

Parliamentary

Analysis of a proposals for the establishment  
of a Parliamentary Committee to oversee  
Vote 1: The Presidency-

Subcommittee on the Review of the  
National Assembly Rules

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# Introduction

- The Parliamentary Budget Office (PBO) is a juristic entity of Parliament and headed by a Director as an Accounting Officer. The Office was established in terms of section 15 of the Money Bills and Related Matters Act 2009
- To support the implementation of the Money Bills and Related Matters Act of 2009; in particular support to Finance and Appropriations Committees in both Houses; but other Committees and Members of Parliament (MPs) subject to the availability of capacity
- The Money Bills and Related Matters Act guides the approval of money bills and related matters, including amending the budget
- The Office offers independent and objective analysis and advice to Parliament on money bills and other bills presented by the Executive; and any other documentation or reports with fiscal implications
- This brief is a response to the request on the part of the Subcommittee on the Review of the National Assembly Rules for advice regarding the oversight over Vote 1: Presidency
- The Subcommittee has requested that the PBO identify whether or not aspects of Vote 1 are being correctly overseen by existing structures, and if such gaps currently exist, how then could they be closed

# Introduction

- In preparing this brief, we relied upon previous research and analysis conducted for the 2019—2024 MTSF and budget programmes
- As well as revisiting 2021 research and analysis on the progress made in implementing the Economic Reconstruction and Recovery Plan (ERRP)
- We looked at existing literature as well as published annual audits and reports from both the Presidency and the AGSA
- The Office has asked for more time and resources to conduct comprehensive research and analysis. This brief may thus be treated as an initial draft, being that more work will be required to complete the request
- The Office identified lessons from other valuable international experience when providing legislative oversight over the somewhat unique role retained by the office of the Presidency
- The purpose of Vote 1: The Presidency is to facilitate a common programme towards the achievement of the electoral mandate and the enhanced integrity.
- The presentation focuses on:
  - Mandate and governance of the Presidency and
  - Executive Oversight by Parliament

# Background

Division of Revenue

Situational analysis

# Background

The Presidency is mandated to ensure that the President can execute their constitutional responsibilities in leading and galvanising government and society to implement the electoral mandate

The Presidency has a leadership and oversight role in inspiring the entire government as well as society to realise the National Development Plan's (NDP's) Vision 2030. The NDP and the implementation of the second 5-year Medium Term Strategic Framework (MTSF) are policy mandates for the office of the Presidency

The role of the Presidency in relation to the MTSF include to lead the alignment and coordination of the implementation of the strategic agenda of government in the seven outcomes of the MTSF, through mechanisms such as:

- Formal coordination mechanisms
- Playing a mediating role where other coordination mechanisms break down
- The provision of enhanced technical support to clusters
- Implementing the outcomes of the evaluation of coordinating structures and
- Assessments of the performance of Ministers in delivering on their MTSF-aligned performance delivery agreements

In addition to the role of the President in all the outcomes of the 2019-2024 MTSF, the Presidency directly contributes to Priority 1: A Capable, Ethical and Developmental State

# Mandate and governance

Leader of Government Business

Legal mandate and governance

Performance

Programme and spending responsibilities

# Leader of Government Business

The President appoints the Leader of Government Business, in terms of section 91(4) of the Constitution of the Republic of South Africa. The Leader of Government Business is responsible for:

- The affairs of the national executive in Parliament
- The programming of parliamentary business initiated by the national executive, within the time allocated for that purpose
- Ensuring that cabinet members attend to their parliamentary responsibilities
- Performing any other function provided for by the Joint Rules or a resolution of the National Assembly or the National Council of Provinces or resolutions adopted in both Houses.

In line with these duties, the Leader of Government Business has undertaken the following tasks:

- Monitoring the implementation of the legislative programme
- Introducing measures to monitor and improve the quality of legislation



# Legal mandate and governance

- The Presidency is informed and guided by the good governance framework and all applicable regulatory and legislative prescripts of government
- The Presidency plays a transversal and cross-cutting role in supporting the President and the Deputy President in dealing with legislation coming from Parliament
- From the legal framework, it is clear that Budget Vote 1: The Presidency is not excluded from any applicable regulatory and legislative prescripts
- It is therefore reasonable to expect that the oversight processes applied to the Vote 1 programme be similar to those of other Votes forming part of the entire budgetary framework
- Hence, Members of Parliament identified that the Presidency is excluded from the oversight work of Parliament
- Subsequent to the consideration of several facts during the work of the Zondo Commission, the Commission made recommendations to Parliament on how to strengthen oversight over the Executive, including the Presidency

# Performance and Financial Information

# Performance Information

- The table shows a key set of the estimated medium term expenditure framework (MTEF) performance outputs for the Presidency over the medium term
- The Presidency also indicates that the President reports quarterly on the implementation of the 2022-2024 legislative programme to the Leader of Government Business (LOGB) in Parliament

Indicator	MTSF priority	MTEF targets		
		2022/23	2023/24	2024/25
Number of quarterly progress reports per year on the implementation of the annual Cabinet and forum of South African directors-general programme	Priority 1: A capable, ethical and developmental state	4	4	4
Number of reviews on the implementation of the national strategic plan on gender-based violence with recommendations to strengthen reporting and accountability per year	Priority 6: Social cohesion and safer communities	1	1	1
Number of performance monitoring reports produced per year on the implementation of the Presidential State-Owned Enterprises Council workplan and decisions	Priority 1: A capable, ethical and developmental state	2	2	2
Number of economic reconstruction and recovery plan reports on the implementation of the country's socioeconomic transformation programme per year	Priority 2: Economic transformation and job creation	2	2	2
Number of progress updates on the implementation of the 2022-2024 legislative programme and recommendations to the leader of government business in Parliament per year	Priority 1: A capable, ethical and developmental state	2	2	2

# Programme and spending responsibilities

The Presidency received a total budget allocation of R614 million in 2022/23 of which the biggest proportion of 85.9 per cent is allocated towards the Administration Function

In terms of the economic classification, the Presidency is estimated to spend 62.1 per cent of the total budget on the compensation of employees

Over the MTEF period, the activities of the Presidency will focus on leading and supporting the implementation of the:

- South African Economic Reconstruction and Recovery Plan
- Coordinating the National Coronavirus Command Council
- Operationalising the e-Cabinet system

It is clear that the Presidency can and does play an important role in leading and coordinating the function of the State

Over the medium term, a budget has been allocated within the Vote 1 to the above noted strategic areas

Parliament oversight process requires the President and the Deputy President to attend Questions and Answers Sessions in both Houses of Parliament

# Programme and spending responsibilities

The following slides show the responsibilities of the Presidency per budget programme that requires monitoring and evaluation. A table with the budget allocations is also included in the brief

The objective of Programme 1: Administration is to:

- Strengthen the implementation of the strategic programme of political principals by providing technical and administrative support on an ongoing basis through:
  - exercising political oversight of the implementation of government policies and programmes
  - leading integrated planning and policy coherence in government to advance socio-economic transformation and inclusion
  - supporting the execution of the Deputy President's and minister's programmes
  - supporting interventions and participation engagements aimed at enhancing public accountability and integrated communication
  - accelerating service delivery and economic development
  - monitoring infrastructure projects
  - supporting presidential working group structures and strategic partnerships
  - promoting nation building and social cohesion

# Programme and spending responsibilities

The objective of Programme 2: Executive Support is to:

- Strengthen technical support provided to the President and other political principals in the Presidency by:
  - participating in Cabinet structures on an ongoing basis
  - implementing the recommendations of the evaluation of coordinating structures to improve systems of governance and compliance or Cabinet and the forum of South African directors-general over the medium term

The objective of Programme 3: Policy and Research Services is to:

- Enhance governance, state capacity and service delivery over the medium term by:
  - formulating policy proposals independently from line departments, or offering alternative policy recommendations
  - contributing to the setting of strategic agendas for the forum of South African directors-general and Cabinet providing proactive advice to ensure that policy priorities remain focal amid the day-to-day demands of ministries and departments
  - facilitating interdepartmental coordination in the formulation and implementation of policy
  - providing intellectual leadership through the periodic publication of journal articles, book chapters, newspaper articles, public engagements, seminars and roundtable discussions

# Expenditure per budget programme and economic classification

The budget programmes that fund the activities that are required to implement the mandate of the Presidency

Programme	2020/21	Adjusted appropriation 2021/22	Medium-term expenditure estimate			Average: Expenditure/ Total (%)
			2022/23	2023/24	2024/25	
R million						
1. Administration	410.4	524.6	528.1	524.1	547.6	85.8%
2. Executive Support	88.9	53.0	53.1	53.9	56.3	8.7%
3. Policy and Research Services	18.6	27.1	25.8	24.7	25.8	4.2%
<b>Subtotal</b>	<b>517.8</b>	<b>604.6</b>	<b>606.9</b>	<b>602.6</b>	<b>629.7</b>	<b>98.7%</b>
<b>Direct charge against the National Revenue Fund</b>	<b>5.7</b>	<b>7.5</b>	<b>7.7</b>	<b>7.9</b>	<b>8.2</b>	<b>1.3%</b>
Salary of the president	2.9	4.1	4.2	4.2	4.4	0.7%
Salary of the deputy president	2.8	3.5	3.5	3.6	3.8	0.6%
<b>Total</b>	<b>523.5</b>	<b>612.1</b>	<b>614.6</b>	<b>610.5</b>	<b>637.9</b>	<b>100.0%</b>
<b>Economic classification</b>						
<b>Current payments</b>	<b>500.6</b>	<b>594.5</b>	<b>599.1</b>	<b>594.3</b>	<b>621.0</b>	<b>97.3%</b>
Compensation of employees	333.5	377.9	382.0	376.4	393.3	61.8%
Goods and services <sup>1</sup>	167.1	216.7	217.2	218.0	227.7	35.5%
<b>Total</b>	<b>523.5</b>	<b>612.1</b>	<b>614.6</b>	<b>610.5</b>	<b>637.9</b>	<b>100.0%</b>

# Executive oversight by parliament

Monitoring of the performance and spending priorities

International norms for oversight over the Office of the President

Zondo Commission recommendations



## Monitoring of the performance and spending priorities

- The set of key performance indicators of the Vote 1 mainly indicates that the Presidency produces several reports on the performance in terms of its mandate
- Progress on the outputs that are required to make an impact on the priorities in terms of the 2019-2024 MTSF requires the interrogation of these reports, which are not published and therefore unavailable to the Leader of Government Business to monitor the implementation of the legislative programmes of the Presidency
- On several occasions the Parliamentary Budget Office received requests from the Finance and Appropriations Committees to, for example, provide briefings on the progress with the implementation of the Economic Reconstruction and Recovery Plan (ERRP), which is almost impossible, without having access to the reports produced by the Presidency
- This is due to in part the structure, content and transversal nature of the ERRP, but still the responsibility of the Presidency

## Monitoring of the performance and spending priorities

- It is important for Parliament that the Executive produce quality Annual Performance Plans (APPs) of which the indicators are measurable, relevant and that systems are in place to measure the performance on these indicators
- Our analysis has shown that in many instances the indicators to measure the performance on the implementation of the 2019-2024 MTSF, for example, are not included in APPs
- We have further identified omission of strategic indicators where departments have identified the needs in the environment, communities and economy without developing indicators to track the improvement of the situation over time
- The role of the Presidency is to ensure that departments table quality APPs
- The Presidency to report to Parliament if APPs are not compiled in terms of the guidelines provided

# Monitoring of the performance and spending priorities

- It is unclear, whether or not the current parliament oversight mechanisms can provide a real opportunity for the MPs to pursue regular requested oversight with regard to the specific performance and financial management commitments made in the Vote 1: The Presidency
- The experience of other Budget Votes is that the Accounting Officers are required to produce specific performance and financial reports on regular bases for accountability purposes
- According to the reports of the AGSA, the Presidency's Accounting Officer did produce regular reports on the performance and financial activities of the Presidency
- The question is thus whether -not having an oversight mechanism or committee on the Presidency denies Parliament access to these reports and prevents MPs engaging with the Presidency' Accounting Officer
- Alternatively, it could be determined whether or not other oversight mechanisms can be used by Parliament to receive such regular briefings, or to account by the Accounting Officer for specific performance and finance activities in the Presidency Vote
- In particular, the three strategic priority areas noted earlier in the Presidency may have then set expectations that the Presidency Accounting Officer will report on the use of budget to realise these priorities

# International norms for oversight over the Office of the President or similar Office

- In many jurisdictions, the plenary chamber (or National Assembly or equivalent) remains a key forum for parliamentary oversight of the Executive. Classic tools such as parliamentary questions and debates are used to hold the government accountable
- The frequency of these sessions varies from country to country, e.g. in UK, the Prime Minister has to respond to weekly questions
- In other countries 'question time' takes place during most sittings of parliament
- The Global Parliamentary Report shows oral questions are common, "where plenary sessions are broadcast live to the general population, oral questions can be confrontational and controversial"
- The converse is also true that "written questions are a core parliamentary activity in a number of countries but are used marginally or not at all in others"
- Due to in part, the length of time it takes to receive a response and allow for a follow-up questions

# International norms for oversight over the Office of the President or similar Office

- From our initial scoping, various jurisdictions use permanent and ad hoc committees as forums of inquiry. However, there usually isn't a committee dedicated to the presidency as a stand-alone. This is currently the same in South Africa
- However, it is worth cautioning that understanding this inference we should also take into account the jurisdiction context of the role or functions (government programs) assumed by the office of the Presidency
- It is unclear whether other jurisdictions office of Presidency take on government functions or programs like in South Africa, for e.g. ERRP, MTSF, Infrastructure projects development, and now with Energy function
- The broad approach to Executive oversight rests on the assumption that existing committees and plenary chambers, are not inherently focused on the presidency, yet as a collective they still provide oversight over the office of the Presidency
- In this sense, through their processes parliaments generally have sufficient constitutional power to remove office holders in the Executive branch, which is also true for South Africa

# International norms for oversight over the Office of the President

- In the United States, the concept of congressional oversight is applied to prevent waste, fraud, and abuse and protecting rights and civil liberties
- Congressional oversight forms a key element of the system of checks and balances of power among the three branches of government through several mechanisms including:
  - Hearings and investigations conducted by standing or special congressional committees
  - Consulting with or getting reports directly from the President
  - Giving its advice and consent for certain high-level presidential nominations and for treaties
  - Impeachment proceedings conducted in the House and tried in the Senate
  - House and Senate proceedings under the 25th Amendment should the President become disabled or the office of the vice President become vacant
  - Senators and representatives serving on presidentially appointed commissions
  - Special studies conducted by congressional committees and support agencies such as the Congressional Budget Office, the General Accountability Office, the Office of Technology Assessment, and the Congressional Research Service
  - Powers of oversight to virtually all programmes, activities, regulations, and polices implemented by the presidential cabinet departments, independent executive agencies, regulatory boards and commissions, and the President of the United States

# The Zondo Commission recommendations

- The president is accountable to the National Assembly. Section 55(2) of the Constitution States that “[t]he National Assembly must provide for mechanisms –
- (a) to ensure that all executive organs of state in the national sphere of government are accountable to it; and
- (b) to maintain oversight of (i) the exercise of national executive authority, including the implementation of legislation; and (ii) any organ of state”.
- The Zondo Commission has recommended that “Parliament should consider whether it would be desirable for it to establish a committee whose function is, or includes, oversight over acts or omissions by the President and Presidency, which are not overseen by existing portfolio committees”
- A similar structure has been implemented in the United Kingdom, which comprises of all the chairs of select committees in the House of Commons. It is chaired by an additional member that has been appointed by the House
- The Presidency plays a critical role in the executive management and coordination of government
- Parliament; therefore, needs to strengthen its oversight over the Presidency as a means to hold the Executive accountable for its actions and to ensure that policies (NDP) are being implemented in accordance with the laws and budgets passed by Parliament

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Thank you