

: JQSLMM 00047/ g ND

A PRELIMINARY LIST OF LAWS AND REGULATIONS SUGGESTED BY THE RDP

We here list by subject the areas requiring new laws or substantial revision of existing laws and regulations suggested the existng RDP documents. Which would form laws and Nthh regulations wlll not emerge until the drafting process.

The areas listed are of very different magnitude. A Planning Act or an Education Act would be very difficult to draft,

issues. We

area.

while others seem much easier.

affirmative action and the company acts,

Some laws, such as laws on

likely affect sever

-1

OJ.

Building the Economy

Indhstrial policy

I

Revision of the

Mining Act

Board of Trade

and Tariffss

Foreign

investment

Parastatals

Technology

Concentration and

control in the

economy

Rural development

and land reform

Including establishing the proposed agency to

coordinate economic policy and review

incentives

Establish more consistent, systematic and

accountable system for imposing tariffs

Establish national treatment

May require revision of laws on individual

parastatals, notably Eskom, Telkom, IDC,

Armsscor, DBSA and development corporations

Includes patent and copyright laws, and

drafting of laws on research and development

and the import of new technologies, and Act

to establish an Office of Technology

Development.

Including establishment of the proposed

commission to devise appropriate solutions as

well as stronger antietrust laws.

Presumably can draw on existing work. In

addition to extensive legislation on land

reform/distribution, involves the

establishment of support for smallholders and

the reorganisation of existing agricultural

support structures.

t.x... .e ._C
, .'-'. Ste-Il QL
te-JI'LQHXLC
. J
LimidSCfJCCufe
Jabs ptaq;gmmeS
Ft '- 1
LL
CZ
FT U)
rt
0
r t
r
C) r:
m
, . .
0/
Small and
informal business
Banking
Reserve Bank
Pension and
insurance funds
Government
procurement
The budget
Includinq roads, railroads, air transport and
telecommunications. Largely involves
rewriting regulations on how to allocate
projects.
Establish PWP and NYWP authorities.
Includes (eVising industrial reLations an;
apprenticeship and training acts, plus laws
to ensure affirmative action and workplace
democracy, and to protect farmworkers better.
Includes creation and/or transformation of
institutions to provide credit, training,
marketing, sites etc; and review of
excessively repressive regulations,
local by-laws and zoning acts.
including
Includes establishment of ombud and
parliamentary oversight committee that can
develop non-discriminatory criteria and new
disclosure rules; to provide for proposed
Housing Bank; and to support community banks
Make the board more representative
To ensure broader representation on the
boards of directors; and to impose
requirements on purchases of Reconstruction
Bond.
To ensure preferences to small businesses and
support affirmative action
To end unnecessary secrecy and broaden
consultation; develop fiscal planning;
establish a Parliamentary Budget Office; and
extend performance auditing.
Democratising the State and Society
Accountability of
public
institutions
NGOs and C805
Includes freedom of information and
supporting regulations; administrative
procedure act and regulations that ensure
participation, accountability and
transparency; an act to operationalise the
ombud.
Providing appropriate models for legal
formation, possibly arms-length financing,

and appropriately reorganised forums.

:;e e EALF and in addition to rev151nq eKieLing
 -lteil;gence also establish the proposed Peoples'
 serx;;e Volunteer Militia and Code of Conduct :0:
 uniformed services
 SetsL: exe eJuZCS Includes provi51on for paralegale and Aegui
 an; estdo;;sh a deVlse centres.
 -eqai refsrn
 gammission
 Code of :owduct As proposed.
 for.the Public
 Servxce
 Public Service As proposed.
 Training
 . Institute
 Affirmative
 action laws
 National planning Includes establishment of RDP authority and
 of regional government, transforming
 development institutions and establishing the
 proposed commission to review existing state
 structures.
 Eliminating Poverty
 Education Restructuring departments; reforming labour
 relations; ensuring affirmative action in
 student body; reorganising budgetary formula
 to equalise spending; requiring full
 utilisation of all facilities within
 specified time; requiring new curricula
 ', within 18 months; establishment of agency to
 develop and enforce central standards.
 Training Establish training schemes and centres;
 ensure affirmative action; establish
 proposed SAQA.
 Reorganisation of health services on regional
 basis; establishment of agency to develop
 and enforce central standards.
 Housing Establishment of financing mechanisms;
 mechanisms to ensure low-cost and easily
 accessible building materials; laws to make
 more land accessible, including revision of
 zoning and mineral-rights laws.

Culture and Arts Establish ministry; establish community arts centres and commission to investigate and transform PACS.

Domestic water

and Reform distribution networks, establish electrification guidelines for functioning and tariffs

Environmental Includes changes in decisionmaking legislation structures, reorganising administration.

changing some aspects of land ownership,

improving disclosure and revising the

Fisheries Act.

Neva Makgetla and Robert B. Seidman

January 1994.

INSTITUTIONAL FRAMEWORK FOR THE RDP

List of institutions referred to in the RDP

This list refers mainly to institutions. It should be noted that an appropriate institutional framework requires a focus on institutions, the laws and regulations governing these institutions and the procedures according to which they operate.

In some instances, references are rather vague eg. "a national institutions to monitor poverty", "support for community banking". Can we tighten this up? There are also some contradictory proposals eg. a Ministry of Rural Development and Land Reform vs a: Ministry of Local Government and Land Reform. These must be resolved.

The list includes proposals for new institutions, proposals for fundamental transformation to existing institutions and modification to other institutions.

1 New institutions

a RDP unit in State President's Office

a Appropriate rural and urban public service and development institutions (eg. village water committees)

t Regional development forums (where they are not yet established) v

3(-

Local development forums ("

National unit to monitor poverty and deprivation and guide interventions

National institution to co-ordinate the job creation programme (substructure of Department of Manpower?)

New planning institutions (...)

Land Claims Court

Institutions for land distribution

National Housing Bank

Housing institutions at local government level

Covenant Review Committee (International Covenant on Economic and Social Rights)/Social Justice Commission

National Energy Policy Council

Commission of Environment

Environmental ombud

Ministry of Culture

Arts Councils as statutory bodies (at national and regional level)

Independent national sports controlling agency

a National Advisory Board on technology policy; Office of Technology Development

Youth Counselling Centres

Ministry of Rural Development and Land Reform/Ministry of Local Government and Land Reform

Agency to co-ordinate economic policy

Programmes to link university science to technology

Agency to review/reform current concentration of ownership and control (through regulation and democratisation of management as well as anti-trust)

3(-

I-X-Il-il-al-S- 3(-

x-x-a-a-a-

1-3!-

1-3!-

3&3!-

3!-

3k
3(-
X- a-x-x-x-
Bban-it-
X'X-I-X-I-X-
363!-

N
393(-
1-3.-
393(-
3(-
3E3!-

Ombuds/authority for affirmative action
Support institutions for SMEs: training, R&D, finance,
marketing, sites, including rationalisation of SBDC and
reform of IDC, DBSA
Lending agency for micro-enterprise (R2bn during RDP)
Support for community banking
Ombuds for financial sector
Standing Committee of Parliament to oversee the financial
sector
Financial and Fiscal Commission, establishment of fiscal
planning
Parliamentary Budget Office
Development of PFC
A national Qualifications Authority
Council for International Trade and Industry (from 'the
NEF Trade Policy Task Force)
Constituent Assembly
Human Rights Commission
Ombuds
Legal Reform Commission
Public Service Commission
Commission for Administrative Reform/ Government
Organisation
Information Development Trust
Public Broadcaster Board
Fundamental transformation of existing institutions
Public service institutions and departments at the
central, regional and local government levels in
particular in relation to health and social welfare,
policing, defence and other social services (eg. a
national health authority, 9 regional health authorities,
district health authorities and district development
committees)
Existing regional and local development forums
Parastatal and development institutions' eg. Development
Bank (DBSA), Agricultural Research Council (ARC), etc.
Various statutory bodies eg. Local Road Transportation
Boards, etc.
Single national education ministry, transform
educational/HRD institutions, farm and rural schools,
early childhood educare (ECE centres), adult basic
education, special education - develop and retrain the
entire education and training bureaucracy
Department of Water Affairs and Forestry
Eskom (nationally-integrated distribution agency or
regional distributors)
Electricity Council (independent national electricity
regulator)
Telkom (a new information order)
Transnet (national public owned passenger transport
system)
Department or Ministry of Environmental Affairs
Existing government-owned and parastatal cultural
institutions
Primary health care facilities
Unemployment Insurance Board

3P3!!-

3I-X-3I-X-3t- 3(-

3;.

363-3??? 1-

U

1-3!-

#3PX-3I-X-Il-

X-i-X-X-

Transformation of parastatals; more representative
boards, management and new business plans
Institutions of integrated rural development
Double existing regional services centres and satellites
Transformation of parastatal finance agencies (Land Bank,
development agencies, SBDC)
Establishment of performance auditing in the Auditor
General's office
Department of Trade and Industry
Department of Manpower
Board of Trade and Tariffs - procedures for reviewing
tariffs
SAFTO
Customs and Excise system
Parliament
Administration of justice and the public defence system
Commission for Administration could become a state
department dealing with administration
CFA Training Institute to become a Public Service
Training Institute
A national co-ordinating structure or apex organisation
for NGOs
Central Statistical Services
Government Printer
Reform of existing planning institutions
S A Communication Services
Modifications to existing institutions
National Housing Forum
Representative organisations in communities and interest
groups
National Electrification Forum
Community arts centres
National Economic Forum
Reform labour courts
Reform industrial councils
New procurement procedures to support micro/small
enterprise
Trade union representatives on Pension Fund boards
more socially responsible boards for Mutual Funds
Transformation of Board of the Reserve Bank
Combination of ministries of State Expenditure and
Finance

RECONSTRUCTION AND DEVELOPMENT PROGRAMME

SUMMARY OF TAXES AND FUNDS

Community Development Fund

Tax on rural land

National housing bank

National home loan guarantee fund

Electrification fund

Review of transport subsidies

Zero rate VAT on basic food stuffs

Revise UIF

Equalise taxes on women

Reduce fiscal drag

Increase effective corporate tax rate

Reconstruction Bond

Reconstruction Levy

Job creation

Land reform

Housing

Housing

Electrification

Transport

Welfare Economy

Welfare

Economy

Economy

Economy

Financing RDP

Financing RDP

RDP - Guesstimated Costs.

These figures are presented solely as illustrations. Unless otherwise noted, they are merely rough estimates by Dr Makgetla. Please try to make figures for your sector more precise.

Estimated Notes

total cost to state

sector

Educa-

tion

Health

1996 1999

electrici-

fication

programme

1996 1995

Expect to fund all

programmes from

existing budget

(does that include

educare and

training?)

Expect to fund all

programmes from

existing budget

1999 : 20 per cent

of available land)

market price; reductions

in the cost of state

possible by

depressing market

price or raising

capital-gains tax.

I don't know where

to start.

current cost of

support for white

farmers

figures provided by

sub-convenor.

figures provided by

sub-convenor

5th draft

Estimated at R7500

per house plus 15

per cent admin

axis. (Amendment to

5th draft)

Amendment to 5th

draft (finance

section).

STRICTLY GUESSTIMATES - for discussion only - CONFIDENTIAL.

Sector Programme Estimated Estimated Notes

total cost cost to state

1996 1999 1996 1995

R1 R1 R1 R1 Total PWP planned of

bn. bn. bn. bn. R10 bn.; figure

here represents only

the 10 per cent

required.for'admin

and training (5th

draft)

NYSP ?? ?? R2 5th draft gives

bn. totaloostof R8 m.

for RDP

Double ?? R0,1 ?? R0,1 amendments to 5th

bn. bn. draft

the

number of

regional

service

centres

training R0,3 R0, R0,3 R0,3 target from

for 1,5 bn. bn. bn. bn. amendments to 5th

million draft; estimated at

R1000 per person.

credit R0 , 4 R0 , ?? ?? Total from amended

for small bn. bn. 5th draft; does not

enter- specify amount of

prise subsidy.

reduce Half of age cohort :

pension 250,000 x .

age to 60 R4800/year.

cash RSO/month x 3,5 mn.

subsidy plus 30 per cent

to all administrative

children costs.

tunder age

5

maternity

leave

estimated at R3000

per birth.x .7 mn.

births/year. For

employedtmxmnn the

Women's League

proposed 6 months

full pay; none of

their proposals

appearstICurrent

draft.

STRICTLY GUESSTIHATBS - for discussion only - CONFIDENTIAL.

Programme

Taxes

De-

fence

cuts

zero-rate

basic

foods

Recon-

struction

Levy

Recon-

struction

Bond

Amended

5th draft

says to

set

targets

n.b.

costs of

pro-

grammes

with

estimates

only

Estimated Estimated

total cost cost to state

--

1996 1999 1996 1995

(R4-8

bn.)

??

(R4

bn.)

R17

bn.

Notes

Can somebody

estimate this

please?

Estimates from Lieb

Loots's;inz&%xmation

at workshop

quxdscxlamnuzof

bond, interest rate

and devaluation

Estimated at 20 per

cent cut in current

spending by end of

RDP - is this

viable??

Does not include

gnngramms &mrwhich

no estimates are

given at all, nor

paxmtkn.smdngscm

increases in

revenue.