

PART C: BACKGROUND INFORMATION

- **Resolution 7 of 2002.**

Resolution 7 of 2002 and the effect of Departmentalisation will greatly impact on the Department's recruitment of staff over the 2003-2004 period to attain its full staff complement according to its newly approved establishment. These posts are all middle and junior managers that are key to managing projects and staff, which are in turn key to service delivery, fulfilment of our strategic objectives and statutory obligations. Resolution 7 of 2002 and the associated impact on Departmental integration can affect service delivery negatively.

- **National Environmental Management Act Law Reform Process.**

Entails the development of a host of new bills (i.e. on air quality management, waste management, coastal management, biodiversity, and protected areas) as well as amendments to certain chapters of the National Environmental Management Act (NEMA) and the promulgation of new regulations on environmental impact assessment. The impact of these legislative reforms is unpredictable as all the bills still have to go through the public participation process and their final format is still in concept form at this stage. Key features of many of these bills include the introduction of cost recovery mechanisms, national norms and standards, and national frameworks and management regimes and systems for the regulation of the respective sector (e.g. air quality, coastal zone, protected areas). These mechanisms, norms and standards and management regimes and systems will determine the policy framework within which provincial legislation must comply. These bills may also result in new functions being assigned and/or delegated to the Department. The principle of funds follow function and structure follows strategy will prevail in this regard.

- **Sustainable Utilisation of Agricultural Resources Bill.**

The National Department of Agriculture's Sustainable Utilisation of Agricultural Resources Bill may include provisions that impact on the environmental functions of the Department. The principles of funds follow function and structure follows strategy will prevail in this regard.

- **Compliance Monitoring and Law Enforcement.**

An increased trend in environmental transgressions, incidents of non-compliance and breaches of the general duty of care and court review applications, both by other organs of state (e.g. municipalities) and the private/corporate sector; will necessitate a stronger and more consistent position by the Department, the development of Departmental policies, norms and standards on compliance, monitoring and enforcement, and the strengthening of its dedicated capacity in this field.

- **Land Use Management Bill.**

The approval and implementation of this National Act will have a direct impact on the Department's Development Planning actions and functions. It is necessary to ensure that the Bill is aligned with other planning legislation (especially the Western Cape Planning legislation) as conflicting legislation will result in duplication.

- **Spatial Information Bill.**

This National Act will provide for the determination of standards and criteria for spatial data collection and spatial mapping, which might seriously impact on the Western Cape and the workings of the Department.

- **Execution by municipalities of their constitutional mandates/ competencies regarding development planning matters.**

The enactment of the new Western Cape planning legislation in accordance with the National Constitution will result in substantial changes regarding responsibilities. Municipalities will have to deal with matters previously dealt with by the Province. The Chief Directorate Development Planning will have to ensure a smooth transition of these responsibilities.

- **Amendments to Cabinet objectives.**

Changes by Cabinet regarding their objectives, can influence the responsibility of the Department. Organisational changes and functional changes may be required.

PART C: BACKGROUND INFORMATION

- **New functions: Off Road Vehicle Regulations.**

The promulgation of these Regulations in December 2001 has resulted in new functions being delegated to the Department. Implementation of these Regulations is phased in as of December 2002. No additional funds or capacity have, however, as yet been allocated for executing these functions by the National Department of Environmental Affairs and Tourism.

- **Western Cape Environmental Commissioner Bill.**

The Western Cape Provincial Government adopted the Provincial Constitution in terms of section 104(1)(a) of the National Constitution. The adopted Provincial Constitution provides amongst others for the establishment of a Commissioner for the Environment in Chapter 9, Section 71. The Western Cape Government intends to adopt the Commissioner for the Environmental Bill in accordance with Section 71 of the Provincial Constitution, read together with Section 104(1)(b) of the National Constitution.

The Commissioner for the Environment will be empowered to investigate individuals and organs of state in respect of Environmental Administration and any matter; which may impact on the environment.

- **Provincial Health Care Waste Management Bill.**

The Western Cape Department of Environmental Affairs and Development Planning Health-Care Waste Management Bill, may include provisions that impact on municipalities in terms of enforcement and compliance monitoring. It is however, not seen as additional functions to the municipalities. The approval and implementation of this Provincial Act will have a direct impact on the Department's actions and functions in respect of which funds have been allocated.

- **National Air Quality Management Bill.**

The National Department of Environmental Affairs and Tourism's National Air Quality Management Bill, may include provisions that impact on the environmental functions of the Department. This National Act when promulgated will provide for the entire reform of air quality management in South Africa with actions and functions being conducted at each sphere of government. The principle of funds follow function and structure follows strategy will prevail in this regard.

- **National Integrated Waste Management Bill.**

The National Department of Environmental Affairs and Tourism's National Integrated Management Bill, seeks to integrate institutional arrangements at all three spheres of government in order to create the framework for integrated waste management in South Africa. The National Integrated Waste Management Bill may provide for provisions that impact on the environmental functions of the Department. The principles of funds follow function and structure follows strategy will prevail in this regard.

- **Western Cape Biosphere Reserve Bill.**

The approval and implementation of this Act will give status to the recognition of Biosphere Reserves by UNESCO, and ensure that clarity is provided on the various components of a reserve, and the development parameters within these components.

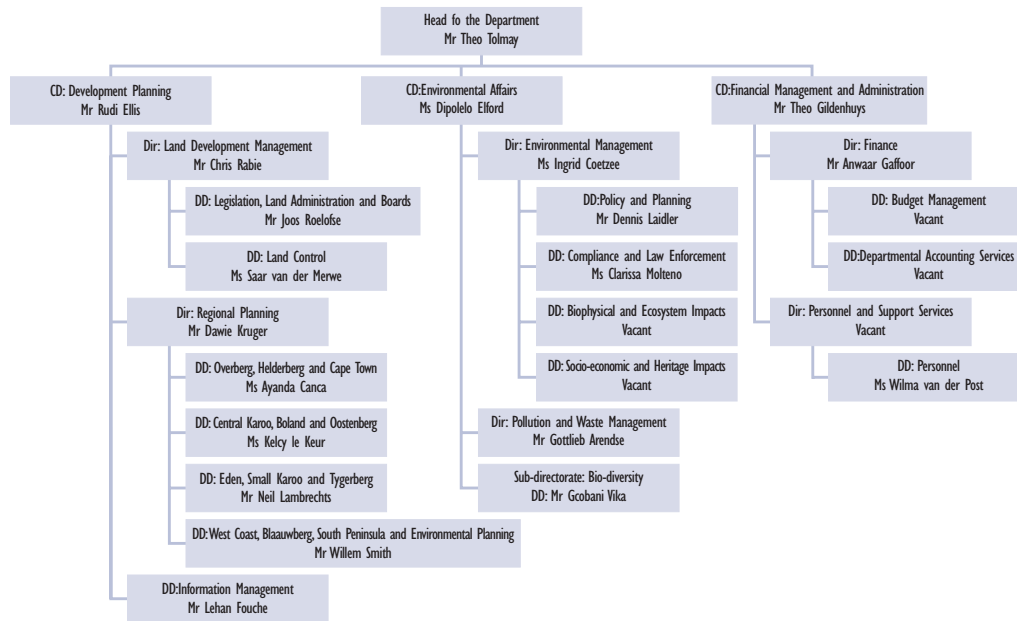
Better planning control within such reserves will be obtained in the spirit of the principles that underlie sustainable development. This Act will ultimately improve the management of Biosphere Reserves within the Western Cape. No additional funding will be required.

Increased development pressures, conflicting demands for access to resources (such as land, clean air, water, cultural resources etc.) and the need for economic growth are placing particular challenges on the Department's ability to ensure development that is environmentally (i.e. ecologically, socially and economically) sustainable and complies with the Constitutional rights to the environment and national environmental management principles in the National Environmental Management Act (NEMA).

16. Appendix two: Organisational information and the institutional environment

This appendix focuses on key organisation information, "internal environmental factors" that impact on performance and evaluation of existing strategies to address challenges in the Department. Performance in terms of delegated authority is reported on and evaluated on a monthly basis.

16.1 Existing Organisational design



Note: The existing organisational structure is currently under review to address the departmentalisation process and the integration of Environmental Affairs and Development Planning policy and decision making towards improved service delivery. The associated restructuring will unfold itself during the 2003/04 financial year, funds permitting.

16.2 Delegations

- **Financial**

On 1 August 2002, financial delegations were revised to delegate powers to appropriate levels of authority in order to enhance service delivery and to incorporate the revised National Treasury Regulations dated 25 May 2002.

- **Procurement**

In implementing Procurement Reform, the Western Cape Provincial Tender Board, approved that from 1 October 2002, the General Delegations to Departments, colloquially referred to as "Annexure G to KST 37" was revoked, KST 37 itself was revoked. Procurement Delegations were issued to departments in terms of S6(2) of the Western Cape Provincial Tender Board Law and the Procurement Practice Notes were issued in terms of S5(1)(i) of the Western Cape Provincial Tender Board Law to serve as a guide to Accounting Officers and Chief Financial Officers and their procurement personnel involved in the day to day procurement process.

The third phase of procurement reform entails the full-blown introduction of the concept of Supply Chain Management in departments from 1 April 2003.

- Environmental Conservation Act, 73 of 1989

The Minister of Environmental Affairs and Development Planning in terms of Section 33 of the Environmental Conservation Act, 73 of 1989, delegated the following duties to the Head of Department, on 26 April 2002:

- The Delegation of Power to issue written authorisations ("permits"), which a local authority is the applicant, in terms of Section 22 of the Environmental Conservation Act, 1989 (Act No 73 of 1989) in the Outeniqua Sensitive Coastal Area Extension;
- The Delegation of Power to withdraw written authorisations in terms of Section 22 and written exemptions in terms of Section 21 of Environmental Conservation Act, and;
- The Delegation of Power to issue written authorisation in terms of Section 22 and written exemptions in terms of Section 28A for activities identified in terms of Section 21 of the Environmental Conservation Act (Act 73 of 1989),

- **Land Use Planning Ordinance**

The Provincial Cabinet, in terms of the Delegation of Powers Ordinance, 1965 (Ordinance 13 of 1965) and the Western Cape Delegation of Powers Law, 1994 (Law 7 of 1994) delegated certain provisions of the Land Use Planning Ordinance (Ordinance 15 of 1985) for implementation to different levels of officials in the Department on 7 July 1994, 21 September 1994 and 11 October 1995 respectively.

- **Removal of Restrictions Act, 1967**

The Provincial Cabinet in terms of the Western Cape Delegation of Powers Law, 1994 (Law 7 of 1994) delegated certain provisions of the Removal of Restrictions Act, 1967 (Act 84 of 1967) for implementation to different levels of officials in the Department on 21 October 1998.

- **Less Formal Township Establishment Act, 1991**

The Provincial Cabinet, in terms of the Western Cape Delegation of Powers Law, 1994 (Law 7 of 1994) delegated certain provisions of the Less Formal Township Establishment Act, 1991 (Act 113 of 1991) for implementation to different levels of officials in the Department on 25 January 1995.

- **The Public Service Act**

The Delegations of Powers and duties in accordance with The Public Service Act, 1994 (as amended) and the Public Service regulations 1999 are still in force since 27 July 1999.

16.3 Capital investment, maintenance and asset management plan

16.3.1 Acquisition

Details	2003/04 R'000	2004/05 R'000	2005/06 R'000
Equipment (on budget)	1 544	1 453	1 678

Note: The capital acquisition programme of the department relates to operational replacements, upgrades and new products associated with the Information Technology, office furniture, vehicles and the Works budgets associated with the Department.

16.4 Information Technology systems

Special informational technology systems utilised within the Department includes the following:

Environmental Impact Management Database

This system is used to register and manage the administrative information regarding impact assessments required for development applications in the Western Cape. This system is to be enhanced to include additional functionality including the linking of the database to the Departmental Geographic Information System, as well as links to the new permit systems proposed for development.

Environmental Information Management System (EIMS)

The Chief Directorate: Environmental Affairs is in the process of developing and establishing an integrated Environmental Information Management System (EIMS) in line with similar initiatives in other provinces and the National Department of Environmental Affairs and Tourism. The system comprises the following components: an environmental decision-support system in the form of a Geographic Information Systems (GIS) database; a document tracking system; a Digital Registry of all applications submitted for consideration and comment; and various control registers. The purpose of the Environmental Information Management System (EIMS) is to assist officers of the Directorate Environmental Management in administering work flows and case allocation, reviewing and considering applications and in making decisions that will promote a sustainable environment for the people of the Western Cape Province.

Waste Management System

Although this is now a concurrent function, the National Department of Water Affairs is currently the owner of this system. This system will eventually be linked to the Western Cape Provincial Administration Geographical Information System (GIS) and needs provincial refinement.

Geographical Information System of the Western Cape Nature Conservation Board

The Geographical Information System (GIS) is used by all levels of management within the Department as a planning and decision making tool for managing Nature Conservation Areas within the Western Cape Provincial Administration. The system has been customised to facilitate the use within Western Cape Nature Conservation Board (WCNCB) as far as data and spatial parameters are concerned.

Development Planning Database System of Information Management

The aim of the proposed system is to centralise all existing planning information and databases at one nodal point and linkage to the Geographical Information System (GIS). At present the existing data resides at various locations making it difficult to monitor, maintain and manage.

Geographical Information System of Information Management

The Geographical Information System consists of various spatial datasets covering different features in the Western Cape. The datasets are supplied in digital and map format to provincial departments, municipalities and consultants for the execution of specific projects.

Note: The development of a more extensive integrated management information system, interfacing all applications and tracking all matters referred to this Department remains a priority. Such a system must, funds prevailing, interface on-line with national and local government.

16.5 Internal audit

The Public Finance Management Act, 1999 was implemented with effect from 1 April 1999, and Section 38(1)(a) requires Accounting Officers to ensure an effective, efficient and transparent system of financial and risk management and internal control as well as a system of internal audit under the control and direction of an Audit Committee.

The Department of Environmental Affairs and Development Planning is part of a shared and Centralised Audit Committee and Internal Audit component of the Province.

The Audit Committee concerned has adopted a written charter that sets out the scope of their activities and authorities. During the first year of implementation the Audit Committee has addressed their responsibilities in terms of their charter. The new Centralised Audit Committee will have to ensure that the Department is served appropriately until such time that the Department will establish its own Audit Committee.

The activities of the Internal Audit component are mandated, although it is not adequately resourced to audit all the high-risk areas in the Department. The report of the Audit Committee is based on the work performed by the Internal Audit component, which complies with the requirements of the Institute of Internal Auditors to audit both the adequacy and effectiveness of Internal Control.

16.6 Implementation of Public Finance Management Act

The Department will report quarterly to the Executive Authority and the Provincial Treasury on the progress made with the implementation of the Public Finance Management Act (PFMA).

The Department successfully complied with the nominal compliance of the implementation of the first phase of the Public Finance Management Act (PFMA).

Compliance with the national and provincial norms and standards will result in sound financial management through the effective and efficient utilisation of the Department's resources. This also resulted in:

- Unqualified financial statements for the Department;
- Sound financial management systems and processes, and the
- Timely provision of quality management information.

Ultimately, the benefits of the Public Finance Management Act, 1999, are dependent on the ability of the Department to comply properly (substantive compliance) with its requirements. The challenge is thus for the Department to fulfil its role in ensuring substantive compliance with norms and standards. Dedicated focus, by all relevant role players, is required over the next few years for a marked improvement.

16.7 Financial management

The table below gives details on the past three years expenditures:

	2000/01 R'000	2001/02 R'000	2002/03### R'000
Budget	96 249	86 644	108 908
Adjusted Budget	92 422	104 545	121 833
Expenditure	79 313	92 660	121 833
Over/(under-spending) against budget	(16 936)	6 016	12 925
Over/under-spending against Adjusted Budget	13 109	(11 885)	0
Rollovers*	2 199	7 048	3 195

Estimated Actual

* Rolled over from previous financial year.

These comparative figures were arrived at by including the expenditure of the Programmes Environmental Affairs and Administration (excluding the Sub-programme: Office of the Minister of Cultural Affairs and Sport) from the previous Department of Environmental and Cultural Affairs and Sport and the Programme: Development Planning from the previous Department of Planning, Local Government and Housing.