

# **NATIONAL COUNCIL OF PROVINCES**

**Concept Document  
Committees Strategic  
Planning Session  
03-04 September 2019**

**6<sup>th</sup>  
DEMOCRATIC  
PARLIAMENT**





## **Concept document for the Strategic Planning Session for Committees of the National Council of Provinces (NCOP) 2019**

### **1. Introduction and Background**

Select Committees of the NCOP are responsible for the implementation of the mandate of the Council as set out in the Constitution of the Republic of South Africa, 1996. It is essential for select committees to undertake annual performance planning sessions for the year ahead to ensure that they develop clear strategies and plans to inform their work towards the attainment of set objectives. Planning ensures that committees undertake their business in line with the requirements of the Constitution and directives of the Council for the year.

This being the second term of the 6th Parliament, committees should make up for lost time and plan how they will attain their set objectives and determine what resources would be needed. This session comes shortly after the NCOP had convened its own planning session with SALGA and Provincial Legislatures where a number of proposals were made in keeping with the mandate of the NCOP. Though the size of the NCOP limits it to focus on its core mandate of “protecting the interest of provinces”, it has to find creative and innovative ways of monitoring and overseeing the implementation and effectiveness of the legislations, it passes. A clear mechanism must also be drawn on how the implementation of section 75 and 76 legislations will be monitored and that oversight activities are clearly mapped out in order to avoid duplication of oversight functions.



The Council planning session has set the tone for the different parts of the mandate of the Council including law making, intergovernmental relations and oversight over the exercise of executive authority. It is now the responsibility of select committees to ensure that their plans and programmes for the year achieve the objectives of the council as set out in the Constitution.

## **2. Envisaged outcomes**

The envisaged outcomes of the session are defined as follows;

- Committees drawing final draft annual plans with budget allocation for approval by House Chairperson Committees.
- Annual plans being informed by the 6th Parliament's policy imperatives and government priorities.
- Drawing up of detailed list of committee budgeted activities.
- Consensus reached on committees' key delivery considerations and well defined outcomes.
- Shared understanding on expected delivery outcomes and support to committees.
- Adoption of streamlined oversight work of the committee, which is aligned to the NCOP mandate.
- Consensus on performance reporting sessions with the House Chairperson of Committees
- Consensus on performance reviews and year-end strategic planning and performance assessment with the NCOP Chairperson



### **3. Planning objectives**

The objective of the planning is aimed at affording the NCOP committees an opportunity to individually and collectively;

- Plan for the next financial year. This will serve as an opportunity to create a tracking mechanism for Committees to evaluate their own performances.
- Develop strategies and plans for the new financial year by anticipating and eliminating diversions;
- Identify and deliberate on risks and challenges with the aim of providing solutions and mitigating the risks;
- Afford the Chairperson of the Committee an opportunity to provide political leadership and confirm priorities for the coming year.

### **4. Guiding principles for planning**

Select Committees are required to facilitate a process that will ensure that there is a reflection on what they want to achieve at two levels. Firstly, committees are expected to plan their own performance required for the achievement of their mandates. This will entail a process of reflection on the performance of the Committee as set out in the Legacy report of the fifth Parliament. Secondly, committees are required to consider the performance plans of portfolios or departments in their areas of responsibility.

Select Committees are required to ensure that the mandates of law making, intergovernmental relations, oversight and facilitation of public involvement are accordingly planned for in their programmes. It is essential that the programme framework for the year ahead is taken into account when developing plans for the year



## 5. Planning Approach

Select committees have been allocated 02 days on 3 September and 4 September 2019 to engage in a planning process. Select Committees will be organised in their established departmentally clustered form as follows:

1.	Select Committee on Education and Technology, Sports, Arts and Culture <i>(Basic Education, Higher Education, Science and Technology, Sports, Arts and Culture)</i>
2.	Select Committee on Health and Social Services <i>(Health, Social Development, Women, Youth Development and Persons with Disabilities)</i>
3.	Select Committee on Transport, Public Service and Administration, Public Works and Infrastructure <i>(Transport, Public Service and Administration, Public Works and Infrastructure)</i>
4.	Select Committee on Trade and Industry, Economic Development, Small Business Development, Tourism, Employment and Labour <i>(Trade and Industry, Economic Development, Small Business Development and Tourism, Employment and Labour)</i>
5.	Select Committee on Finance
6.	Select Committee on Appropriations



7.	Select Committee on Cooperative Governance and Traditional Affairs, Water and Sanitation and Human Settlements ( <i>Co-operative Governance and Traditional Affairs, Water and Sanitation, Human Settlements</i> )
8.	Select Committee on Security and Justice ( <i>Police, Justice and Correctional Services, Defence and Military Veterans, Home Affairs and International Relations and Co-operation</i> )
9.	Select Committee on Petitions and Executive Undertakings
10.	Select Committee on Land Reform, Environment, Mineral Resources and Energy ( <i>Agriculture, Land Reform and Rural Development; Environment, Forestry and Fisheries, Mineral Resources and Energy</i> )
11.	Select Committee on Public Enterprises and Communication ( <i>Public Enterprises and Communication</i> )

## 6. Roles and responsibilities



## **6.1 Chairpersons**

Select Committee Chairpersons will be expected to facilitate discussions in the planning sessions. The facilitation will ensure that the objectives of the session are achieved within the allocated time. Facilitation will guide the participation of all, including the content support that will be provided to each committee.

## **6.2 Secretariat (Committee Secretaries)**

Committee Secretaries are expected to ensure that inputs are recorded and included in the annual performance plan of the committee. This should be done with the support of the Content Advisors, who are ultimately responsible for technical support during planning.

## **6.3 Content Support (Content Advisors and Researchers)**

Content support will be provided by the content team that is allocated to select committees. The content team is also expected to present committees' legacy reports from the fifth term to determine if some of the objectives still need to be pursued. The legacy report will also indicate the work achieved by the committee, including a reflection on the areas of strength that require further enhancement and areas that still require attention to avoid recurrence. Content Advisors who specialise in the different portfolios that are relevant to specific select committees will support Committees. This will ensure that all the portfolios that are relevant to specific committees receive adequate attention.

Content support will entail analysis of relevant votes against the National Development Plan (NDP). This will ensure that the focus of select committees is geared towards areas that require attention in the performance of the Government against NDP priorities. This will support oversight planning for the year ahead.



## **7. Focus Areas for planning**

The two-day planning session is intended to prioritise planning against the listed priorities of the NCOP as set out in the Constitution and discussed in the NCOP Planning Session of the 20<sup>th</sup> and 21<sup>st</sup> August 2019 (though the report still has to be presented and adopted by Council).

### **7.1 Law Making**

Laws that are referred to the NCOP, as set out in the Constitution, are invariably referred to relevant Select Committees for processing. There will be numerous bills, which will be referred to the NCOP for processing by Select Committees. Committees are, therefore, required to make plans in terms of how they will approach the processing of bills in light of the LAMOSA Judgement of 2016. Ensuring implementation of legislation by Government is the responsibility of Parliament. Select committees should find space to ensure oversight in this regard, particularly regarding effectiveness of coordinated implementation of laws in the three spheres of government.

### **7.2 Intergovernmental Relations**

Select Committees are expected to plan for facilitation of effective intergovernmental relations among the three spheres of government as set out in chapter 3 of the Constitution. Select committees are expected to plan for implementation of chapter 3, including monitoring collaboration among the three spheres of government for effective service delivery. Relevant select committee(s)





are expected to plan for effective monitoring and facilitation of provincial interventions as set out in Section 139 of the Constitution. All select committees have an interest in effective coordination between the three spheres of government regarding planning and execution for the implementation of Government priorities as set out in the MTSF.

### **7.3 Oversight**

Although oversight over the exercise of executive authority is specifically set out as a competency of the National Assembly in Section 55(2)(b) of the Constitution, select committees do facilitate some oversight over the executive. It is necessary for planning to reflect on the manner in which select committees will facilitate oversight, without duplicating the oversight exercised by the National Assembly. Planning for oversight is required to be aligned with the strategic plan and annual performance of Parliament, focusing on the implementation of the National Development Plan, Agenda 2063 and the SADC Masterplan.

### **7.4 Public Involvement**

Section 72 of the Constitution requires the NCOP to facilitate public participation in the legislative and other processes of its committees. Select committee planning must make provision for facilitation of public involvement in law making and other processes of committees. The LAMOSAJUD judgement, as indicated somewhere in this document, and the resultant practice note that the fifth Parliament adopted must set the tone and standard for public involvement in the law making processes of select committees.



## **8. Resourcing of committees**

Allocation of required resources is important for select committees to deliver on and achieve the planned objectives and activities in their performance plan. Select committees will be expected to reflect on the resources that will be required to deliver on their planned objectives. Resourcing should reflect on all the resource requirements including time, budget, and any other facilities that may be required. This will make it possible for Presiding Officers to have a fair sense of all the resource requirements by select committees and respond accordingly.

## **9. Source Documents**

The following documents have been identified as necessary reference tools for planning by the select committees.

- National Development Plan
- SADC Regional Infrastructure Development Masterplan
- Agenda 2063
- Lamosa Judgement
- Practice Note (as adopted by the 5<sup>th</sup> Parliament)
- Financial Management of Parliament and Provincial Legislatures Act
- Committee Legacy Reports
- SONA, June 2019
- Intergovernmental Fiscal Relations Framework
- High Level Panel Report



## **10. Draft Programme**

The following draft programme will direct proceedings over the two days of the strategic planning session:



**DAY ONE**

**03 SEPTEMBER 2019**

**PROGRAMME DIRECTORS: HON. S.J MOHAI & HON. A.J. NYAMBI**

**VENUE: CAPE TOWN LODGE**

<b>TIME</b>	<b>ACTIVITY</b>	<b>PARTICIPANT(S)/PRESENTER</b>
08H30-09H30	<b>Arrival, Registration and Tea</b>	NCOP Members and support officials
09H30 – 10h00 [30min]	<b>Welcoming Remarks</b> <ul style="list-style-type: none"><li>• <b>Clarifying political priorities for the NCOP in the 6<sup>th</sup> Parliament and the year ahead.</b></li></ul>	Hon. Ms. S. Lucas Deputy Chairperson of the NCOP
10h00-10h20 [20min]	<b>Understanding and Strengthening the Oversight Role of Committees</b> <ul style="list-style-type: none"><li>• <b>Unpacking Oversight Activities</b></li></ul>	Hon. Mr. A.J. Nyambi House Chairperson: Committees & Oversight
10h20-10h40 [20min]	<b>Innovative Programming</b> <ul style="list-style-type: none"><li>• <b>How will Committees benefit from Innovative Planning</b></li></ul>	Hon. Mr. S.J. Mohai



10h40-11h10 [30min]	<b>Parliament's Interest in Functional and Effective Committee</b> <ul style="list-style-type: none"><li>• <b>How does Parliament Support Committees</b></li></ul>	Ms Tyawa Acting Secretary to Parliament:
11H10-11H30 [20min]	<b>Available oversight tools and Support to Committees</b>	Ms. S. Schalk Legislative Sector Support
11H30-12H00 [30min]	<b>Clarity Seeking Questions and Discussions</b>	All
12H00-12H10 [10min]	<b>Directive on Break-away Sessions</b>	Programme Director



<p>12H10-13H00 [50min]</p>	<p><b>Break-away sessions</b></p>	<p><b>Cluster 1</b>, SC: Select Committee on Education and Technology, Sports, Arts and Culture; Health and Social Services.</p> <p><b>Cluster 2</b>, SC : Trade and Industry, Economic Development, Small Business Development, Tourism, Employment and Labour</p> <p><b>Cluster 3</b>, SC : Finance Appropriations</p> <p><b>Cluster 4</b>, SC : Petitions and Executive undertakings; Security and Justice and Cooperative Governance and Traditional Affairs, Water and Sanitation and Human Settlements</p> <p><b>Cluster 5</b>, SC: Land Reform, Environment, Mineral Resources and Energy and Public Enterprises and Communication</p>
<p>13h00-14h00 [1hr]</p>	<p><b>Lunch</b></p>	<p>All</p>
<p>14H00-16H30 [2hrs/30min]</p>	<p><b>Continuation of break-away session</b></p>	<p>All Clusters</p>



**DAY TWO**

**04 SEPTEMBER 2019**

**PROGRAMME DIRECTOR: HON. S.J MOHAI & HON. NYAMBI**

**VENUE: CAPE TOWN LODGE**

<b>TIME</b>	<b>ACTIVITY</b>	<b>PARTICIPANTS/PRESENTER</b>
08h30-09H00	<b>Registration and Tea</b>	All
09h00-10h00 [1hr]	<b>Break-Away Sessions (Continued)</b>	All Clusters
10H00-12h30H00 [2 Hour, 30min]	<b>Summary Reporting and Discussions</b>	Rapporteurs All
12h30-13h00 [30min]	<b>Closing Remarks</b>	Deputy Chairperson of the NCOP
13h00	<b>Lunch and Departure</b>	All