

Analyzing the Electronic Governance Policies and Legislative Frameworks on Public Service Delivery in South Africa

Tafadzwa Clementine Maramura¹ and D. R. Thakhathi²

University of Fort Hare, Department of Public Administration, Private Bag, X1314, Alice, 5700, Republic of South Africa

E-mail: ¹<tmaramura@gmail.com>, ²<rthakhathi@ufh.ac.za>

KEYWORDS Innovation. Policy Framework. Public Management Public Sector. Technology

ABSTRACT This paper uses a descriptive analysis approach to analyze the policies and legislative frameworks governing electronic governance on an effective and effective service delivery. The primary objective of the paper was to understand the e-governance policies and legislative frameworks on service delivery in South Africa. The paper revealed that the post-1994 era has witnessed the formulation of various legislative requirements, which were designed to direct governmental reforms on improving public service delivery in South Africa. The paper also reveals that the Constitution of South Africa 1996 is structured as the cornerstone whose foundation ties all the governmental reforms on improving public service delivery in South Africa. The paper concluded that the successful implementation of the e-governance initiatives is solely dependent upon legislative frameworks that support and not hamper e-governance in the public service.

INTRODUCTION

The aim of the paper was to draw insights from the relevant policies and legislative framework and to understand how they are supporting or impeding the implementation of e-governance tools and initiatives in the public service. It is logical to note that the policies and legislative frameworks in South Africa are strongly harnessed and flowing in the same direction with the needs of the people to ensure that service delivery standards are efficiently and effectively achieved. Upon independence in 1994, the democratic South African government was mandated to afford the citizens, access to public services that were not built on racial segregation as witnessed by the pre-1994 era (Ijeoma and Nwaodu 2013). The White Paper on the Transformation of the Public Service of 1997 had to radically transform the pre-1994 systems, procedures and attitudes. This promise is clearly embedded in the South African Constitution of 1996, which notes that the public service must be governed by the democratic values and principles (Cloete 2012).

The vision of e-governance is to ascertain the optimization of public services so that the government can achieve its goals (Pardo et al. 2016). However, what is hampering service delivery is the failure of supporting the legislative frameworks and policies that govern electronic-governance (Public Service Commission Report

(c) 2013). Failure to address the implementation of policies and legislative frameworks governing e-governance on public service delivery negatively reflects on public financial resources, structural resources as well as the human resources and this derails the execution of e-governance (Public Service Commission Report (c) 2013). The implementation of e-governance has been extensively commended in that it provides innovative momentum to deliver services quickly and efficiently (Evans and Yen 2006). A number of significant strategies have resultantly been implemented to address the service delivery challenges through e-governance.

OBSERVATIONS AND DISCUSSION

Dynamics of the E-governance Policies and Legislative Frameworks on Public Service Delivery

Constitution of the Republic of South Africa (1996)

Chapter 10 (195) (1) (a-i) of the Constitution of the Republic of South Africa (1996) notes that Public Administration must be governed by the democratic values and principles enshrined in the Constitution. The basic principles of Public Administration as embedded in the Constitution of 1996 reveal that the aim of service delivery is to always meet the needs of the public by

ensuring efficient, economic, accountable, and effective development oriented services. In principle governance is a specific term used to describe changes in the nature and role of the state following public service reforms (Bevir 2008: 3). E-governance tools are used to uphold the significance of governance through upholding accountability and quality that a democratic government requires (Pardo et al. 2016). Thus for e-governance tools and initiatives to reach a maximum level of implementation, they have to support service delivery that is citizenry oriented and for this to occur, a supporting legislative framework and policy environment should be in place (DoC 2015). It is essential to note that the basic principles governing public administration are the driving mechanisms to supporting e-governance as a support system for public service delivery. This is because access to public services is not a privilege but a constitutional right that every South African citizen is entitled to (Constitution of the Republic of South Africa 1996).

White Paper on the Transformation of the Public Service 1997

The post-1994 era witnessed the formulation of policies and legislative requirements, which were designed to redirect the local, provincial and national departments of the South African public service. The inception of independence in 1994 marked these several governmental reforms, which were implemented to redress public service delivery, which was historically racially biased. The White Paper on the Transformation of the Public Service (1997) clearly sets out the eight transformation priorities with recent amendments making them eleven and amongst which Transforming Service Delivery is mandatory. The crucial legislative framework that governs e-governance is the Public Service Act (Act 103 of 1994) and its subsequent amendments. This Act provides for, amongst others, the establishment of norms and standards relating to e-governance and information systems management in the public service (DPSA 2015). The White Paper on the Transformation of the Public Service (1997) promotes the successful establishment and implementation of e-governance tools and initiatives as a support system for transforming service delivery. Thus, the aim of the White Paper on the Transformation of the Public Service (1997) is to

ensure service delivery is better, faster and more responsive to the needs of the general public, which signifies an absolute transformation in public service provision.

Batho Pele Principles on Public Service Delivery

Batho Pele Principles were implemented at a time when monitoring the national policies was imperative in redressing the imbalances of the past racially built public service. Thus adhering to Batho Principles ensured that quality public service delivery was maintained. Batho Pele principles should be used as a quality criterion in ensuring the country's public service delivery needs are effectively and efficiently met with the inception of electronic governance. Efforts should be made to adhere to these principles, because if they are applied in conjunction with e-governance initiatives at a national level, they will facilitate quality service delivery. Batho Pele is encapsulated in the native *SeSotho* name with means (People First) (White Paper on Transforming Public Service Delivery 1997). The purpose of Batho Pele principles is to provide a policy framework and a practical implementation strategy for the transformation of public service delivery. It focuses on "how" public services are provided, rather than on "which" services are provided and its main intent is to improve the efficiency and effectiveness of the way in which the services are delivered (Ijeoma and Nwaodu 2013). Thus, every e-governance tool and initiative that is implemented by the public service should be strategically engineered by the Batho Pele principles because they are the heartbeat of public service delivery in South Africa (Ijeoma and Nwaodu 2013).

The public service should take into account the public's views and pay heed to their needs when deciding what services should be provided through consultation. The government should also ensure that the public is able to access the public services provided. In respect of that, the public servants should treat the public with consideration, respect and courtesy. Thus the public officials should always make sure that the promised level and quality of services is the best based on realistic standards. The government should also always provide the public with the relevant information on the services available to them. Simultaneously the government should also allow the public to ask questions and the

government should respond to those questions frankly, thereby promote openness and transparency. Resultantly the government should respond swiftly when the public service standards fall below the promised level and redress to meet the needs of the public whom they are mandated to serve. Public services should always be adding value to the lives of the public by ensuring cost effectiveness through value for money.

The Public Finance Management Act (Act 1 of 1999)

The Public Finance Management Act (PFMA), 1 of 1999 is an extensive act, which is based on the financial legislation governing the national and provincial spheres of government. The legislation provides inter alia for securing the financial and sustainable financial affairs of the local, provincial and national departments and to establish budgetary norms and standards. The Integrated Financial Management Information System (IFMIS) seeks to ensure that the financial system of the public service promotes transparency in an effective and efficient manner as provided for by the Public Finance Management Act (Act 1 of 1999). With the transition to paperless governance, IFMIS comes as an e-governance tool to prevent the high rates of corruption, fruitless and wasteful expenditure associated with public funds. Wasteful and fruitless expenditure of public resources hampers the mandate of governance because resources will be channeled into the wrong means and this implies that some e-governance initiatives might suffer from inadequate funding and thereby obscure the support system of public service delivery. The successful implementation of e-governance tools and initiatives requires certain budgetary requirements, which need to be strategically aligned to the Medium Term Expenditure Framework. This alignment is mandatory so as to promote the establishment and implementation of e-governance tools and initiatives in support of efficient and effective service delivery as provided for by the integrated financial management information system (IFMIS).

Department of Public Service and Administration (DPSA)

The DPSA is the department that deals with all national, provincial and local matters of public service and administration in South Africa. The DPSA certified the adoption of the e-governance

policy in 2001 and the Government Information Technology Council (GITOC) consisting of government information officers from all government departments, was also established as a third legislative agency to monitor and coordinate e-governance initiatives of the State Information Technology Agency (SITA) (GITOC 2011a). The GITOC reports to the DPSA, and the Government Chief Information Officer (GCIO) in the DPSA acts as the Secretariat of the GITOC (GITOC 2011a). Through the intervention of the DPSA the South African public service has implemented a variant of e-governance initiatives, which are aimed at reducing the backlog of service delivery. Some of these e-services include the e-filing system, the e-Natis, the smart ID, the e-toll, the e-procurement system, the e-health strategy, and the e-learning system. However, more than a decade after the establishment of the GITOC, it has not fulfilled its e-governance expectations as generated by its main objectives. The relationship between the GCIO and the Council has been under continuous strain, partly because the Council elected one of the departmental GITOs as chairperson, while GITOs are seen as subordinate to the GCIO in terms of the GITOC structure (DoC 2015). This structural-political defect in the operation of the Council has had a paralyzing effect on the success of e-governance in public service delivery due to the politics-administration dichotomy (GITOC 2011a).

The ICT's responsibility for the national and provincial government resides with the Minister of Public Service and Administration and the necessary legal framework and functional bodies that have also been created since the onset of the independence of South Africa in 1994 and these also include the State Information Technology Agency Act (Act 88 of 1998). Prior to the attempt by DPSA to strategically coordinate the e-governance policy framework in South Africa a media report titled "Government IT fails SA" summarizes the conclusion of the Auditor General that ninety-two percent of the thirty-eight national departments did not fully comply with the user access management controls, while eighty-one percent did not have full security management systems in place and seventy-nine percent did not have a complete e-governance framework (AGSA 2015). The DPSA is currently working on a revised seamless strategy to tackle e-governance issues across all departments

in the public service sector (DPSA 2015). The strategy intends to overcome the discord of isolated project approaches and to establish a one-stop solution for e-governance solutions (DPSA 2015). The strategy is also intended to improve service delivery in all areas of e-governance in the public service. For the South African government, the focus is on government to government, government to business, and government to citizen activities (DoC 2015). The DPSA is therefore tasked to ensure improved service delivery and this is facilitated by structuring e-governance awareness strategies and modeling e-governance initiatives and tools. The DPSA is therefore the main responsible agent for the development and coordination of the South African government's overall e-governance strategy for the public service.

State Information Technology Agency (SITA) Act (ACT 88 OF 1998)

SITA was established in 1999 after the promulgation of the SITA Act (Act 88 of 1998) to consolidate and coordinate the State of South Africa's information technology resources. The agency was formed in order to accomplish cost effectiveness by reaching a larger scale for ICT provisions, as well as an increase in delivery capabilities and improvement in interoperability for the public service (DPSA 2015). SITA is committed to leveraging information technology as a strategic resource for the government of South Africa. The SITA Act 88 of 1998 espouses that the agency is aimed at managing the electronic procurement system and the delivery process to ensure that the public service and the citizens both get value for money in the use of ICT to support the delivery of e-governance initiatives and tools (DoC 2015). SITA is the largest information technology business handler of information and communications technology products and services in the government of South Africa (www.sita.co.za) as provided for by the SITA Act 88 of 1998.

SITA has to ensure the improvement of public services, because the improvement of the internal management of public services is intensified by focusing on improving productivity and cost-effectiveness, interoperability, ICT security, economies of scale, and the elimination of duplication in the service delivery cycle (DPSA

2015). The DPSA through the Public Service Act 103 of 1994 also has the authority to determine policy and strategy on e-governance and the use of ICTs within the government for the augmentation of public service delivery (DPSA 2015). This was exercised in a strong way through the Public Service Regulations Act of 2001, when the department released an e-governance framework. In terms of the framework, each government department is required, as part of their strategic planning process, to develop an information management plan and strategy (DPSA 2015). Thus it becomes clear that the inception of e-governance as a support system for service delivery in the public service is essential and mandatory, but however dependent upon the implementation of effective legislative and policy frameworks.

CONCLUSION

In contrast to the successes of e-governance across the world, the results in South Africa are generally weak with some small-scale successes. The reason for this state of affairs is that there are a number of favorable political, economic and technological conditions that still need to exist for the e-government and later the e-governance paradigm shift to take hold. These conditions are difficult to establish in a country where e-governance is competing with other priorities, such as housing and health services and where unemployment is high and where the government is abusing public funds. Thus e-governance is more than implementing e-governance tools and initiatives but it means planning for capacity building for the public good through relevant legislative frameworks and policies. E-governance initiatives have addressed a number of public service delivery challenges through the cemented legislative frameworks and policies as determined by the Constitution of the Republic of South Africa (1996). It is imperative to note that e-governance is a gradual public policy initiative that needs constant monitoring and evaluation of the established projects by grounded regulated policies. This is essential to achieve the anticipated benefits and to curb and address the unanticipated setbacks within the e-governance frameworks.

RECOMMENDATIONS

E-governance is non-functional without the provisions of either electricity or internet to en-

sure the successful implementation of e-governance policies and legislation frameworks. Therefore, for e-governance policies and legislative frameworks to be fully functional as a strong support system for public service provision, the technological infrastructure necessary must be present in its entirety. There is also need for strong leadership to spearhead the successful implementation of e-governance legislative frameworks and policies for an effective public service.

ACKNOWLEDGEMENTS

This paper is based on data collected for the master's dissertation of the first author completed at the University of Fort Hare, South Africa. The author acknowledges the Govan Mbeki Research and Development Centre for funding the paper.

REFERENCES

- Auditor-General of South Africa Report 2015. AGSA (Pretoria). From <www.agsa.co.za> (Retrieved on 23 May 2016).
- Bevir 2008. *Democratizing Development: The Role of Voluntary Organizations*. West Hartford: Kumarian Press Inc.
- Department of Public Administration (DPSA) 2015. Pretoria. From <<http://www.dpsa.gov.za/documents/acts®ulations/frameworks/>> (Retrieved on 5 May 2016).
- DoC 2015. *E-barometer: Measuring the Impact of ICTs on Development in South Africa*. Pretoria: Department of Communications.
- Evans D, Yen DC 2006. E-government: Evolving relationship of citizens. *Government Information Quarterly*, 23(2): 207-235.
- GITOC 2011a. Government Information Technology Officers Council Website. From <<http://www.gitoc.gov.za/index.php/about-gitoc>> (Retrieved on 1 August 2016).
- Ijeoma E, Nwaodu N (Eds.) 2013. *Third World Development Strategies: Decades of Fascination and Frustration - A Reader on African Vistas*. Pretoria: Verity Publishers.
- Pardo TA, Nam T, Burke GB 2016. E-government interoperability: Interaction of policy, management, and technology dimensions. *Social Science Computer Review*, 30(1): 7-23.
- Republic of South Africa 2013. *Public Service Commission*. State of the Public Service Report 2013.
- Republic of South Africa 1996. *Constitution of the Republic of South Africa (Act 108 of 1996)*. Pretoria: Government Printer.
- South Africa (Republic) 1997. White Paper on Transforming Public Service Delivery (Batho Pele White Paper). Notice No. 1459 of 1997. *Gazette No. 18340*, Vol. 388. 1 October. Pretoria: Government Printer.

Paper received for publication on August 2015
Paper accepted for publication on November 2016