



## NATIONAL ECONOMIC DEVELOPMENT AND LABOUR COUNCIL

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### DRAFT NEDLAC REPORT ON THE WHITE PAPER ON HOME AFFAIRS, 2019

#### 1. BACKGROUND

- 1.1. In December 2018 Cabinet approved the publication of the White Paper on Home Affairs for public comment.
- 1.2. On 18 January 2019, the Department of Home Affairs published the White Paper on Home Affairs for public comment. The public was given up until the 18<sup>th</sup> of February 2019 to submit comments to the Department of Home Affairs. Substantive comments were received from the general public and substantive comments were incorporated.
- 1.3. On 28 May 2019, the Department of Home Affairs presented the revised White Paper on Home Affairs to the Nedlac Development Chamber for consideration. The Chamber agreed to establish a four-a-side task team to engage in the policy.
- 1.4. The NEDLAC report provides a summary of the process, detailing the areas of agreement with recommendations.

## 2. PROCESS AT NEDLAC

- 2.1. On 17 July 2019, the Department of Home Affairs formally tabled the White Paper on Home Affairs in line with the Nedlac Protocol for engagements.
- 2.2. The task team was comprised of members from Organised Labour, Business, Community, and Government. The list of task team members is attached as **Annexure 1**.
- 2.3. The purpose of the task team on the White Paper on Home Affairs was to:
  - 2.3.1. To consider the policy document as tabled by the Government as well as input tabled by the social partners and engage on the contents thereof;
  - 2.3.2. To consider and engage in presentations and additional information relating to the policy implementation plans; and
  - 2.3.3. To develop a Nedlac report containing areas of agreements, disagreements, and recommendations.
- 2.4. The task team met on the following dates:
  - 2.4.1. 17 July 2019; and
  - 2.4.2. 14 August 2019
- 2.5. The following documents were submitted:

Government Presentation on the White Paper	Annexure 2
White Paper on Home Affairs (dated 25 June 2019)	Annexure 3
Socio-Economic Impact Assessment System (SEIAS) White Paper on Home Affairs	Annexure 4
Community Constituency input on the White Paper	Annexure 5
Business Constituency input on the White Paper	Annexure 6

### 3. AREAS OF AGREEMENT

3.1. Issues relating to the “policy foundations of the Department of Home Affairs” as well as matters relating to the “scope of the mandate and related interventions” were taken as considered and agreed. The position was reached following the Government commitment to table relevant pieces of legislation to Nedlac for further engagements arising from this policy document. It was noted that Government was still in the process of developing such legislation and once finalized those would be tabled to Nedlac in line with its Protocols.

3.2. In line with the agreement outlined in item 3.1. of this report the following Chapters were agreed with their subsections as outlined in the Government position without amendment:

- 3.2.1. Chapter 1: The importance of the Department of Home Affairs;
- 3.2.2. Chapter 2: Current status and problem statement;
- 3.2.3. Chapter 3: A coherent Department of Home Affairs policy framework;
- 3.2.4. Chapter 4: Management of citizenship and civic status;
- 3.2.5. Chapter 5: Management of international migration;
- 3.2.6. Chapter 6 Management of Refugee protection;
- 3.2.7. Chapter 7: Responsibility of the population register; and
- 3.2.8. Chapter 8: An enabling legislative environment

3.3. It was agreed that issues relating to the conditions of employment will be deferred to the Bargaining Council as it is mandated to deal with such issues. However, the meeting resolved that the DHA Bill that deals with the conditions of employment will be presented to NEDLAC for consultation.

- 3.3.1. New operating model;
- 3.3.2. New Population Register (NIS);
- 3.3.3. New organisational model and future-fit employees;
- 3.3.4. Home Affairs College;
- 3.3.5. New funding model;
- 3.3.6. Home Affairs as a critical enabler of e-government and e-commerce;
- 3.3.7. Home Affairs as a critical element of the national security system; and
- 3.3.8. Phased implementation of the repositioning programme

### 3.4. SECTION C: CHAPTER 9 - A FUTURE –FIT MODEL OF THE DEPARTMENT OF HOME AFFAIRS

#### 3.4.1. New Operating Model

3.4.1.1. The theme “new operating model” was agreed as outlined in the Government position, which included a single integrated digital data platform for all of Government without amendment with the following comments:

- a) Constituencies welcomed the modernization of the new Department of Home Affairs (DHA). It was agreed that vigorous capacity building to increase the capacity in the DHA was needed to ensure successful implementation of the repositioned DHA.
- b) The need for harmonization and enhancement of existing policies and the inter-ministerial collaboration was needed to give effect to the repositioning.
- c) It was agreed that the DHA must ensure that the critical vacancies are filled in the international borders, ports of entry, and within the DHA centers.
- d) Constituencies agreed that issue relating to reskilling and retraining to DHA personnel was critical. It was agreed that existing resources should be utilized and consider partnerships with existing TVET colleges recognized by the Department of Higher Education and Training. It was also noted that the type of training to be provided by these colleges must speak to the envisaged repositioned DHA. Constituencies also welcomed that these mechanisms put in place will ensure that the DHA was responsive to the 4<sup>th</sup> Industrial Revolution (IR).

- e) It was agreed that issues relating to human resources (HR) would be deferred to the Bargaining Council as outlined in detail in item 3.3. of this report.
- f) It was agreed that South Africa has a skills gap and if the deficit is not addressed through responsive skills migration, South Africa will be left behind.
- g) It was agreed that issues relating to risk management around security would be adequately considered by Government, which would include effective inspection, monitoring and enforcement.

### 3.4.2. **New Population Register (NIS)**

3.4.2.1. The theme “new population register” was agreed as outlined in the Government position without amendment with the following comments:

- a) The proposal on the establishment of the secured and modernized “new population register” was supported. It was agreed that Government will adopt the phase-in approach in the implementation of the proposed system and any proposed changes to collections take into consideration broad legislative impact.
- b) It was agreed that the implementation of the proposed “new population register” would not have a negative impact on the general public. It was agreed that the philosophy behind the system was critical and that it should be able to address the majority of the different needs. For example, the system will enable Government to register the birth of every child taking place in the country irrespective whether the parents hold different status in terms of the country of origin. This system will also address the inconsistencies found in the current population's register.

### 3.5. SECTION C: CHAPTER 10 - ORGANISATIONAL MODEL AND FUTURE FIT EMPLOYEES

#### 3.5.1. Conditions of employment

3.5.1.1. It was agreed that issues relating to HR and matters relating to the conditions of employment of members would be deferred to the Bargaining Council as outlined in item 3.3. of this report.

3.5.1.2. It was agreed that the wording on the section will be amended to read “Officials who work in the new model DHA will be appointed according to the provisions of a Home Affairs Act. The provisions of the Labour Relations Act and the Public Service Act will still apply. The issues relating to vetting and security will be provided for in the Department of Home Affairs Act **[the minister will have the authority to specify additional mandatory requirements given the nature and strategic importance of the DHA’s mandate, functions, and operating model.]**”

#### 3.5.2. New organisational model and future-fit employees

3.5.2.1. The theme “new organizational model and future-fit employees” was agreed as outlined in the Government position without amendment with the following comment:

- a) Issues relating to reskilling and retraining of personal was critical and this will ensure that the DHA realized its mandate on the repositioned DHA.
- b) The DHA should first finalize strategy and policy before it can consider issues relating to the structure and assigning of roles and responsibilities (positions and job titles) etc.

#### 3.5.3. Home Affairs College

3.5.3.1. The theme “home affairs college” was agreed as outlined in the Government position without amendment with the following comments:

- a) The idea of the establishment of the college was supported. In addition, Constituencies agreed that the college will address the issue relating to reskilling and retraining to personnel as these were critical.
- b) It was agreed that existing resources will be utilized and Government to consider partnering with existing TVET colleges. Please refer to item 3.5.2.1.b. of the report for detailed agreement.
- c) Issues relating to e-learning were also highlighted as critical and should be adequately addressed.

## 3.6. **CHAPTER 11: A SUSTAINABLE FUNDING MODEL**

### 3.6.1. **New funding model**

3.6.1.1. The theme “new funding model” was agreed as outlined in the Government position without amendment with the following comments:

- a) It was agreed that the State must provide the funding required for the DHA to deliver against its full mandate and Parliament must be engaged to consider increasing the appropriate funds for the DHA, in order to successfully execute its mandate, carry the day-to-day operating costs and administration of the DHA.
- b) The awareness campaign was highlighted as critical and that such must be convened by Government to educate the

general public about the importance of the department, its services and the protection of personal identity.

- c) The additional revenue streams as proposed in the White paper were supported. However, it was further agreed that the proposed mechanisms in terms of generating additional revenue must not negatively affect the general public nor socio-economic development. It was also noted that such were being developed and that must be aligned with the relevant legislation such as Protection of Personal Information (POPI) Act etc.
  
- d) It was agreed that proposed issues relating to governance will be allocated within the finance branch in the department. Government will consider strengthening the capacity of the finance branch. National Treasury will be responsible to perform the checks and balances oversight role in this regard.

### **3.7. SECTION D: CHAPTER 12: CONTEXT, ENABLERS AND CHANGE STRATEGY**

#### **3.7.1. Home Affairs as a critical enabler of e-government and e-commerce**

- 3.7.1.1. The entire theme on the “critical enabler of e-government and e-commerce” was agreed as outlined in the Government position without amendment, whilst noting the need for the harmonisation between legislation, policy and practices across all of Government.

#### **3.7.2. Home Affairs as a critical element of the national security system**

- 3.7.2.1. The entire theme on the “critical element of the national security system” was agreed as outlined in the Government position without amendment.
- 3.7.2.2. The management and control of migration is a key requirement. It was agreed there needs to be a balance between skills migration to support development and the protection of jobs.

### **3.8. CHAPTER 13: IMPLEMENTATION ROAD MAP**

#### **3.8.1. Phased implementation of the repositioning programme**

- 3.8.1.1. The entire theme on the “phased-in implementation programme” was agreed as outlined in the Government position without amendment with the following comment:
  - a) It was agreed that Government will adopt the phased-in approach in the implementation of the proposed repositioned DHA.
  - b) Issues relating to the conditions of employment provided for under this section will be deferred to the Bargaining Council as agreed above.

## **4. AREAS OF DISAGREEMENT**

- 4.1. There were no areas of disagreements in the White Paper on Home Affairs.

## **5. CONCLUSION**

- 5.1. This report, therefore, concludes considerations of the White Paper on Home Affairs at NEDLAC. The report is submitted to the Minister of Home Affairs, other relevant Ministers and relevant parliamentary committees, in terms of Section 8 of the NEDLAC Act No 35 of 1994.
- 5.2. It is acknowledged that the NEDLAC Parties may continue to advocate their views in the public consultation and other structured processes with regard to the policy.

**ANNEXURE 1**

**WHITE PAPER ON THE DEPARTMENT OF HOME AFFAIRS TASK TEAM MEMBERS**

BUSINESS:	COMMUNITY:	LABOUR:	GOVERNMENT
B Jack T Tshivhengwa N Champaud S Moabalobelo J de Villiers A Coertzen J Mtolo	N Ngesi N Gotyana Dr HD Ntsinde M Mponzo	T Tengela S Ndhlovu N Baloyi	T Mavuso S Mthiyane C Sols D Erasmus B Zamxaka