NATIONAL COUNCIL OF PROVINCES

Celebrating 20 years of the Constitution and 20 years since the establishment of the NCOP

Induction programme: SALGA members
03 & 04 October 2017
Oversight and accountability
OVERSIGHT AND ACCOUNTABILITY
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Defining Oversight for Parliament

- Proactive interaction initiated by a legislature with the executive and administrative
- The concept of oversight contains many aspects
Importance of Oversight for Parliament

- Assessing executive branch of government
- Legislature monitors the quality of the policy making,
- Ensures that the executive does comply with the will of the legislature,
- Controls how public monies are spent
Functions of Oversight

- Detect and prevent abuse, arbitrary behaviour, or illegal and unconstitutional conduct on the part of government and public agencies while protecting the rights of citizens, detect and prevent waste
- Accountability
- Improve efficiency, economy and effectiveness
- Ensure policies are delivered. (This function includes monitoring the achievement of goals set by legislation and the government’s own programmes)
- To improve transparency
Defining Accountability

- To give an account of actions or policies or to account for spending and other actions
- Can be said to require a person to explain or justify, against criteria of some kind, their decisions or actions
- Also requires that amends be made for any fault or error and takes steps to prevent its recurrence in the future
Importance of Accountability

- To encourage open government
- Other means of ensuring accountability:
- the requirement that the executive must justify its policies and decisions to Parliament is only one mechanism for ensuring accountability
Importance of Accountability

- the requirements that officials provide reasons for their decisions (sec 33(2)) of the Constitution,
- judicial review of administrative
Functions of Accountability

- Enhance integrity of public governance in order to safeguard government against corruption, nepotism, abuse of power etc.
- To improve performance, which will foster institutional learning and service delivery
Functions of Accountability

- In regard to transparency, responsiveness and answerability, to assure public confidence in government
- To enable the public to judge the performance of the government by the government giving account in public
Accountability in the House

- Ministers answer or give account and submit to scrutiny (Section 92 (3))
- Flow of information from the executive to the legislature about its activities.
Constitutional sections: Oversight and Accountability

- Constitutional sections confirm oversight and accountability constitutionally mandated functions of legislatures to scrutinise and oversee executive action and any organ of state.

- Sections related to the NCOP:

  Section 66, 69, 70(1), 92, 92(3), 100, 139 (2), (3), (6), 154, 231 (2)
Tools for Oversight

- SONA (JOINT)
- BUDGET (JOINT)
- TAKING PARLIAMENT TO THE PEOPLE
- PROVINCIAL WEEK
- PEOPLES ASSEMBLY
- MOTIONS (JOINT)
- QUESTIONS (JOINT)
- PLENARY DEBATES
- MEMBERS STATEMENTS (NOT NCOP)
- RESOLUTIONS ADOPTED BY THE HOUSE
Tools for Oversight

JOINT OVERSIGHT WITH NATIONAL ASSEMBLY

- **SEC 199(8) - OVERSIGHT OF SECURITY SERVICES**
  Parliamentary committees must have oversight of all security services to give effect to principles of transparency and accountability

- **STATE OF NATIONAL DEFENCE (SEC 203)**
  President may declare and approve state of national defence - to ensure the executive does not abuse its executive control over armed forces
Oversight tools: House

INTERNATIONAL AGREEMENTS

Sec 231(2) - binds SA only after approval by resolution by both NA and NCOP

PLENARY DEBATES

Means to bring important information to attention of executive regarding specific government programmes and legislation required to improve service delivery
Oversight tools: House

- **NOTICES OF MOTION/MOTIONS WITHOUT NOTICE**
  Tool to be used to fulfil oversight responsibility to bring issues to Parliament for debate

- **QUESTIONS**
  Section 92 stipulates that Cabinet members are accountable collectively and individually for exercise of powers and functions
Oversight tools - Committees

Where all Ministers/MECs account for performance against government priorities

- SONA
- Resolutions
- Budget presentation
- Departmental Reports (Annual)
Oversight tools - Committees

- Legislation, Policy documents
- Experts database
- Stakeholder database
- Quarterly Performance Reports
- Oversight Visit Work
Thank you