

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 complies 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

The background features a series of overlapping, semi-transparent geometric shapes in various shades of orange and brown. These shapes are primarily located on the right side of the frame, creating a dynamic, layered effect. The colors range from light tan to deep, dark brown, with some shapes appearing as thin, sharp lines or triangles.