



***Oversight and Accountability  
tools and support to committees –  
NCOP Strategic Planning Session***

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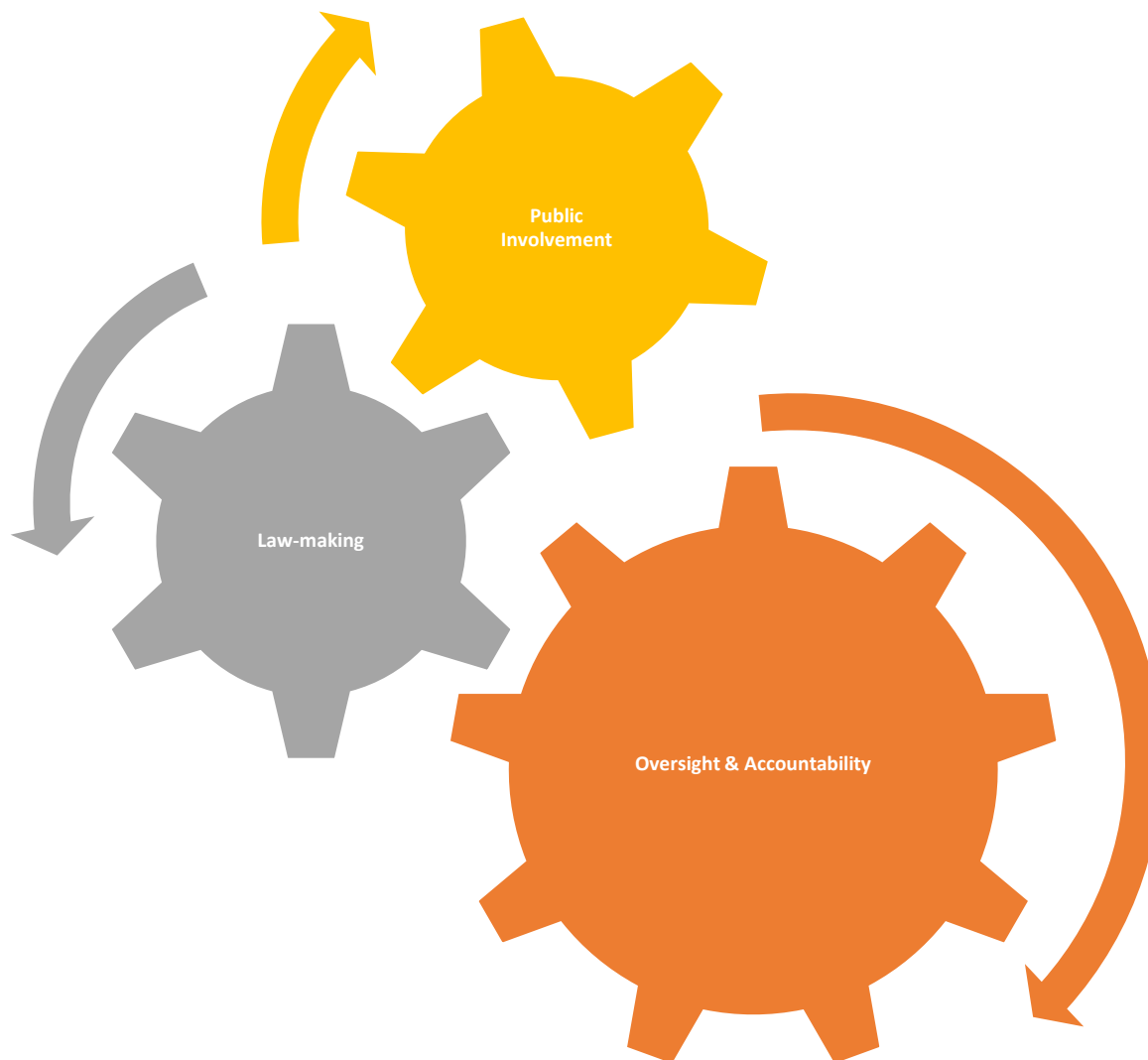
Parliament carries out its constitutional oversight/accountability mandate of the House through committees.

This presentation is a **brief** reflection on:

- **Oversight and Accountability Model implications -**
  - Constitutional Imperatives
  - Defining Oversight and Accountability
  - Functions of Oversight and Accountability
  - Oversight value chain
  - Budget Cycle Mechanism
  - Resolutions Tracking

# Inter-relatedness of Oversight, Law making and Public Involvement. p. 23 *practical guide*

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# Oversight and Accountability: Constitutional provisions

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- The National Council of Provinces represents the provinces to ensure that the provincial interests are taken into account in the national sphere of government as stated **in section 42(4)** of the Constitution;
- The NCOP's role is to **exercise oversight over the national aspects of provincial and local government**. It contributes to effective government by ensuring that provincial and local concerns are recognised in national policy making; and
- To maintain oversight of the exercise of provincial executive authority, **including the implementation of legislation**. This important aspect of oversight over the implementation of legislation refers to both legislative **compliance** and **implementation**.



# Defining oversight for the Legislature

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- In the South African context, oversight is a **Constitutionally mandated function** of legislative organs of state to scrutinise and oversee **executive action** and any **organ of state**;
- It follows that oversight entails the **informal** and **formal**, watchful, strategic and structured scrutiny exercised by legislatures in respect of the **implementation of laws**, the application of **the budget**, and the strict **observance of statutes and the Constitution**.

Conventional Westminster view on oversight is often rather adversarial and in some instances oversight is professed to be the purview of *opposition politicians* and not the legislature as an institution.

(The SOM sought to change this view, for a Partnership between the Legislature and the Executive approach)



# Defining oversight for the Legislature Cont.

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- The model attempts to **redefine oversight** by introducing an oversight regime based **less on institutional or political confrontation**. Instead, it tries to redefine legislatures as a central component in the public service delivery machine.
- The redefinition rests on the understanding that if the legislatures' oversight role is exercised in pursuit of good government, then the **legislatures too bear some responsibility for overall government performance**.



# Defining oversight for the Legislature Cont.

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- The **proactive interaction** initiated by the Legislature with the Executive that encourages compliance with the Constitutional obligations of the Executive and administration to ensure **service delivery** on **agreed-to objectives** for achievement of government objectives.
- Specific Focus on the delivery against objectives of Macroeconomic policy i.e. NDP, 09-Point Plan, Provincial Development Plan etc.
- Focus is also given to other relevant regional and international commitments i.e **SADC Masterplan, SDGs** and **Agenda 2063**.



# Functions of oversight

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- To **detect** and **prevent** abuse, arbitrary behaviour or illegal and unconstitutional conduct on the part of the government and public agencies.
- The protection of the rights and liberties of citizens.
- To hold the **government to account** in respect of how the allocated **Budget** is used.
- To detect waste within the machinery of government and public agencies and to improve the **efficiency, economy** and **effectiveness** of government operations.
- To ensure that **policies announced by government** and authorised by the Legislature are **delivered**.





# Defining accountability

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**“a social relationship where an actor (an individual or an agency) feels an obligation to explain and justify his or her conduct to some significant other (the accountability forum, accountee, specific person or agency).” Ghutto. S**

Accountability has become a **symbol of good governance** both in the public and private sectors. Accountability refers to institutionalised practices of giving **account of how assigned responsibilities are carried out.**



# Defining accountability

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This area is a new area of development and is work in progress. The intention is to consider best practice to clearly define **accountability** and **answerability** in the Legislature. There are possible proposals to include the following different types of accountability:

- Explanatory Accountability;
- Informatory Accountability; and
- Resignatory Accountability.

This area of work also seeks to clarify the distinction between **accountability** and **answerability** in the area of oversight.

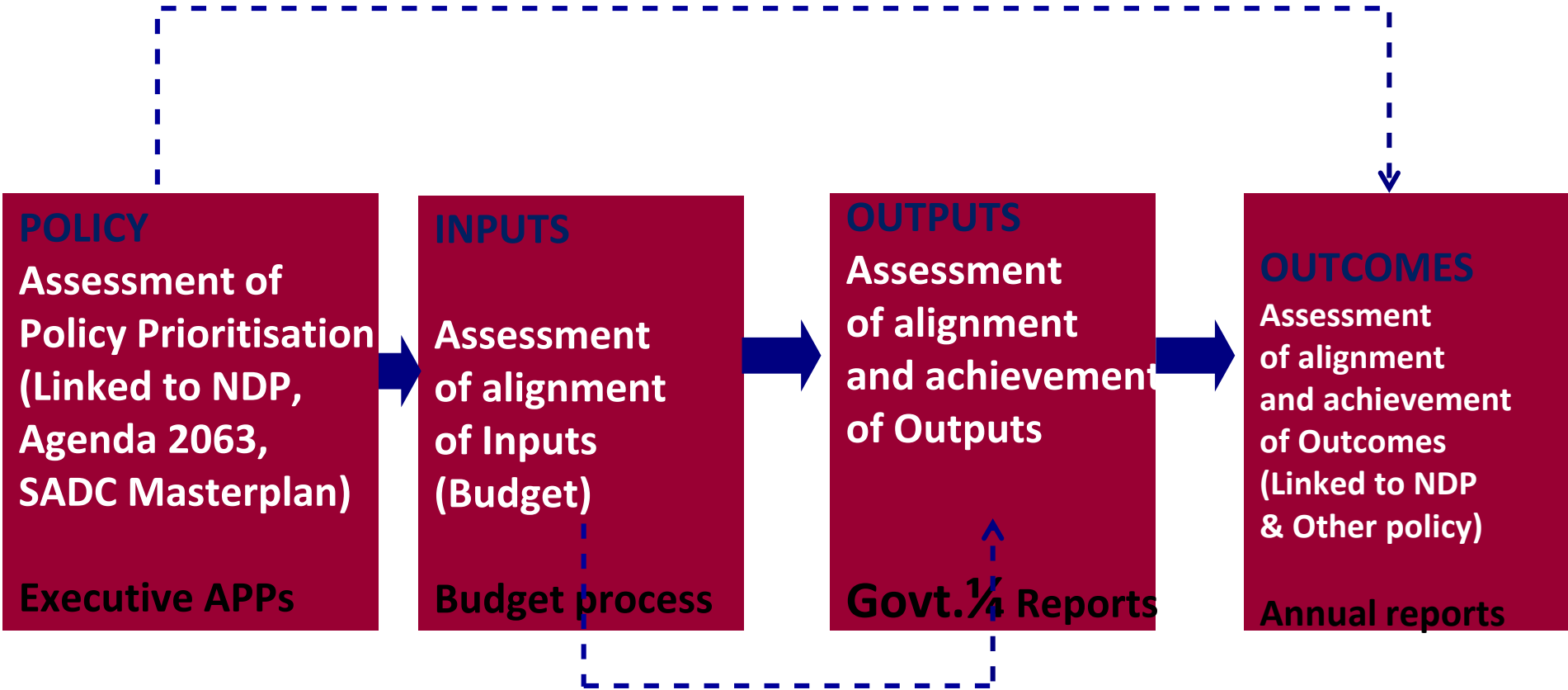


# Functions of accountability

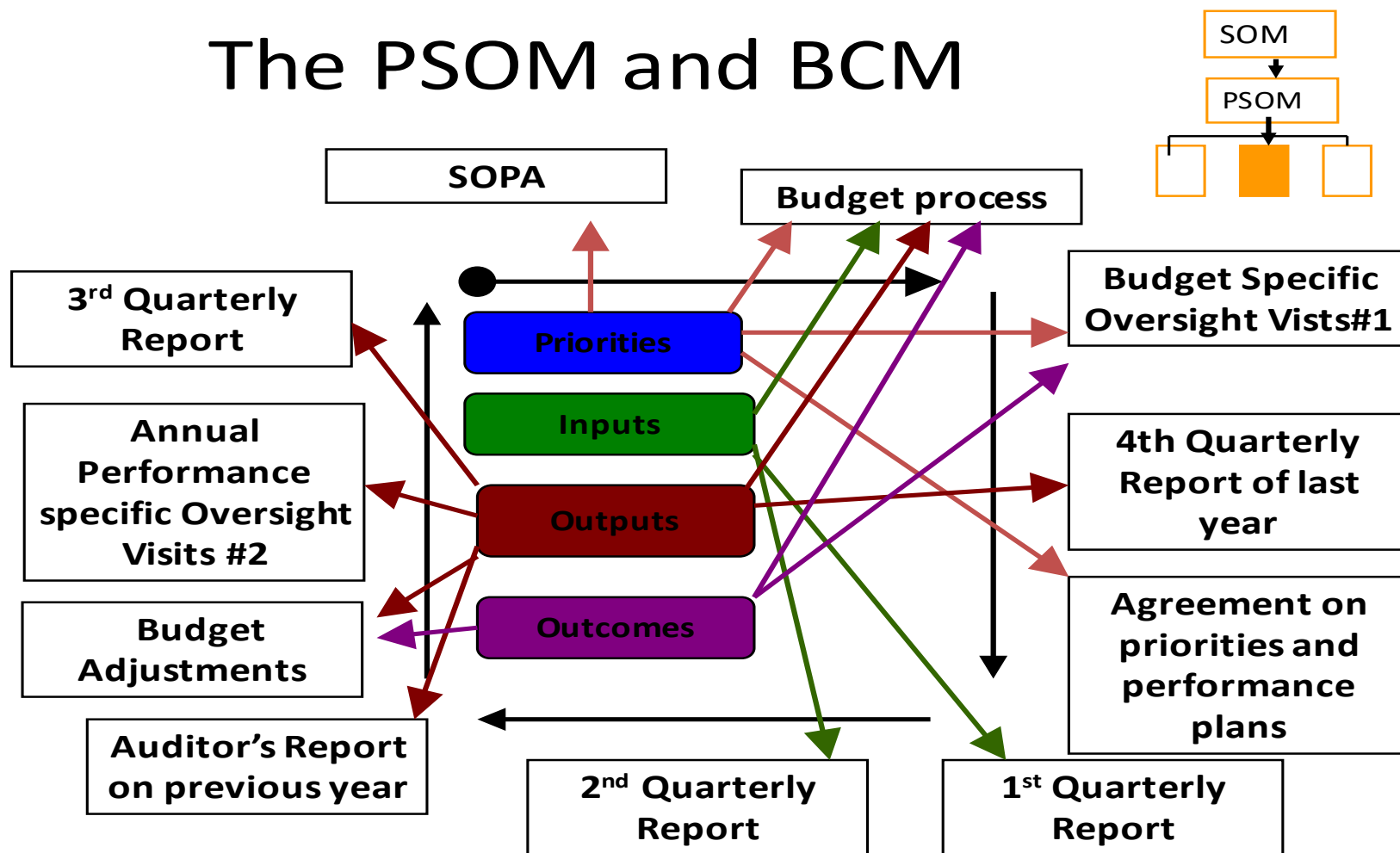
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- To enhance the **integrity of public governance** in order to safeguard government against corruption, nepotism, abuse of power and other forms of inappropriate behaviour.
- Serves as an **institutional arrangement**, to effect **democratic control**.
- To **improve performance**, which will foster institutional learning and **service delivery**.
- Facilitation of **transparency, responsiveness and answerability**, to assure public confidence in government and **bridge the gap between the governed and the government** and ensure public confidence in government.
- To **enable the public to judge the performance of the government** by the government giving account in public.

# Oversight in Committees



## The PSOM and BCM





# Financial Oversight in Committees

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Committees drive the budget process, as set out in the Public Finance Management **Act and the Standing Rules and Orders** This includes processing of the following instruments in Committees of the Legislature:

- Medium Term Budget Policy Statements;
- Fiscal Framework;
- Division of Revenue Bills;
- Provincial Appropriation Bill; and
- Provincial Adjustment Appropriation Bill.



# Performance Oversight (Service delivery)

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- Committees process Annual Reports of the executive as part of the **Annual Reporting** processes.
- Considering the importance of annual performance reporting in the committees conduct a focused scrutiny and reporting on annual performance. (This ensures scrutiny of annual performance in the Legislature Committees).
- Committees reflect on the annual **performance of Government against NDP** and other policy priorities.



# Oversight visits

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Oversight visits are conducted by committees as part of verification of oversight information. Committees focus on two main areas of the oversight cycle:

Committees focus on the oversight **outcomes of the budget processes**. (Focusing visits on the alignment of budget allocations to the NDP priorities);

Oversight visits focused on the oversight **outcomes of the annual reporting process**. (Focusing visits on the assessment of government performance against the NDP priorities in the MTSF and APPs of Government)





# Contracting (Agreed performance)

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- Contracting is an essential component of the BCM, where Parliament and the executive agree on performance standards and indicators over the 12 months and MTSF.
- The customised model prescribes a dedicated focus on the APPs of departments in the first quarter, to reach agreement on expected performance against NDP and other policy priorities.

**(It is essential for committees to have this “performance contract” confirmed with Government and used as a source of oversight over the 4 quarters)**



# Resolutions Tracking

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Resolutions tracking is an important chapter of the Model and responsibility of Committees. This process builds on best practices in the Sector and the work of the Legislature in a related projects.

The Model seeks to set out processes to clarify the following:

- Development of quality and **NDP focused recommendations**;
- **Roles** and **responsibilities** in the processing of resolutions between the Tables, PO offices, committee support staff and Chairpersons of Committees;
- Inclusion of resolutions tracking as part of oversight processes, including standard meeting **agenda of committees** and **House processes**.



**THANK YOU**