



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA



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National Council of Provinces
Induction of Permanent Delegates
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Oversight and Accountability tools and support to committees



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Contents & Approach

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

Oversight and Accountability Model implications - Constitutional Imperatives

- Interrelatedness of oversight with other core mandates
- Defining Oversight and Accountability
- Oversight value chain
- Budget Cycle Mechanism
- Roles and responsibilities of MPs and Officials in the Oversight Cycle
- Resolutions Tracking (With reference to some Committee Reports from ATC)

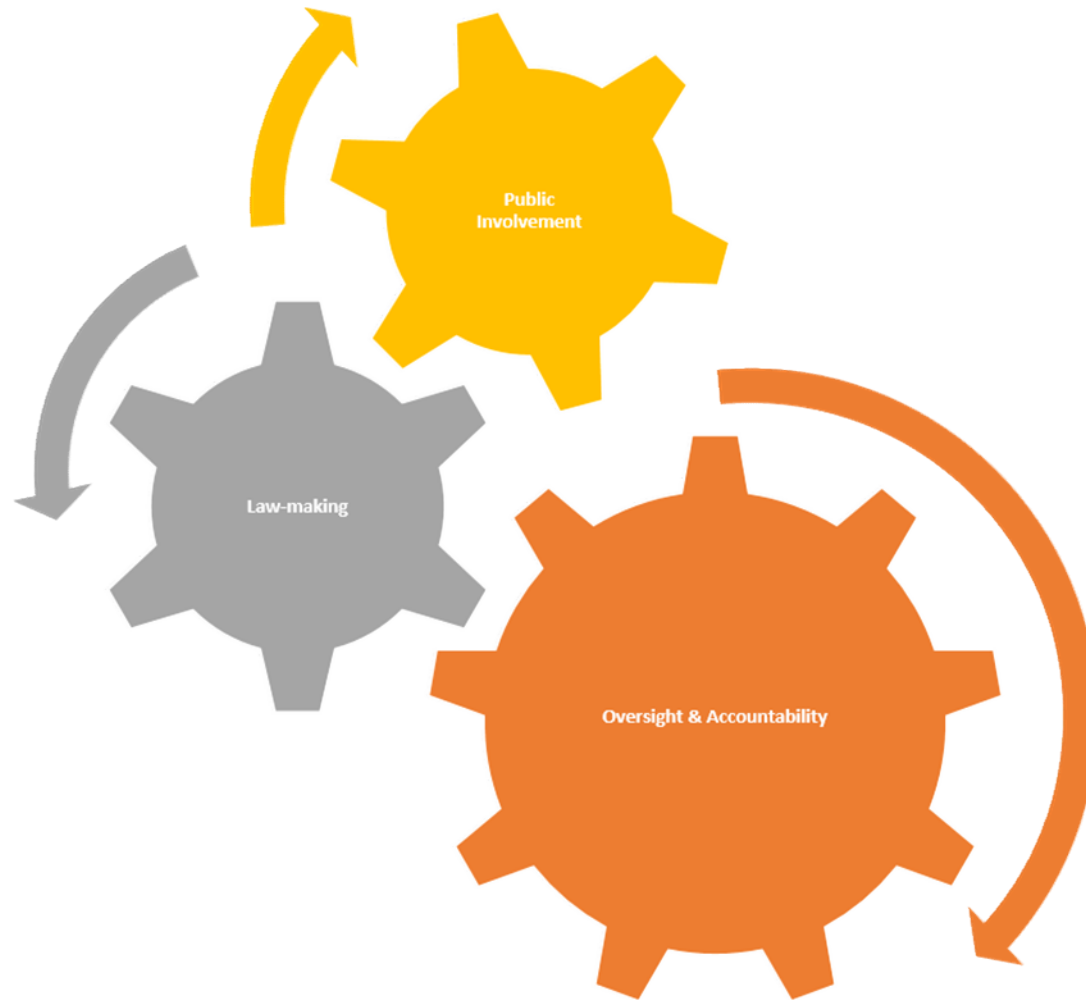


Inter-relatedness of Oversight, Law making and Public Involvement

- Pg 23 of practical guide
- “South Africa’s democracy is participatory and representative in nature, as public representatives it is important for MPs to ensure that they make representation of the people possible. The legislature processes must also ensure that the people participate and are represented in the law making and oversight processes...”*



Inter-relatedness of Oversight, Law making and Public Involvement





Oversight and Accountability: Constitutional provisions 1

- 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;



Oversight and Accountability: Constitutional provisions 2

- 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



Oversight and Accountability: Constitutional provisions 3

- 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**.



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Intergovernmental Relations Framework Act, 2005



Defining oversight for Parliament 1

- 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** (**The NCOP brings the provincial aspect**);
- 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**.



Defining oversight for Parliament 2

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 Parliament 3

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



Defining oversight for Parliament 4

- 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 Macro-economic policy i.e. **NDP, 09-Point Plan, Provincial Development Plans etc. (NCOP could address Provincial alignment);**



Defining oversight for Parliament 5

- Focus is also given to other relevant regional and international commitments i.e **SADC Masterplan, SDGs** and **Agenda 2063**.



Defining accountability

“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 2

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.

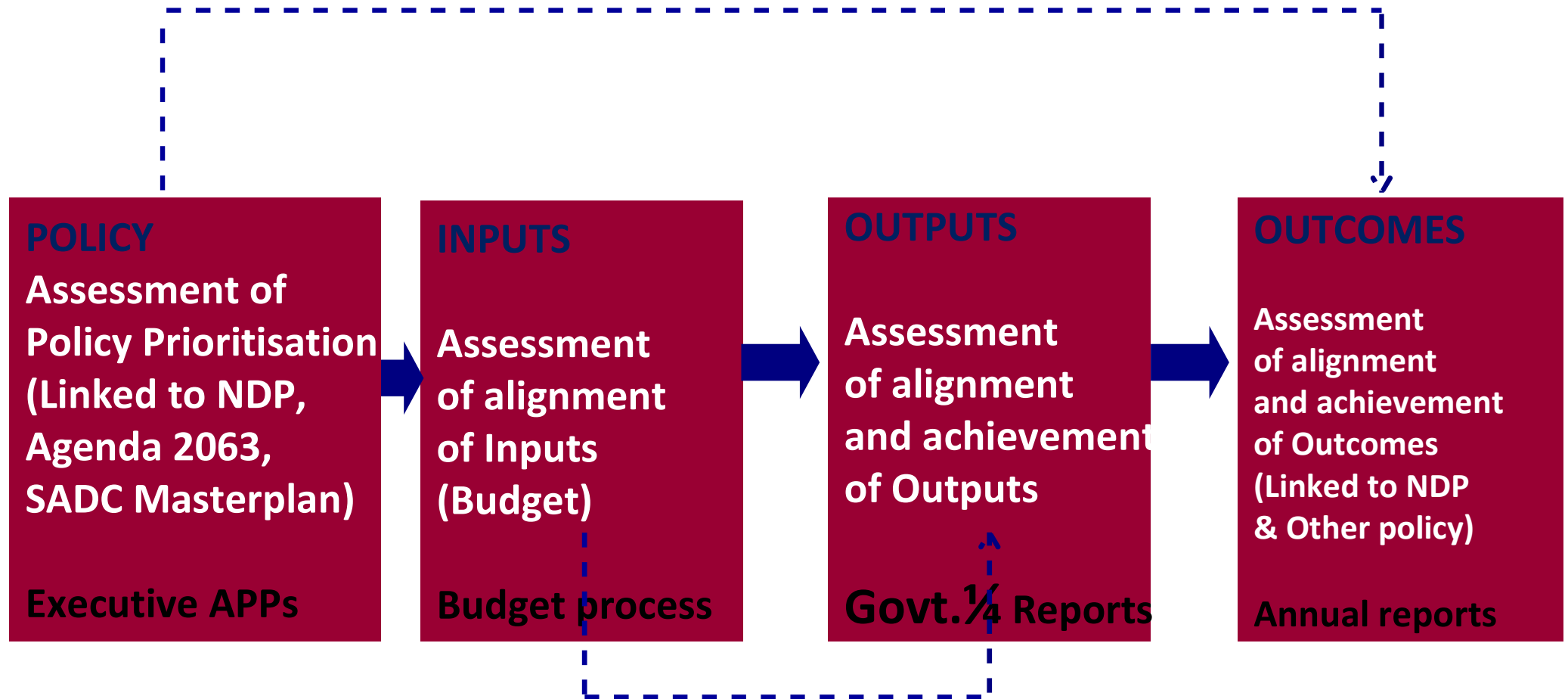


Defining accountability 3

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



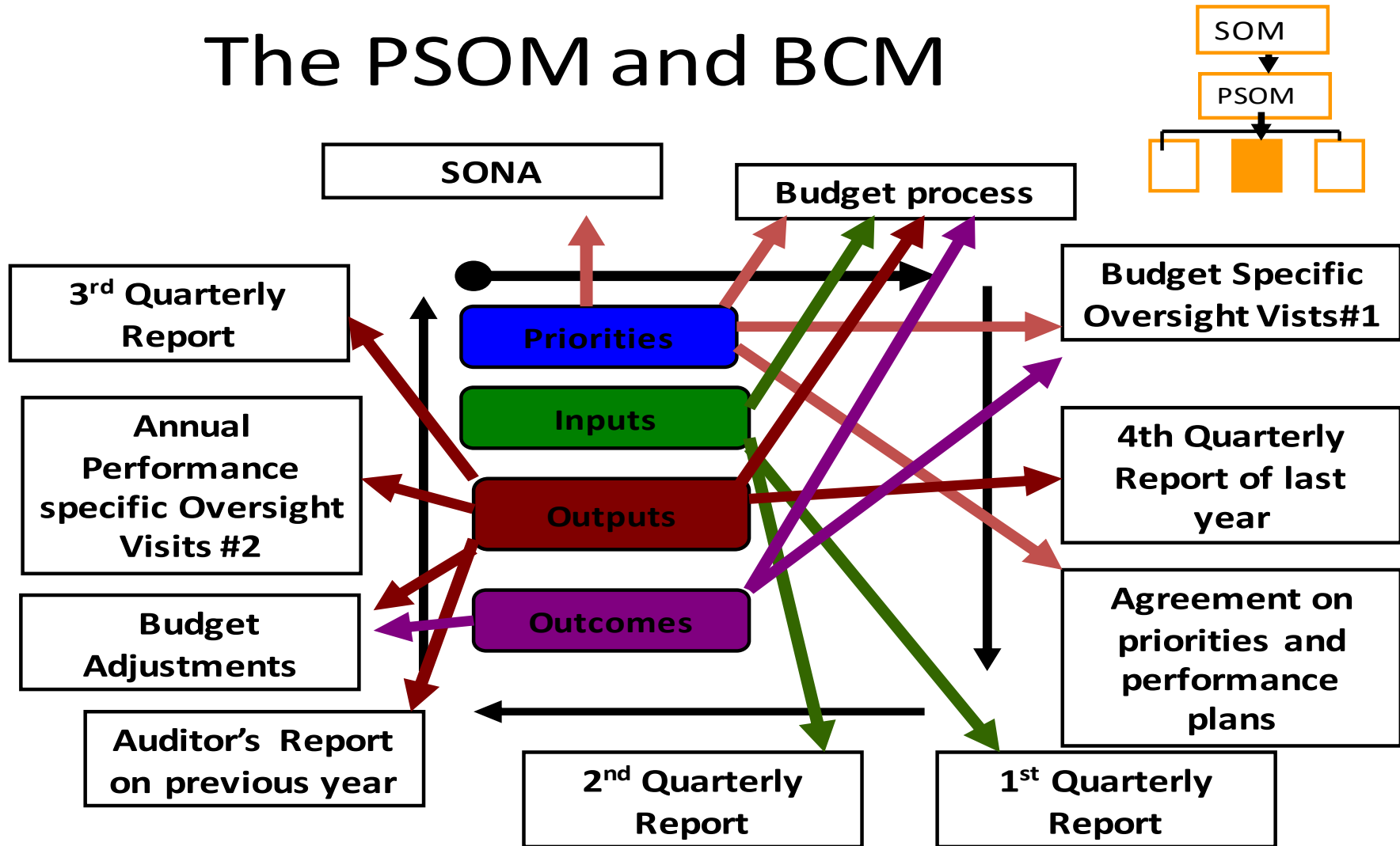
Oversight in Committees





BCM in Committees

The PSOM and BCM





Oversight in Committees

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;
- Appropriation Bill; and
- Adjustment Appropriation Bill.



Performance Oversight in Committees (service delivery)

- Committees process Annual Reports of the executive as part of the **Annual Performance Reporting** processes.
- Considering the importance of **annual** and **quarterly performance reporting** in the committees' conduction of scrutiny of reported performance and applying independent verification is critical.



Performance Oversight in Committees (service delivery)

- This ensures effective scrutiny of government performance throughout the oversight cycle. (Avoidance of Hockey Stick expenditure and support continuous oversight over NDP and other policy priorities implementation).



Oversight visits 1

- 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 2

- 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) 1

- 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.



Contracting (Agreed performance) 2

- **The NCOP would be valuable in ensuring the Provincial Interests are captured at this stage. Ensuring alignment is part of the focus.**

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



Role of MPs and officials 1

Pg 27 of the Practical Guide

MPs and Officials have the following clearly defined roles during the Budget Cycle, to ensure effectiveness of Committees:

- MPs (Members) **are required to scrutinise the SONA** to ensure that these are aligned to policy priorities. The debates on SONA/SOPA present an opportunity for Members to raise policy questions on whether the SONA/SOPA properly captures the intentions of policy priorities as set out in the NDP, Agenda 2063, SADC Masterplan and SDGs.



Role of MPs and officials 2

- Members must **satisfy themselves that the alignment is achieved**, because if there is no alignment at this point, there is a higher risk that all government plans and budgets will not be aligned to policy priorities.
- Members must **read the SONA/SOPA speech in comparison to policy documents** to assess the required alignment.



Role of MPs and officials 3

- Officials have the following support requirements during the Budget Cycle, to ensure effectiveness of Committees and MPs:
 - Budget Information Matrix (BIMS – specific to portfolio)
 - Public involvement plan for SONA.
 - Annual reports of previous years.
 - Finance Fiscal Commission reports.



Role of MPs and officials 4

- Public involvement plan for SONA/SOPA.
- Reports from relevant institutions supporting democracy.

Please refer to Practical Guide for complete Oversight Cycle, roles and responsibilities and public involvement. p.27 to p.37.



Resolutions Tracking 1

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;**
- Ensuring SMARTness of Resolutions (**See reference reports and video clips**)



Resolutions Tracking

- **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**.
- **Reference to historical Select committee recommendations is necessary to practicalize the subject for the NCOP.**



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Discussion