
GENERAL NOTICE

NOTICE 492 OF 2007

MINISTRY FOR PROVINCIAL AND LOCAL GOVERNMENT

**INTERGOVERNMENTAL RELATIONS FRAMEWORK ACT, 2005
(ACT NO. 13 OF 2005)**

GAZETTE FOR PUBLIC COMMENT

I, Fholisani Sydney Mufamadi, Minister for Provincial and Local Government, acting in terms of section 47(1)(d) of the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005), hereby publish for public comment the draft guidelines contained in schedule 1 to this notice.

Any person wishing to submit comments on these guidelines should do so on or before 31 May 2007 at email address: TshepoK@dplg.gov.za or fax number 012 -334 0903/0614, or mail to: Private Bag X804, Pretoria, 0001. For attention: Mr Tshepo Khasi.

FHOLISANI SYDNEY MUFAMADI

MINISTER FOR PROVINCIAL AND LOCAL GOVERNMENT

DRAFT GUIDELINES FOR MANAGING JOINT PROGRAMMES

CHAPTER 1

INTERPRETATION, PURPOSE AND APPLICATION OF THESE GUIDELINES

Interpretation

1. (1) In these Guidelines, a word or expression which is defined in the Intergovernmental Relations Framework Act has the same meaning as in that Act. and unless the context otherwise indicates –

“arbitration”, in relation to an intergovernmental dispute, means a process by which a facilitator hears the respective cases of the organs of state involved in the dispute and then makes a final and binding determination of the dispute;

“conciliation”, in relation to an intergovernmental dispute, means a consensus-building process by which a facilitator assists the organs of state involved in the dispute to reach an agreement by providing a recommendation or advice;

“coordinating department”, in relation to a joint programme, means the department that regulates and coordinates the planning and implementation of a joint programme;

“department” means a national or provincial department as defined in section 1 of the Public Finance Management Act;

“dispute resolution process”, in relation to an intergovernmental dispute, means a formal process other than judicial proceedings aimed at resolving the dispute, and includes –

- (a) mediation;
- (b) conciliation; and
- (c) arbitration;

“dispute settlement manager” means an official designated as dispute settlement manager as proposed in terms of clause 7;

“**executive authority**” means an executive authority as defined in section 1 of the Public Finance Management Act;

“**facilitator**” means a person designated as facilitator in terms of section 42(1)(d), section 42(5) or section 44(2) of *the Act* to assist the parties to a formal intergovernmental dispute to settle the dispute;

“**formal intergovernmental dispute**” means a dispute between organs of state from different spheres of government which has formally been declared as such in terms of section 41 of *the Act*;

“**government business enterprise**” means a national or provincial government business enterprise as defined in section 1 of the Public Finance Management Act;

“**Intergovernmental Relations Framework Act**” means the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005);

“**joint programme**” means a national development priority, the planning and implementation of which requires the involvement of various organs of state either within a particular sphere of government, or in different spheres of government;

“**joint programme manager**”, in relation to a joint programme means a person appointed in terms of clause 7;

“**joint programme steering committee**” means a committee established in terms of clause 8;

“**municipality**” means a municipality established in terms of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“**municipal entity**” means a municipal entity as defined in section 1 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

“**organ of state**” means –

- (a) a department;
- (b) a government business enterprise;
- (c) a municipality;
- (d) a municipal entity; or
- (e) any other organ of state;

“**partnering protocol**”, in relation to a joint programme, means an agreement entered into in terms of clause 14 by the executive authorities of sector departments involved in the implementation of a joint programme;

“**Public Finance Management Act**” means the Public Finance Management Act, 1999 (Act No 1 of 1999);

“**sector department**” means the department that is responsible for a sector which is involved in the implementation of a joint programme;

“**strategic plan**” in relation to a national or provincial department, means a strategic plan referred to in section 15 of the Public Finance Management Act.

(2) In these Guidelines a word or expression which is a derivative or other grammatical form of a word or expression defined in subclause (1) or in the Intergovernmental Relations Framework Act, has a corresponding meaning unless the context indicates that another meaning is intended.

Purpose of these Guidelines

2 The purpose of these Guidelines is to provide for the establishment of a framework to promote effective management of joint programmes, and in particular to provide for –

- (a) the carrying out of scoping studies before joint programmes are implemented to determine the scale of and timeframes for the programme;
- (b) the establishment of joint management mechanisms to ensure accountability for a joint programme, including –
 - (i) a joint programme steering committee; and
 - (ii) a joint Panel of Executive Authorities;
- (c) coordinating funding arrangements and budgeting for a joint programme;

Application of these Guidelines

3. These Guidelines are not obligatory, but should in the interest of sound intergovernmental relations and of effective, accountable and coordinated achievement of national development goals be followed by all organs of state involved in implementing joint programmes.

CHAPTER 2

MANAGEMENT OF JOINT PROGRAMMES

Part 1: Scoping studies and reports

Scoping studies when joint programmes are initiated

4. (1) When a joint programme is initiated, the programme should be subjected to a scoping study –
- (a) to determine –
 - (i) the exact nature of the programme;
 - (ii) its primary objective;
 - (iii) its priority status;
 - (iv) timescales for implementation of the programme; and

- (v) key performance indicators and performance targets for implementing the programme;
- (b) to identify –
 - (i) the organs of state that will participate in implementing the programme;
 - (ii) the role of each of those organs of state in implementing the programme; and
 - (iii) the extent to which each of those organs of state will be involved in implementing the programme;
- (c) to determine the capacity required for each of those organs of state to implement the programme;
- (d) to determine the estimated cost of implementing the programme, including how and by whom implementation of the programme, or aspects of the programme, is to be funded and budgeted for; and
- (e) to identify a department best suited to act as the coordinating department for the programme.

(2) The timing of a scoping study referred to in subclause (1) should be aligned with the government's budget processes in order to enable the affected organs of state to comply with clause 15.

Scoping reports

5. (1) A report should be compiled on the findings of a scoping study performed in terms of clause 4.

(2) The accounting officer of the coordinating department should manage the scoping report in respect of a joint programme.

Department responsible for scoping study and report

6. (1) The Cabinet should mandate a national department to be responsible for carrying out a scoping study and preparing a scoping report on the study, if –

- (a) the national government is to participate in the implementation of the relevant joint programme;
- (b) two or more provincial governments are to participate in the implementation of the relevant joint programme; or
- (c) the relevant joint programme is to be implemented on an intersphere basis.

(2) The executive council of a province should mandate a provincial department to be responsible for carrying out a scoping study and preparing a scoping report on the study, if participation in the implementation of the relevant joint programme is to be confined to –

- (a) provincial organs of state in the province;
- (b) municipalities or municipal entities in the province; or
- (c) such provincial organs of state and municipalities or municipal entities.

Part 2: *Joint programme manager and joint programme steering committee*

Appointment of joint programme manager

7. (1) The executive authority of the coordinating department for a joint programme should appoint a person with qualifications, expertise and skills appropriate to, and or necessary for, the achievement of the primary objective of the joint programme as the joint programme manager.

(2) A joint programme manager appointed in terms of subclause (1) should, together with the joint programme steering committee, be responsible for overseeing the planning and implementation of the joint programme, including –

- (a) driving the planning and implementation process and making all logistical arrangements;
- (b) overseeing the management of the partnering protocol referred to in clause 14;

- (c) determining the human resource requirements for implementation of the joint programme and making recommendations to the appropriate authorities;
- (d) establishing a joint programme office and designating persons with appropriate skills to perform the work associated with the office;
- (e) assisting in budgeting arrangements in respect of the joint programme;
- (f) preparing documentation required for the joint programme;
- (g) facilitating communications between the joint programme steering committee, the Joint Panel of Executive Authorities and all stakeholders in respect of the joint programme;
- (h) giving regular progress reports to the Joint Panel of Executive Authorities on the implementation of the joint programme; and
- (i) handling disputes arising from the implementation of the joint programme, including the referral of such disputes for resolution in terms of the Intergovernmental Relations Framework Act.

(3) In performing the duties set out in subclause (2) a joint programme manager must take into account the scoping report referred to in clause 5.

Establishment and composition of joint programme steering committee

8. (1) The executive authority of the coordinating department should establish a joint programme steering committee for the implementation of a joint programme.

- (2) A joint programme steering committee should consist of –
- (a) the joint programme manager appointed as proposed in clause 7(1), who should also act as the chairperson of the committee;
 - (b) an official representing each of the organs of state involved in the joint programme, nominated by that organ of state; and
 - (c) any persons representing other stakeholders participating in the implementation of the joint programme.

(3) External consultants with expertise and skills appropriate and necessary for the achievement of the primary objective of the joint programme may be co-opted to a joint programme steering committee, as necessary.

Functions of Joint Steering Committee

9. A Joint Steering Committee is responsible for the implementation of a joint programme and should –

- (a) develop plans and strategies for the implementation of the joint programme;
- (b) compile and submit regular progress reports to –
 - (i) the executive authority of the coordinating department; and
 - (ii) the Joint Panel of Executive Authorities; and
- (c) assist the joint programme manager in performing any of the functions of joint programme manager proposed in clause **7(2)**.

Submission of progress reports

10. (1) A Joint Steering Committee should at regular intervals or at intervals as determined by the Joint Panel of Executive Authorities submit progress reports to the Joint Panel in respect of the implementation of a joint programme.

- (2) A progress report should –
 - (a) state objectives and performance targets in respect of each role player / organ of state involved in implementation of the programme;
 - (b) evaluate the performance of every organ of state involved against those targets;
 - (c) bring any problems or difficulties experienced in respect of the implementation of the programme to the attention of the Joint Panel;
 - (d) bring any material variances from the partnering protocol to the attention of the Joint Panel;

Rules for internal procedures

11. A joint programme steering committee should adopt rules to govern its internal procedures, including –

- (a) the functions of the chairperson;
- (b) procedures for the designation of a person to preside at a meeting in the absence of the chairperson;
- (c) procedures for the functioning of the committee;
- (d) the frequency of meetings and the manner in which the meetings should be convened and the agenda for meetings should be determined; and
- (e) procedures for the adoption of recommendations.

Part 3: Joint Panel of Executive Authorities

Establishment of Joint Panel of Executive Authorities

12. A Joint Panel of Executive Authorities consisting of the executive authorities of departments involved in the implementation of the relevant joint programme should –

- (a) ensure that a partnering protocol is drawn up in which –
 - (i) joint responsibility is assumed by the relevant departments for the implementation of the joint programme; and
 - (ii) the roles and responsibilities of each department involved in the implementation of the joint programme is set out, including performance targets;
- (b) oversee the implementation of the joint programme;
- (c) monitor the implementation of the joint programme by –
 - (i) considering progress reports submitted by the joint steering committee;
 - (ii) identifying any issues in the progress reports that might be problematic; and
 - (iii) instructing the joint programme steering Committee to take preventive or corrective action in respect of any issues identified in the progress reports; and

- (d) intervene in the implementation of a joint programme if requested to do so by the joint programme manager or when the joint programme faces the risk of being compromised, including by sector interests.

Meetings of Joint Panel

13. (1) The executive authority responsible for the coordinating department

should –

- (a) convene meetings of the Joint Panel; and
(b) determine the agenda for meetings.

(2) Suggestions for inclusion in the agenda for a meeting may be submitted to that executive authority.

Part 4: Other matters

Partnering protocols

14. Sector departments involved in the implementation of a joint programme should adopt a partnering protocol in which –

- (a) accountability should be assumed –
(i) jointly by all the relevant sector departments for the implementation of the joint programme; and
(ii) by each sector department for the performance of organs of state in its sector that are involved in the implementation of the joint programme;
- (b) the roles and responsibilities of each sector department should be set out in respect of the planning and implementation of a joint programme;
- (c) performance targets and timeframes should be agreed to by the relevant sector departments.

Joint programmes to be included in strategic and other plans

15. An organ of state's involvement in a joint programme should be reflected –

- (a) in the case of a department, in that department's strategic plan;
- (b) in the case of a public entity listed in Schedule 2 to the Public Finance Management Act or a public entity which is a government business enterprise, in that entity's corporate plan referred to in section 52(b) of that Act;
- (c) in the case of a municipality, in that municipality's integrated development plan referred to in section 25 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); or
- (d) in the case of a municipal entity, in that entity's multi year business plan referred to in section 87(5)(d) of the Local Government: Municipal Finance Management Act, 2003.

Budgeting for joint programmes

16. Budgeting for joint programmes should be done in accordance with any applicable legislation and the requirements of the National Treasury.