference No)

**EXECUTIVE COUNCIL MEMORANDUM NO. 1 OF 2010**

**SUBJECT: PRELIMINARY REPORT OF THE COMMISSION OF ENQUIRY**

On behalf of the MEC for ……………………, please find attached 20 copies of an Executive Council Memorandum/Mention in the above regard.

We request that the memorandum be placed on the agenda for the next Executive Council Cluster/Executive Council meeting.

The Ministry is aware of the requirements for the drafting of Executive Council Memoranda/Mentions, including the deadlines for the submission of the same.

I declare that the attached memorandum adheres to the said guidelines.


**MS S ZUNGU**
**HEAD OF MINISTRY**

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