



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

NATIONAL ASSEMBLY
OFFICE ON INSTITUTIONS SUPPORTING DEMOCRACY

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Parliament: Following up on our commitments to the people

**Report of the Meeting of the Speaker of the National Assembly with
Heads of Institutions Supporting Democracy, and Chairpersons of Portfolio
Committees**

22 October 2019, Parliament

Compiled by the Office on Institutions Supporting Democracy

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1. Executive Summary

On 22 October 2019, the National Assembly Speaker honourable Thandi Modise convened the first meeting between Chairpersons of Portfolio Committees and Select Committees overseeing ISDs and all Heads of Institutions Supporting Democracy (ISDs). The Chairperson of the National Council of Provinces, Hon Amos Masondo was invited by the Speaker to be part of this first engagement.

The purpose of the meeting was to firstly provide an opportunity for the Presiding Officers to formally meet with ISD Heads in the 6th Parliament. Secondly, to provide an opportunity for the ISD Heads to highlight their achievements and the challenges they were experiencing. Thirdly, to strategically engage on issues relating to the mandates and working relationships between Parliament and these institutions. The meeting agreed on a number of immediate strategic interventions and on the need for a next meeting.

Upon opening the meeting, Speaker Modise reiterated that the existing relationship between Parliament and Institutions Supporting Democracy could be vastly improved, as each has a role to play to consolidate South Africa's democracy. The political will to hold the Executive to account remains a priority in the 6th Parliament, the Speaker emphasised.

Chairperson of the NCOP, honourable Amos Masondo, appreciating the invitation to the meeting, underscored the necessity for both Houses of Parliament to be engaged on the work and challenges related Institutions Supporting Democracy, at regular intervals.

The Deputy Speaker, honourable Lechesa Tsenoli, presented to the meeting highlights emanating from engagements between the Presiding Officers and the Heads of ISDs in the 5th parliamentary term. In particular, the recommendations of the Task Team comprised of ISD Heads pertaining to a Single Human Rights Model and the Shifting of ISD Budgets to the vote of Parliament, was elaborated upon. The Deputy Speaker noted that due to the complexity of amalgamation and shifting of budgets, it was envisioned that the 5th Parliament would make recommendations to the 6th Parliament for further consideration.

At the conclusion of the fruitful engagement, the Speaker directed that:

1. The Heads of ISDs provide input on the priorities of each ISD emanating from the Report of the High Level Panel (HLP).
2. The FFC to convene training of Members of Parliament drawn from relevant committees, Researchers and Content Advisors on the analysis of socio-economic expenditure trends.
3. Parliament to convene an engagement with ISDs before the end of the current year (at least two days and could be held over a weekend) to cover the following, amongst others:
 - Induction of Presiding Officers of Parliament and Legislatures; and
 - Identification and deliberation on ISDs related priorities for the 6th Parliament.
4. The OISD to work with relevant stakeholders to develop a business case on migration of budgets from the Executive to Parliament.

2. Introduction

On the 22 October 2019, the Speaker of the National Assembly, Hon. Thandi Modise convened in Parliament the first meeting of Presiding Officers of Parliament, Chairpersons of Parliamentary Committees overseeing Institutions Supporting Democracy (ISDs) including the Heads of the ISDs. The Chairperson of the National Council of Provinces, Hon Amos Maseko was also part of this engagement. The report as presented by the Deputy Speaker Lechesa Tsenoli of the meeting of 12 September 2018, was accepted as a true reflection of the meeting.

3. Purpose of the Meeting

As encapsulated in the agenda of the meeting, the purpose of the engagement was to firstly provide an opportunity for the Presiding Officers to formally meet with ISD Heads in the 6th Parliament. Secondly, to provide an opportunity for the ISD Heads to highlight their achievements and the challenges they were experiencing collectively and individually. Thirdly, to agree on a follow up engagement which entails the identification of the priorities for the 6th Parliament. As presented in Box 1 below, in further contextualising the purpose of the meeting, Hon Thandi Modise made the following remarks.

Box 1: Opening and Welcoming Remarks by Hon Thandi Modise

The Speaker highlighted that the meeting was convened to allow the Presiding Officers to become familiar with the mandates, roles and challenges emanating from ISDs. It was emphasised that the 6th Parliament was in the process of completing determination of policy priorities and the strategic plan and therefore space existed for the accountability relationship between Parliament and ISDs to be systematic and cohesive. The existing relationship between Parliament and ISDs needed to be improved, as each has a role to play to consolidate South Africa's democracy.

The political will to hold the Executive to account remains a priority in the 6th Parliament. To this end, the strategic plan of Parliament, would address increased scrutiny of Departments, through its oversight mechanisms, especially, budgetary oversight, and collaborative efforts, between the NA and NCOP, and through improved scheduling of the work of ISDs.

The slow growth of the economy is a concern for all, and further aggravates inequality in the country. All institutions, including Parliament and the ISD need to look at contributing concrete solutions, including finding innovative ways to manage strategic operations and programmes, within the confines of budgets. The Auditor General has to be engaged on how best to address wastage, innovation and collaborative efforts.

It was noted that in the 5th Parliament, two issues dominated the agenda, namely amalgamation and the shifting of ISD budgets to the vote of Parliament. The Heads of ISDs were tasked with formulating their positions on the Asmal Recommendations of Amalgamation of certain ISDs and the Shifting of ISD Budgets from the Executive to Parliament. In the intermediate period, amalgamation will not be considered. However further research on an appropriate model for South Africa will be pursued.

The shifting of budgets of ISDs' budget to that of Parliament would be conditional on Parliament, first creating the enabling environment, such as the establishment of a Parliamentary Treasury Advice Office, including sourcing the human and monetary resources amongst others.

Box 2 below presents the broad perspectives of the Chairperson of the NCOP in relation to the significance of the meeting.

Box 2: Remarks by Hon. Amos Masondo

The invitation of the NCOP to the meeting with the ISDs was welcomed as it provided an opportunity for the NCOP to appreciate the practical insights of the ISDs. Both Houses of Parliament, should be engaged moving forward, to gain a better understanding of what affects ISDs. Specifically, as a collective there is space to identify best practices, and utilise commonalities as leverage to improve on the implementation of mandates and roles.

Regular engagements between the Presiding Officers and ISD Heads should continue and such engagements presents an opportunity for engagement “at a different level than at Portfolio Committees”, these discussions should include reverting to the genesis of the establishment of ISDs.

4. Consideration of the Task Team Report

4.1 Background

The Deputy Speaker Tsenoli of the NA underscored that meetings between Presiding Officers and ISDs were critical in shaping the relationship between Parliament and ISDs during this term. The ISDs were asked to examine the recommendations of the High Level Panel (HLP), and to identify how these impacted on their respective areas of work. As part of relationship building, the ISDs should expand their footprint to improve on their efficacy, it was also suggested that each ISD identify and map their critical stakeholders, through a stakeholder mapping exercise.

Collaborative efforts with academic institutions should also be pursued, where there was a paucity of capacity. An appeal was made for the ISDs, to utilise the space, which the Fourth Industrial Revolution (4IR) offers to improve their efficiency, and reach, as virtually every aspect of society was affected by digital development. In particular, the issue of digital voting was flagged as an area of development.

4.2 Task Team Report on Asmal Recommendations

Highlighting the key recommendations in the Task Team Report prepared by ISD Heads, it was noted that this Report was part of an initial internal consultation process, aimed at getting views of the affected institutions, noting, “It is not yet in the formal sphere of Parliament”. In the process of the Task Teams discussions, a number of issues emerged such as the standardisation of appointments (including, the appointment of chairpersons, remuneration of Commissioners, the role of parliament in appointment process, and linkages with departments), remuneration of commissioners and a single human rights precinct for ISDs.

4.2.1 Model for a Single Human Rights Body

Due to the complexity of amalgamation and shifting of budgets, it was envisioned that the 5th Parliament would make recommendations to the 6th Parliament for further consideration. The broad proposals from the Task Team related to a Single Human Rights Model were elaborated as follows:

- Parliament should convene further engagements (such as a round table) on the idea of amalgamation and the processes to be followed to give effect to this;
- The process of amalgamation should be informed by empirical evidence (cost benefit analysis, in-depth studies, evaluation, due-diligence, etc.);
- Parliament should consider exploring immediate measures, intermediate measures (and long-term measure. Some of the different measures broadly include mechanisms for strengthening collaboration and cooperation amongst ISDs, relocation of ISDs into a single precinct, legislative and other policy amendments including modelling according to specified best-practice case studies; and
- An evidence-based approach should culminate into the development and implementation of a road map or a clear plan of action on amalgamation.

4.2.2 Shifting of Budgets of ISDs from the Executive to Parliament

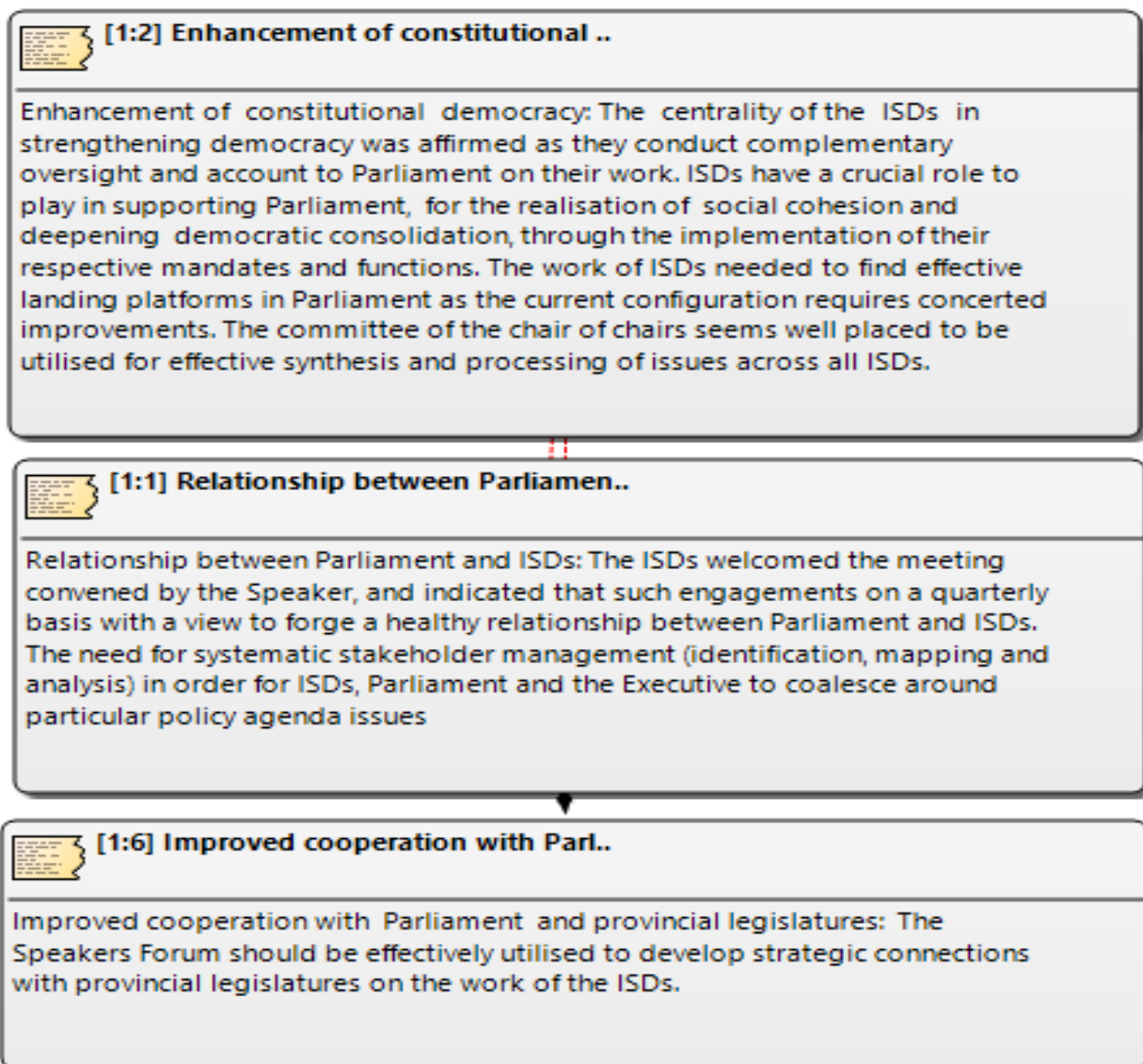
There was sufficient consensus that the ISD budgets should shift to Parliament, therefore the Task Team supported the recommendation on the shifting of budgets of ISDs from Departments to Parliament. It was highlighted that the consensus position was based on the proviso that Parliament should address and clarify a number of key issues or conditionalities as the matter moves forward for further processing. The detailed conditionalities includes, a review of legislation or constitutional and legislative implications; risk matrix and mitigation strategies; process; system; governance; and management. Notably, the IEC did not formulate a position on the matter, pending the clarification of specific issues (similar issues listed by ISDs). It was noted that Treasury did not foresee a challenge but further engagement to solicit the views of other Ministers was necessary, but not a precondition for Parliament providing direction on the shifting of ISD Budgets to Parliament.

5. Discussions on Institution Specific and Common Issues

Each Head of the ISDs reflected on the mandate of each institution covering both institution specific issues and broader or common matters affecting all ISDs.

The reflections included challenges, drawing extensively on the inputs by the Speaker of the NA, Chairperson of the NCOP and the Deputy Speaker of the NA. Annexure 1 presents issues identified per ISDs whilst network 1 below presents a summary of common issues discussed in the meeting by the Presiding Officers of Parliament and the Heads of the ISDs. Notwithstanding extensive discussions on these matters, there were no definitive resolutions taken – the next engagement on induction and planning between Parliament and ISDs shall be used to process these matters as part of determination of ISDs related priorities for the 6th Parliament.

Network 1: Deepening Constitutional Democracy



Network 1 above presents a summary of key issues that were discussed during the meeting, with a specific emphasis on what actions would contribute to deepening democracy.

Network 2: Funding Model of ISDs

The image contains two network diagrams, each enclosed in a rounded rectangular box with a light gray background and a dark border. Each diagram has a small yellow icon in the top-left corner. The first diagram is titled "[1:3] Funding of the ISDs: the lack .." and contains text about funding challenges. The second diagram is titled "[1:4] Shifting of budgets of ISDS: I.." and contains text about budget migration and institutional independence.

[1:3] Funding of the ISDs: the lack ..

Funding of the ISDs: the lack of adequate funding of the ISDs was identified as a persistent and key challenge. The discussions culminated into an explicit acknowledgement that the current socio-economic challenges require that all organs of state (Parliament and ISDs included) to employ innovative thinking, and collaboration with ISDs on crosscutting issues as a cost saving measure. Some examples were explored to indicate how ISDs are working innovatively to achieve greater impact – doing more with less.

[1:4] Shifting of budgets of ISDS: I..

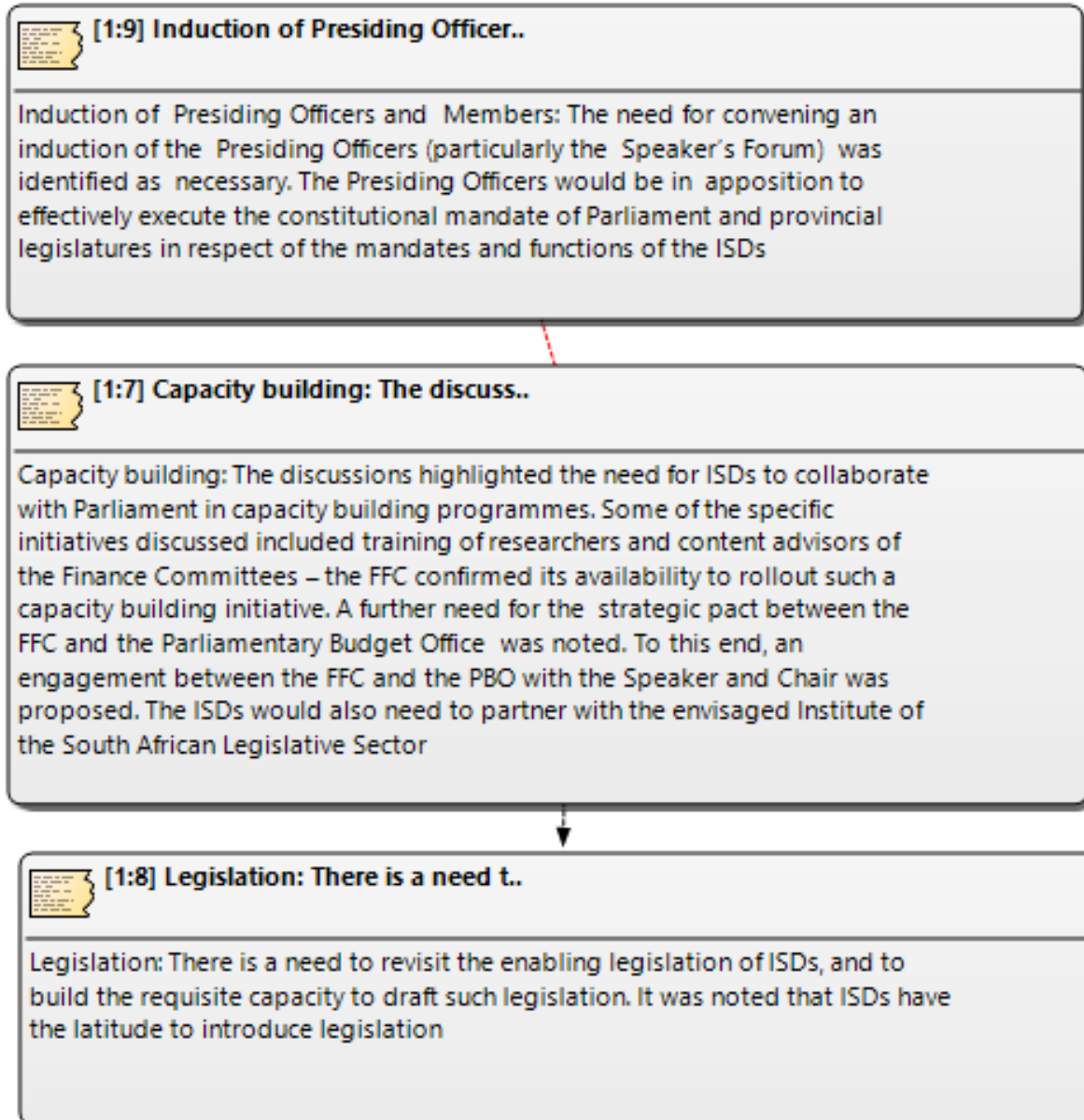
Shifting of budgets of ISDS: In addition to the budget constraints alluded to above, the meeting underscored that the shifting of budgets of ISDs from the Executive to Parliament would serve as a marker for constitutional independence of ISDs. The IEC clarified its position (that it is not averse to the shifting of budgets subject to the conditionalities applicable to each institution 8 in line with its mandate and functions). The consensus remained that Parliament needed to address the conditions associated with this process to enable a smooth transition. It was further noted that the establishment of the Treasury Office in Parliament would assist the process whilst also examining other models such as that of the Judiciary.

Network 2 above highlights the lack of adequate funding of the ISDs including the position of all ISDs in relation to the envisaged migration of budgets from the Executive to Parliament.

The last network below (i.e. Network 3) presents a summary of discussions in relation to the need for convening the induction, including broader capacity building initiatives

such as the ability of ISDs to have the latitude to introduce legislation with a view to strengthen their respective constitutional mandates.

Network 3: The Oversight Capacity of Parliament



6. Conclusion and Identification of Priorities

Upon closing the meeting, Speaker Modise, emphasised that Parliament’s relationship with the ISDs was crucial, and emphasised that the reason for the establishment of ISDs was to “create conditions for all SA’s to have a better quality of life”. In this regard, there was a need for reflection to ascertain the value add of ISDs and the extent to which Parliament needed to support the work of the ISDs. Given the prevalence of violence against women, there was a need for further dialogue with stakeholders on how best to position the National Gender Machinery (NGM) including the CGE.

The Speaker directed the OISD to facilitate a follow up engagement between the Presiding Officers, Chairpersons of Committees and Heads of Institutions Supporting Democracy on a regular basis. The OISD must facilitate a date for the next meeting after Parliament has tabled its strategic plan, to enable the adoption of a joint strategic road map to improve the accountability relationship between Parliament and the ISDs, and to identify priorities for the 6th Parliament. The Speaker further noted that induction of Members of Parliament, and Provincial Legislatures needed to be fast tracked, dates needed to be sourced preferably over a weekend.

The table below presents a compendium of tasks of specific tasks. A number of other common issues discussed require further processing and shall therefore be incorporated into the plan of the 6th Parliament (of the OISD in particular), following the conclusion of the process of determining priorities for the 6th Parliament.

No	Key deliverable	Due Date
1.	The Heads of ISDs provide input on the priorities of each ISD emanating from the Report of the High Level Panel (HLP).	At the next meeting of PO’s and ISD Heads
2.	The FFC to convene training of Researchers and Content Advisors on the analysis of socio-economic expenditure trends.	In the 3 rd Parliamentary term
3.	Parliament to convene an engagement with ISDs before the end of the current year (at least two days	In the 3 rd Parliamentary term

No	Key deliverable	Due Date
	<p>and could be held over a weekend) to cover the following, amongst others:</p> <ul style="list-style-type: none"> • Induction of Presiding Officers of Parliament and Legislatures; and • Identification and deliberation on ISDs related priorities for the 6th Parliament. 	
4.	Develop a business case on migration of budgets from the Executive to Parliament.	In the 3 rd Parliamentary term

Annexure 1: Issues Raised by Individual ISDs

The table that follows below reflects the highlights and challenges that were raised by respective ISDs during the meeting:

Independent Communications Authority of South Africa (ICASA)

Challenges

- Spectrum allocation- legislatively, ICASA is sole body to license spectrum allocations. ICASA unable to implement due to lack of budget, and personnel.
- Electronics Communication Legislation was withdrawn in 5th parliament, assistance needed to revive and reintroduce this bill in parliament.
- Issue of Remuneration concerning, though vacancies advertised, due to low salaries, which remain at entry level DDG level, consequence, not able to attract competent and skilled staff and councillors. High incidence of staff poaching by private sector (training ground for industry).
- At level of Board- power relations skewed and this affects reporting lines, and remuneration of councillors.

Highlights

- Partnership IEC
- Broadcast as per PR system
- Flagship partnership between IEC and ICASA

Commission on the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (CRL Rights)

Challenges

- UN Panel of experts flagged concerns around the cultural practices of Ukuthwala, and Lobola, as in conflict with the constitution. The CRL is engaging the CGE on strategies to address the continued use of such practices.
- Continued fatalities related to Circumcision concerning, and CRL working to resolve harmful practices with Traditional Healers to address injuries.

Highlights

- Working with communities in conflict on the causes of violence, and a report will be submitted to Parliament.
- The CRL Rights Dispute Mechanism, being utilised, and could also be used for resolution around Land Claims.
- Report submitted on the Commercialisation of Religion and People's Belief Systems, to Parliament. Further engagement with Religious Leaders on their value systems in the pipeline.

Independent Election Commission (IEC)

Challenges

- Shifting of IEC budget to Parliament- IEC not averse but need to address conditionalities.
- Legislative Amendments to the Electoral Act, drafting bill for 2020- to institutionalise structured objectives to voter's role- and person without addresses
- Ward delimitation process- no change to outer ward boundaries and provincial boundaries- there are communities that will object to boundary issues- discussions with ministerial committee- to prevent disruptions.

- Issue of addresses on Voters Role- an important strategic issue for country- have reported to Concourt an increase from 33 to 84%(street name and suburb name- 22 million people on voter's role, reduced from 33% to 5 % number of voters without addresses, voters with incomplete addresses reduced from 33% to 10% (2.6 million so affected)
- Composite Elections-Parliament must make a choice- IEC will assist
- 18-20 years- historical under representation of learners in schooling system
- Electoral system- High Level Panel recommended that Parliament consider the van Zyl Slabbert report and include a constituency element to electoral system- a matter 6th parliament has to consider- IEC a technical body cannot make a policy choice.
- Litigation- New Nation- Parliament will have to introduce constituency element- awaiting judgement
- Conditions of service and remuneration a concern

Highlights

- 2 registration weekends planned- issue of registration of young people-
- Party Funding Legislation-March 2020 published draft regulations - over 4000 submissions received. Finalising regulations and will consult with the President to determine commencement date.
- Research done on digital electioneering- under consideration.

Pan South African Language Board (PanSALB)

Challenges

- The new Board, inherited systemic governance issues which it is resolving.
- Budgets huge task to split budget between 11 official languages
- Funds needed to realise the directive of President Ramaphosa for indigenous languages to be available at all 23 000 schools in 2020. Parliament to assist in this regard.
- Municipalities, tight with budgets, Parliament to assist by engaging SALGA to assist PanSALB.
- Serious concern, issue of Afrikaans-litigation which PanSALB joined.

Highlights

- The new Board was installed on 1 April 2019.
- Undertook successful Dictionary Day, 16 October 2019- research - most used word was Zondo Commission
- Deaf SA partnering with PanSALB on Sign Language in schools
- Gazetted Language Charter, open for comment till 31 October 2019
- UNESCO declared 2019, the year of Indigenous Languages Khoi and San to be heralded this year.
- Collaborated in September 2019 with Sol Plaatje University, and Ouma Katriena from Nama- Khoi community, in the Northern Cape, on the preservation of the Nama- Khoi indigenous language.
- Khoi and Nama communities to assist with research- who how- how do you claim generation of Khoi.
- Inroads into public sector and private sector on availability of indigenous languages to clients.
- Digitalisation of dictionaries in the pipeline.

Public Protector (PP)

Challenges

- Experiencing budgetary constraints
- Lack of compliance on remedial action, especially when reports taken on review. Need for public education and clarification as per the Concourt Judgement of 1996.
- Portfolio Committees and Select Committees not following through on oversight of the executive when remedial action on review.
- Litigation of PP reports a cost driver that impacts on operations and programmes.
- Need to clarify how issues when picked up are channelled to Parliament
- Orientation needed amongst Members of Parliament in national and provincial legislatures.

Highlights

- PP has innovated and entered into MOUs with Provincial Speakers and ISDs- and sharing platforms when doing public education programmes, so doing reducing expenditure.
- Working with ISDs and provincial legislatures on Petitions- to eliminate duplication.
- At FISC- institutional level utilising Complaints Mechanisms to address issues raised by the public and to cut down on duplication of services.
- Entered into MOU with Minister of Justice to utilise magistrate's offices for Complaints.
- Utilising IEC-footprint for outreach, and public education.

Financial and Fiscal Commission(FFC)

Challenges

- FFC reporting lines confusing- Parliament needs to clarify and provide guidance. The Commission accounts to Parliament for its functioning, yet receives its budget from the National Treasury. There appears to be little structure or formalization in the interactions and oversight between Parliament and the Commission.
- Parliament and the Commission should engage regarding the composition and mandate of the Commission
- Cyclic evaluation of ISDs- time evaluate FFC relative to PBO- FFC gives independent advice based on constitution. Role of PBO to be clarified to avoid duplication.
- The appointment process and structure for Commissioners should be reviewed. It is recommended that the President should appoint Commissioners on the recommendation of National Assembly
- It should be embedded that Government respond fully to the Commission's recommendations. Reasonable reasons are required from Government if the Commission's recommendations are not taken into consideration

Highlights

- Annual Submission for the Division of Revenue, submitted 10 months prior to tabling of the Division of Revenue Bill by Minister
- Contains recommendations/proposals for the following fiscal year and MTEF
- Submission on the MTBPS: -Contains the FFC's response to the MTBPS and adjustments to the division of revenue (Oct/Nov)
- Submission on the DoR Bill: Submitted to Parliament in February and outlines the FFC's response to the DoR Bill and relevant annexure (Feb)
- Submission on Fiscal Frameworks and Revenue Proposals: submitted to Parliament in February/March and outlines the FFC's response to the Fiscal Framework and Revenue Proposals in terms of MBPARMA.
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- Submission on Appropriations Bill: Submitted to Parliament in March/April and outlines the FFC's response to the Appropriations Bill in terms of MBPARMA.

Commission on Gender Equality (CGE)

Challenges

- Delays in filling vacancies a cause for concern.
- CGE Act must be reviewed as it is no longer in line with constitution
- Budgetary constraints, which affects operations and programmes.

Highlights

- Working more innovatively, entered into MOU with SAHRC, and collaborating with individual ISDs.
- Currently visiting provinces and doing outreach clinics in communities.
- Provincial footprint in all 9 provinces.

South African Human Rights Commission (SAHRC)

Challenges

- Systemic gross inequality in SA needs to be addressed by ISDs and Parliament.
- The plight of African women, in rural areas especially requires considered and sustained action.
- Need for a joint programme to realise socio- economic rights as enshrined in the constitution.

Annexure 2: Attendance Register

Name ¹	Institution
1. Speaker Thandi Modise	NA: Parliament
2. Chairperson Lechesa Tsenoli	NA: Parliament
3. Chairperson A Masondo	NCOP: Parliament
4. Chairperson Hon Gratitude Magwanishe	PC Justice: Parliament
5. Ms Tamara Mathebula	CGE
6. Mr Priscilla Jana	SAHRC
7. Prof D Plaatjies	FFC
8. Dr. Sibongile Muthwa	FFC
9. Adv B Mkwebane	Public Protector
10. Chairperson Richard Sizani	PCS
11. Prof. Luka David Mosoma	CRL Rights
12. Dr Tebogo David Maahlamela	PanSALB
13. Commissioner. Preetha Dabideen	PanSALB
14. Acting Chairperson Mr. Keabetswe Modimeng	ICASA
15. Dr Sei Mamabola	IEC
16. Mr Marco Greneli	IEC/FISD
17. Ms N Njozi	Office of the Speaker: Parliament
18. Mr K Zweni	OISD: Parliament
19. A Mphunga	OISD: Parliament
20. Lynette Sait	OISD: Parliament
21. Mr C. Xotyeni	NCOP: CGIR

¹ Apologies were received from the following persons:

- The Auditor General, Mr K Mkwetu, Chairperson of the IEC, Mr. V Mashinini, and the Chairperson of the SAHRC, Prof B. Majola, Dr Tebogo David Maahlamela of PanSALB
- Chairpersons of the Portfolio Committees on Home Affairs, CoGTA, Women, Youth and People with Disabilities; Communications; Public Service and Administration; Sports, Arts and Culture; Standing Committees on Public Accounts and Appropriations; and Finance and the Committee on the Auditor General.