

<b>PROGRAMME 3: PROVINCIAL GOVERNANCE</b>			<b>2004/5</b>	<b>2005/6</b>	<b>2006/7</b>
Aim: To develop and provide strategies and support to ensure good governance			<b>R27,826</b>	<b>R28,883</b>	<b>R30,617</b>
<b>Sub-Programme: State Law Advisory Services</b> Aim: To provide transversal state law advisory services to the provincial government			<b>R4,927</b>	<b>R5,114</b>	<b>R5,421</b>
<b>Programme structure Measurable objectives</b>	<b>Output</b>	<b>Performance measures (i.e. quantity, quality, cost, timeliness)</b>	<b>Target</b>	<b>Target</b>	<b>Target</b>
<b>1. To manage and co-ordinate the provincial Rationalisation of Laws Project</b>	Legally edited and certified legislation which, when passed by the Provincial Legislature, will result in a rationalised Statute Book for the Province	1. Quality provincial legislation certified 2. Certified laws compliant with the Constitution and unassailable in court 3. Certified laws reflect policy 4. Certified laws will result in rationalised Statute Book if enacted by Provincial Legislature	Service provider for both IPSP donor funding and Provincial funding portions of Rationalisation of Laws Project appointed by end of 2 <sup>nd</sup> Quarter of 2004/ 2005 financial year (dependent upon internal Departmental Tender Evaluation Committee and Central Procurement Committee)	Progress with Rationalisation of Laws Project in accordance with Project Plan	All legislation identified by the Rationalisation of Laws Project legally edited and certified and submitted to line function Departments by end of 2006/ 2007 financial year
<b>2. To ensure constitutionality of provincial laws and to ensure that provincial laws reflect and give effect to policy</b>	Legally edited and certified provincial legislation	1. Generally, within 21 days of receipt of request/ draft legislation 2. Quality provincial legislation certified 3. Certified laws compliant with the Constitution and unassailable in court 4. Certified laws reflect policy	From 12 – 15 laws (draft Bills and Regulations) expected to be submitted for legal editing and certification for 2004/ 2005. This target is dependent upon the legislative programme of line function Departments	At least 10 laws (draft Bills and Regulations) expected to be submitted for legal editing and certification for 2005/ 2006. This target is dependent upon the legislative programme of line function Departments	At least 10 laws (draft Bills and Regulations) expected to be submitted for legal editing and certification for 2006/ 2007. This target is dependent upon the legislative programme of line function Departments
<b>3. Drafting a Provincial Constitution for KZN</b>	Legally edited and certified Provincial Constitution dependent upon political agreement  Member of CD: SLAS a member of the <i>Technical Drafting Committee</i> appointed by the Premier	<i>Technical Drafting Committee</i> to produce first draft by 15 July 2004 to enable Premier to initiate political negotiation and consultation process  <i>Technical Drafting Committee</i> will be briefed by Premier  Final draft to be submitted to DG and Premier in August 2004	Premier must be able to introduce Provincial Constitution in the Provincial Legislature by end August 2004  Legislature must publish for public comment (1 month), refer to portfolio committee, handle public participation and debate and pass Provincial Constitution with a two thirds majority (2 months), then to be	It is envisaged that the Provincial Constitution will be certified by the Constitutional Court, published and take effect early in 2005  Directorate: Legal Administration will be responsible for monitoring and implementation of Provincial Constitution	

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		Consensus on Provincial Constitution  Certified Provincial Constitution  Implemented Provincial Constitution	referred to Constitutional Court by end November 2004 for certification		
<b>4. To provide specialist legal advice to the respective provincial Departments, MEXCO, Cabinet clusters and key units in the Office of the Premier</b>	1. Attend meetings of MEXCO and Cabinet clusters 2. Generally, within 14 days of receiving a request) and quality opinions (unassailable in court) provided 3. Research articles, publications and case law	1. Improvement in quality (content, format and practical usefulness) of laws and opinions 2. Consistent, well-researched and integrated laws and opinions of high standard unassailable in court	Attend monthly meetings of MEXCO and Cabinet clusters	Attend monthly meetings of MEXCO and Cabinet clusters	Attend monthly meetings of MEXCO and Cabinet clusters
<b>5. To chair the KZN Public Sector Lawyers' Forum meetings</b>	1. Convene, hold, chair and provide secretarial services to meetings of the KZN Public Sector Lawyers' Forum at least every second month 2. Contact and networking with public sector lawyers in the Province aimed at improving relationships and sharing knowledge and skills	Improvement in quality (content, format and practical usefulness) of laws and opinions in Provincial line function Departments	Ordinary meetings of the KZN Public Sector Lawyers' Forum to be held monthly excluding January and December	Ordinary meetings of the KZN Public Sector Lawyers' Forum to be held monthly excluding January and December	Ordinary meetings of the KZN Public Sector Lawyers' Forum to be held monthly excluding January and December
<b>6. To undertake constitutional and legal research and to provide specialist legal advice (to the respective provincial Departments, MEXCO,</b>	Research articles, publications and case law with a bearing on the Constitution	Better informed policy, law and legal opinion	1. Hold a "watching brief" in respect of constitutional amendments and Constitutional Court decisions 2. Attend monthly meetings of MEXCO and Cabinet clusters	1. Hold a "watching brief" in respect of constitutional amendments and Constitutional Court decisions 2. Attend monthly meetings of MEXCO and Cabinet cluster	1. Hold a "watching brief" in respect of constitutional amendments and Constitutional Court decisions 2. Attend monthly meetings of MEXCO and Cabinet cluster

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<b>Cabinet clusters and key units in the Office of the Premier) on constitutional issues</b>					
<b>7. To participate in the drafting and amendment of the PGDS</b>	Serve on the PGDS Task Team	PGDS better informed iro policy and law	Hold a "watching brief" iro the PGDS in respect of governance and legal issues	Hold a "watching brief" iro the PGDS in respect of governance and legal issues	Hold a "watching brief" iro the PGDS in respect of governance and legal issues
<b>8. To provide legal assistance in negotiating, drafting and servicing international co-operative memoranda of understanding</b>	Negotiating and drafting international memoranda of understanding to which the Province is a party/ signatory (assistance to IGR section)	1. Memoranda of understanding comply with accepted norms iro content and format 2. Content must fall within provincial competence and be practically implementable 3. The profile of the Province raised and showcased internationally	Demand driven – dependant upon requests from IGR	Demand driven – dependant upon requests from IGR	Demand driven – dependant upon requests from IGR
<b>9. To co-ordinate and facilitate legislative drafting training</b>	1. Enhancement of legislative drafting skills within the Province 2. Candidates trained must submit practical assignments and complete a 3 -hour written examination. Successful candidates who pass both the assignments and the written examination will graduate with a certificate from RAU	1. Improvement in quality (content and format) of draft legislation submitted to CD: SLAS for legal editing and certification 2. Less time spent by CD: SLAS in redrafting and reformatting Bills before certification	1. Second Certificate Course to commence before end March 2004 and to be completed before end July 2004 2. 12 – 20 candidates trained by end July 2004	Facilitate training of any public sector lawyer not trained previously (new appointees)  Extend legislative drafting to members of NADEL and the BLA as part of empowerment initiative and to capacitate private sector lawyers who will assist Provincial Departments in the Rationalisation of Laws Project	Facilitate training of any public sector lawyer not trained previously (new appointees)  Extend legislative drafting to members of NADEL and the BLA as part of empowerment initiative and to capacitate private sector lawyers who will assist Provincial Departments in the Rationalisation of Laws Project
<b>10. To establish contact with public sector lawyers and jurists nationally and internationally</b>	Membership of, and participation in, relevant national and international public sector law associations, such as CAPSL	Application of national and international best practice to the Province	1. Extend contact with State Law Advisors in other Provinces by end 2004/ 2005 financial year 2. Host Inter-Provincial State Law Advisors' Meeting in KZN by end July 2004	Maintain contact with State Law Advisors in other provinces and attend Inter-Provincial State Law Advisors' Meetings when scheduled	Maintain contact with State Law Advisors in other provinces and attend Inter-Provincial State Law Advisors' Meetings when scheduled

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			3. Maintain contact with State Law Advisors in other provinces and attend Inter-Provincial State Law Advisors' Meetings when scheduled		
<b>11. To provide accurately translated legislation and Government notices</b>	Accurately translate certified laws and Government notices into <i>isiZulu</i> and <i>Afrikaans</i>	1. Certified laws translated within 21 days of submission to Sub-directorate: Language Services 2. Notices translated within 7 – 21 days of submission to Sub-directorate: Language Services	Demand-driven as determined by legislative programmes of Provincial Departments	Demand-driven as determined by legislative programmes of Provincial Departments	Demand-driven as determined by legislative programmes of Provincial Departments
<b>12. Maintain CD: SLAS website</b>	Maintain fully functional and regularly updated website	User-friendly website is fully functional. All relevant and updated information about the CD: SLAS, its functions and work (including Operational Plans; a list of legislation received for legal editing and progress with legal editing and the certification process) appears on the website. Both the Provincial website and the website of the KwaZulu-Natal Law Society have linked to the CD: SLAS website	Ongoing and demand driven	Ongoing and demand driven	Ongoing and demand driven

