PROCESS MAP FOR APPLICATION OF SEIAS IN THE DEVELOPMENT OF PUBLIC POLICIES AND SUBORDINATE LEGISLATION /REGULATIONS

- Identified problem/ opportunity that require attention as influenced by Political/ Manifesto, Economic, Social, Technological, Environmental and Legal (PESTEL) factors, and outcomes on implementation of existing initiatives.
- Department conduct research to understand the extend of a problem/ opportunity and develop a discussion document/ concept note with options in consultation with relevant key stakeholders
- Department submit a concept note with researched problem, options and the Initial Impact Assessment (IIA) Report to The Presidency- Policy and Research Services (PRS) for analysis and feedback (red tape, alignment with national priorities and policy coherence and certainty). PSR issue IIA QA sign off form.

4 (a) Department apply SEIAS Final Impact Assessment (FIA) when drafting the Policy:

- The nature of the problem and its root causes
- Outcomes and Theory of Change of the Policy/ Regulations
- How is the Policy/Regulations aligned/ contradicts existing prescripts?
- How will behaviours contributing to the problem be changed?
- Groups that will benefit and incur costs-how are the vulnerable groups, SMMEs befitting?
- Groups that were consulted and their views, which views are not supported and reasons?
- How do we minimise associated costs, risks and ensure effective implementation?
- Resolving identified disputes
- Implementation: Monitoring and Evaluation of the Draft Policy/Regulations. Tracking performance against identified problems.

- Department proceed with a selected option- e.g. drafting of a policy and applies the Final Impact Assessment (FIA) on the Policy. The policy should undergo various authorisation processes within the Department, through IGR structures and Cluster/ Cabinet system as required.
- 5. Department submit draft policy or regulations to PRS for QA. PRS issue a Cluster and/ or a Preliminary Sign off forms when Policy/ Regulations are to be gazetted for public comments. Preliminary sign off will be issued for Regulations as they are not processed through Cabinet System. Draft SEIAS should placed on Dept. website during gazetting of a policy or Regulations for public comments.
- 6. After public comments, the Department will consolidate and update the policy/ Regulations and SEIAS report where necessary and submit to PRS. PRS will issue a final sign off form that will accompany submissions for final approval by the Minister or Cabinet. Final SEIAS report to be placed on Dept. website when Policy or Regulations are promulgated for implementation.

- **2(a)** Department apply SEIAS Initial Impact Assessment (IIA) to understand:
- The nature of the problem and its root causes
- Behaviours and groups contributing to the problem
- How the problem affects vulnerable groups of the society and the national priorities
- What are the existing initiatives that are trying to solve the problem? Why are they inadequate or failing?
- Exploring options that will solve identified problem-their costs, benefits, risks and impact to the national priorities.
- Justification for a chosen option.

2. LEGISLATIVE PROCESS MAP

2. Cabinet Lekgotla

- Govt. receives the electoral mandate which informs government policy;
- Cabinet Lekgotla deliberates on strategic government policy priorities and directives

3. The Presidency

- Cabinet Secretary requests Departments to submit legislative programme to Cabinet Office
- Departments submit their legislation programme informed by Govt. policy and priorities.
- Research and outcomes of the SEIAS Initial Impact Assessment form the basis of whether to regulate or not as guided a policy.
- PRS issue an Initial QA Sign Off form for the policy
- Preparation of the Draft Legislation Programme by Leader of Govt. Business (LOGB)
- Consultation with Political Management Structure on the draft list of bills.

4. Alignment of Legislation with Govt. Policy

Depts. Provide policy documents on the intended for review by:

- Departments;
- Policy and Research Services (PRS) for Policy Advisory and Socio-Economic Impact Assessment System (SEIAS)
- Office of the Chief State Law Advisors;
- DG Clusters;
- Other Departments with interest

1. Development of Draft Bill by the Department

- The Bill is drafted by the Departments 'Legal Units (using a policy document that informs the drafting of the Bill)
- The Bill is submitted to the Office of the Chief State Law Advisors (OCSLA) for quality assurance and constitutionality
- The OCSLA returns pre certified bill to relevant departments and to the LOGB
- Drafters of the Bill and relevant Policy Units conduct Final Impact Assessment SEIAS against the Bill which is submitted to PRS for analysis improvements.
- PRS issue a SEIAS Cluster QA sign off form
- DGs Cluster deliberate on the Bill
- The Political Management Structure reviews draft bills

LEGISLATIVE PROCESS MAP, CONT...... (2)

- 5. Preliminary Certification by OCSLA and PRS
- Bill must come before OCSLA for preliminary certification as an early warning system which will enhance quality control before they go to Cabinet for approval
- After incorporation of DGs Cluster comments into the Bill, PRS issues a QA Preliminary Sign Off form if the Bill is going to Cabinet to request approval for Gazetting for public comments.
- PRS will issue a Final QA Sign Off form if the Bill and SEIAS have been updated after gazetting for public comments

- 6. Cabinet and Committee Stage
 The responsible
- Minister presents the draft Bill to the appropriate Cabinet Committee
- Recommendation for the Bill to be considered by Cabinet
- Cabinet deliberates on the Bill
- Cabinet approves the Bill to be introduced to Parliament

- 7. Certification of the Bill by OCSLA
- Departments refer
 their approved Bills to
 OCSLA for certification
- The OCSLA reports on the status of bills to LOGB
- The OCSLA informs LOGB and the relevant departments on the bills they did not certify
- The OCSLA returns certified bills to departments

- 8. Bills that are not certified by OCSLA
- The OCSLA proof reads the bill against the Executive decisions and if such a bill is uncertified it is returned to LOGB
- The office of the LOGB refers uncertified bills to Cabinet for further considerations and deliberations

9. Discussion of the Bill at NEDLAC

Departments present Cabinet approved bills to National Economic Development and Labour Council (NEDLAC) if the bills have socio-economic implications before introducing them to Parliament

10. Introduction of the bill to Parliament

- Legislation and Proceeding Unit in Parliament receives the bill from OCSLA and do proof reading and editing
- Departments are requested to submit a translated version of the bill
- The Legislation and Proceeding Unit print the bill and introduce the bill on behalf of the Ministers to relevant Portfolio Committees

LEGISLATIVE PROCESS MAP, CONT...... (3)

11. LOGB Parliamentary Support Office

- Liaise with the Parliamentary Liaison Officers (PLO) on submissions of Bills, Translations and Amendments
- Ensure Ministers accountability to respond Parliamentary Questions in respect of their Bills
- Tracking on amendments from Portfolio Committees
- Drafting the Planning cycles in line with the Constituency period

- 12. Deliberations on the Bill by Parliament
- The two houses of Parliament The National Assembly and the National Council of Provinces deliberates on the Bill
- Public hearings and consultations with relevant stakeholders take place

13. Passing of the Bill by Parliament

 Adoption of the Bill by the National Assembly and the National Council of Provinces

14. Assessment to and Signing of the Bill by the President

 After the Bill has been adopted by the two Houses of Parliament, the President will then assent to and signs that Bill into an Act of Parliament.

15. The Presidency Office

- Legal Services Unit in The Presidency facilitates the promulgation of proclamation from Departments
- The Legal Services to provide LOGB with report on all Acts that have been passed with a view to a register Legislation
- The Policy and Research Services works with relevant Department on the implementation of the Act, putting M&E systems, unblocking bottlenecks and tracking its impact to the National Priorities