

EXPLANATORY MEMORANDUM

1. On 10 May 2009 the President announced the appointment of Ministers and Deputy Ministers in terms of sections 91(2) and 93(1) of the Constitution of the Republic of South Africa, 1996 (the Constitution). The portfolios of these Ministers necessitate a re-organisation of departments, including the renaming of departments and the establishment of new departments, to support the Ministers in executing their respective mandates.

2. In terms of section 7(5)(a) of the Public Service Act, 1994, the President may, by proclamation in the *Gazette* and on the advice of the Minister for the Public Service and Administration, amend Schedule 1 to the said Act so as to establish or abolish any national department, designate such department and the head thereof or amend any such designation.

Therefore it is proposed that the President in terms of section 7(5)(a) of the Public Service Act amend by proclamation the national departments listed in Schedule 1 to that Act to accord with the new portfolios of Ministers, including renaming departments and establishing new departments.

3. The proposed list of national departments includes existing national departments that are affected by a split in functions and those affected by the transfer of functions from other departments. This is to ensure continuity regarding the existing budget structure of national government, in particular the Budget Votes in the Appropriation Bill currently before the National Assembly envisaged to be passed in July 2009. The Minister of Finance intends proposing amendments to the Appropriation Bill for consideration during the Parliamentary process to establish new Budget Votes for the new departments proposed to be established by means of the attached proclamation and to amend the titles of current Budget Votes to accord with the departments to be renamed by means of the attached proclamation. Section 33 of the Public Finance Management Act, 1999, provides for funding to be transferred from one Vote to another as functions are transferred. As soon as the functions of affected Departments are separated and

transferred, the President will be requested in terms of section 7(5)(a) of the Public Service Act to abolish those existing Departments that are to be replaced by one or more new Departments. This will be accompanied by the transfer of the identified employees. A list of new departments, renamed departments, departments to be abolished once all the functions have been transferred to one or more new departments as well as unaffected departments are set out below:

Department of Agriculture (to be abolished later)
Department of Agriculture, Forestry and Fisheries (new)
Department of Arts and Culture
Department of Basic Education (new)
Department of Communications
Department of Cooperative Governance and Traditional Affairs (previously Provincial and Local Government)
Department of Correctional Services
Department of Defence and Military Veterans (previously Defence)
Department of Education (to be abolished later)
Department of Energy (new)
Department of Environmental Affairs (new)
Department of Environmental Affairs and Tourism (to be abolished later)
Department of Health
Department of Higher Education and Training (new)
Department of Home Affairs
Department of Human Settlements (previously Housing)
Department of International Relations and Cooperation (previously Foreign Affairs)
Department of Justice and Constitutional Development
Department of Labour
Department of Mineral Resources (new)
Department of Minerals and Energy (to be abolished later)
Department of Police (previously Safety and Security)
Department of Public Enterprises
Department of Public Service and Administration
Department of Transport
Department of Public Works
Department of Rural Development and Land Reform (previously Land Affairs)
Department of Science and Technology

Department of Social Development
Department of Tourism (new)
Department of Trade and Industry
Department of Water Affairs (new)
Department of Water Affairs and Forestry (to be abolished later)
Department of Women, Children and People with Disabilities (new)
Economic Development Department (new)
Government Communication and Information System
Independent Complaints Directorate
National Intelligence Agency
National Treasury
Office of the Public Service Commission
Public Administration Leadership and Management Academy
South African National Academy of Intelligence
South African Secret Service
Sport and Recreation South Africa
Statistics South Africa
The Presidency