



# 2<sup>nd</sup> PME FORUM: PUBLIC COMMENTS “INTEGRATED PLANNING FRAMEWORK BILL, 2018”

TOGETHER WE MOVE SOUTH AFRICA FORWARD



planning, monitoring  
& evaluation

Department:  
Planning, Monitoring and Evaluation  
REPUBLIC OF SOUTH AFRICA



# UPDATE

- **25 April 2018**
- Cabinet approved release of **Bill** for public comment
- **04 May 2018**
- Bill Gazetted and released for public comment, with initial closing date of 8 May 2018 but after requests for an extension of deadline new date **4 June 2018**
- As at **closure date:**
  - **19** DPME **consultations and engagements** were convened with relevant and critical stakeholders
  - **67** public comment **submissions** were received on the Bill

# CONSULTATIONS

1. NPC
2. DPISA
3. Auditor General
4. The Study Group
5. National Treasury
6. COGTA
7. Health
8. Health Strat Planning Workshop
9. SALGA Management Com
10. FFC
11. Cities Support Network
12. Gauteng Provincial Planning Unit
13. Department Justice & Correctional Services
14. Presidency
15. Department Human Settlements
16. Department Basic Education
17. Limpopo Province
18. North West Province
19. Statistics South Africa

# PUBLIC COMMENTS

## **Ministers**

- Minister Nene; Minister Mkhize

## **DGs**

- Statistician General; Auditor General; Public Service Commission; DPSA; Office of the Premier: Free State; Office of the Premier: Western Cape; Health; National Treasury; Office of the Head of Department – Ekurhuleni City Planning; Science & Technology; COGTA; Economic Development and Transport; Justice & Correctional Supervision; Presidency

## **Officials**

- Ms Colette Clark-DPSA

## **NPC**

- Prof MW Makgoba on behalf of the National Planning Commission

## **NPC Secretariat**

- Dr Kefiloe Masiteng

## **NGOs**

- Institute for Security Studies; South African Cities Network; Isandla

## **Academia**

- North West University: Prof Anel Du Plessis; UJ: Prof George Onatu; UCT: Dr Nombeka Mbevu; University of Stellenbosch: Dr Babette Rabie; WITS School of Architecture and Planning; University of Venda-Committee of Heads of Planning

# PUBLIC COMMENTS (2)

## **Sector Specific**

- SA Property Association; SA National Biodiversity Institute; Law Society of SA

## **National Departments**

- Women; National Treasury-Cities Support Programme; Human Settlements; Basic Education; DRDLR

## **Provinces**

- Office of the Premier: Limpopo; City of Tshwane: Group Legal & Secretariat Services & Economic Development & Spatial Planning; Free State Department of Education; Limpopo, Vhembe; Western Cape Department of Health; Office of the Premier North West Province

## **Other**

- Mr David Bills; Mr Nelson Ditshele; Ms Sam Braid; Ms Zandi Kabini; Mr Sifiso Hlatshwayo; Mr Mbulelo Dala; Mr Louise de Villiers; Ms Mmalethabo Julian; Mr Kheta Zulu; Mr Hendrik du Toit; Mr Sam Dagane

## **International Institutions - UNDP**

## **Chapter 9 Institutions**

- South African Human Rights Commission; South African Planning Institutions; South African Council for Planners;

## **Expert Commissions - FFC**

## **Local Government - South African Local Government Association**

## **State Owned Enterprises – Transnet; IDC; SANRAL; ESKOM; Randwater**

## **Mayoral Offices – Cape Town**



# IMPORTANT CRITIQUES

- 13 fairly important public submissions stood out and exceedingly critical of Bill
  - DPSA
  - DoT
  - COGTA
  - Finance-NT; FFC & Cities Support Programme
  - Western Cape Premiers Office
  - SALGA
  - DBE
  - DOJCD
  - Human Settlements
  - Health; and
  - The City of Tshwane (Legal)
- **Constitutional Court judgement**, on **7 June 2018**, in *City of Johannesburg Metropolitan Municipality v Chairman of the National Building Review Board*, [2018] ZACC 15, relating to the constitutional principles of distinctive, interrelated and interdependent powers also has implications for the Bill

# PROBLEM STATEMENT

1. **(Limited)** Planning powers and functions in Govt are **provided for in Constitution** and straddle 3 spheres
2. Current system is characterised by **dispersed, disparate and diffused planning responsibilities** with a **plethora of structures and legislation**, leading to **parallel plans, processes and initiatives** that affect policy coherence, co-ordination and effective implementation
3. **Separation between planning and budgeting** creates risks of misdirection of resources and under-resourcing of critical policy priorities
4. Lack of **a NSDF limits govt's ability** to lead the spatial location of development and related investments

# SUMMARY OF THE BILL

1. **Developmental Principles & Norms and Standards**
2. Provides for **functions** of DPME
3. Establishes an **institutional framework** for a new predictable planning paradigm and discipline
4. **Co-ordination and Institutionalisation** of the Planning System including Status of National Development Plan
5. Supports **effective M&E** of government programmes
6. Establishment of **Central Information Repository**
7. Provide for function and **continued existence of NPC**
8. Better **co-ordination, integration, collaboration and alignment** of PME between and across 3 spheres incl. SOCs, DFIs, Public Entities and the social partners
9. **Accountability Management** and intervention support, and
10. Matters for **Regulation**



# OBJECTS OF BILL, TO...

- Establish **NDP as primary long-term plan & vision** to guide all govt planning
- Reaffirm **DPME as lead co-ordinator of integrated planning system** for govt
- Provide for **continued existence, powers and functions of NPC**
- Ensure **coordination, alignment of planning** across 3 spheres; incl SOEs, DFIs and public entities
- Ensure that **planning and budgetary decisions contribute to govt developmental objectives**
- Provide for **systemic M&E and implementation** of govt developmental objectives
- Ensure that govt performance, as informed by various plans and planning frameworks, is **properly monitored and evaluated, and lessons from M&E are utilised**
- Provide for **accountability measures and related interventions**; and
- Give effect to obligations emanating from **global, continental, and regional development goals** and frameworks to which we are party, such as by the UN, AU and SADC

# OVERALL REMARKS

- Bill had a **fairly good response** to the request for public comments and this should be appreciated and noted
- Effort by DPME, through the public release of the Bill, to ensure better integration, coherence and alignment of a functional national planning system **was expressly welcomed and considered timely**
- Recognised that **functioning of planning system can be improved**
- While there is broad consensus about NDP, likely to be more contestation about whether doing it through a **Bill was the best approach.**

# OVERALL REMARKS (2)

- **National Developmental Planning**, as lever for developmental planning, broadly accepted
- Distinction “**National Planning for SA**” and “**National Planning in govt**” useful insofar as it outlines breath of planning landscape
- In line with experience of successful developmental states, accepted **national planning** required an authority - logical role of Minister in the Presidency
- Bill must reflect **3 critical cogs** that should be further sharpened:
  - Establishment, 2010, of **SA’s first ever NPC**
  - Release & approval, August 2012, of **SA’s first ever NDP**, and
  - Establishment, 2014, Department of Performance Monitoring & Evaluation to **form DPME** through an executive authority, being a Cabinet Minister

# AREAS OF CONCERN

- Number of issues considered areas of major **concern and contradiction**

## THE NPC vis-a-vis DPME

- Roles and responsibilities of DPME and that of NPC needs a **better articulation** (and further clarification)
- Bill does not come out stronger as to **why it intends to use legislation** to regulate functionary departmental matters relating to planning, monitoring and evaluation and then use the same legislation to deal with the mandate, existence and the powers conferred to the NPC
- The **need was for Bill to address national development planning**
- NPC submitted inputs which included that role of the NPC, as apex planning commission for the country, should be more **clearly articulated**

# AREAS OF CONCERN (2)

- The **deadline** for public comments
- Ignoring of fullness of principles of **inter-governmental co-operation**
- **Powers, roles and responsibilities of DPME** vis-à-vis everyone else
- **Lack of proper definitions** of planning terms and terminology
- Perceived **subsuming and/or straddling** Spatial Planning
- Need for “**Norms and Standards**”
- The necessity of a **Central Information Repository**
- The need for “**Accountability Management**”
- Continued lack of clarity of “**Institutionalisation of Planning**”
- Explaining and clarifying “**Improving co-ordination**”
- The need for “**Planning Cycles**”
- The question of **updating and or amending the NDP**
- The utility and relevance of **existing planning and policy instruments**



# Questions to reflect on at 2<sup>nd</sup> Planning, Monitoring & Evaluation Forum

# MAKING THE CASE

## In making the case for new policy and/or legislation:

- What are the **salient areas** where we require a new policy and/or an Act for?
- What is the **rationale** that will advance this case?

## Stated differently:

- What precisely is **the mischief that we wish to address** through an Act?

## Assume:

- A law is passed on 1 October 2018, **what will change** on the vast terrain of our disparate, diffused and fragmented planning landscape?
  - **Will efforts at planning across 3 spheres improve?**
  - **Will NDP implementation improve?**
  - **Will our impact improve?**

# CONTEXT: THE PROCESS TO LEGISLATE

- Important that reflections consider **process for making law**, as per Constitution
- Starts with a **Discussion Document** (Green Paper) typically drafted in **Ministry/Dept** dealing with a particular issue/set of issues
- This provides the **general thinking** that informs a particular policy, and is published for comment, suggestions or ideas
- Leads to a more refined document, a **White Paper**, which is a broad statement of govt policy
- Serves as **backdrop and guide to drafting of a Bill**
- Followed by further consultations before and after introduction to **Parliament**

# REFLECTION

## On Content

- Is there a **sufficiently strong case** to be made for a new policy; and should we follow with Discussion Document, White Paper and Bill?
  - What are some of the policy areas/issues to note?
  - Can we discuss this at PME Forum and list and propose same?
- There needs to be **wider consultations**, beyond govt only-include rest of social partners

## On Process

- We have IPF Bill-some **tough lessons** learnt, principally, in 3 areas
  1. Need for an unequivocal and **crystal-clear policy intent**
  2. Is legislation the best means to the end – the **test of rationality**:  
**'Affordable Medicines Trust'** Concourt case, 2006 Court noted:  
*“The exercise of all legislative power is subject to ... constitutional constraints...that **there must be a rational connection between the legislation and the achievement of a legitimate government purpose.**”*
  3. **Transparent, open and inclusive consultation** process to get stakeholders on board within reasonable time frames

# CONCLUSION

- Recasting Bill must:
  - ❑ Ensure an **agreed process** to align and integrate NDP across 3 spheres
  - ❑ Bill will co-ordinate and operate at **macro, overarching level**
- Explain better:
  - ❑ National Development Planning-**what is it?** Why? Who does it, and for whom is it done?
    - ❖ Long term developmental view - **20/30 years**
    - ❖ Role of **NPC** (what will its roles/responsibilities be?)
  - ❑ Respond to what is **ideal institutional arrangement** necessary
  - ❑ Establish an overall **planning framework**
  - ❑ **Draw in key departments**, after initial framing
  - ❑ Develop 10-20 page **Policy Document**
  - ❑ Develop **implementation plan** - frame of reference



# CONCLUSION (2)

- Recrafting Bill must:
  - ❑ Ensure **implementation** of planning and more effective M&E
  - ❑ Define “**co-ordination**”, “**integration**” and “**alignment**” and provide coherence
- Centred on NDP
  - ❑ 5year Implementation Plan (for N, P and L)
  - ❑ **Sector plans** (plus any other plans)
  - ❑ **Social partners**-what will be its role
  - ❑ **Academia** –define roles
  - ❑ **Planning bodies** – define roles
  - ❑ **Research** - define roles

NGIYATHOKOZA

DANKIE KE A LEBOGA

NGIYABONGA

NDIYABULELA

INKOMU NDI KHOU  
LIVHUHA

*Thank you*