



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

**LEGACY REPORT
OF THE
FIFTH TERM OF PARLIAMENT**

2014- 2019

7 May 2019

Contents

| | |
|---|----|
| FOREWORD..... | 5 |
| 1. EXECUTIVE SUMMARY | 7 |
| 2. INTRODUCTION | 19 |
| 3. OVERARCHING POLICY CONTEXT..... | 20 |
| 4. POLITICAL DEVELOPMENTS AND OUTCOMES..... | 22 |
| 4.1. Strengthening oversight and accountability | 22 |
| 4.1.1. Oversight and the development agendas | 22 |
| 4.1.2. Oversight in Plenary | 23 |
| 4.1.3. Committee Oversight | 30 |
| 4.1.4. Enhanced oversight through independent scrutiny..... | 35 |
| 4.2. Strengthening Legislative Capacity..... | 45 |
| 4.2.1. Private Member’s and Committee Bills..... | 45 |
| 4.2.2. National Council of Provinces | 46 |
| 4.2.3. National Assembly..... | 47 |
| 4.2.4. Bills Lapsed at the end of term | 47 |
| 4.2.5. A Legislative Model for Parliament | 50 |
| 4.2.6. Litigation | 50 |
| 4.2.7. Administrative Support..... | 50 |
| 4.3. Enhancing Public Involvement..... | 53 |
| 4.3.1. A Public Participation Model for Parliament..... | 53 |
| 4.3.2. Public Participation in the Legislative process | 53 |
| 4.3.3. Improvements in the NCOP law-making process..... | 54 |
| 4.3.4. Sector Parliaments | 56 |
| 4.4. Strengthening Cooperative Government | 64 |
| 4.5. Flagship programmes of the National Council of Provinces | 71 |
| 4.5.1. Taking Parliament to the People | 71 |
| 4.5.2. Provincial Week..... | 77 |
| 4.5.3. Local Government Week..... | 78 |
| 4.6. Deepening Engagement in International Fora | 80 |
| 4.6.1. Parliamentary Group on International Relations..... | 81 |
| 4.6.2. Participation in multilateral fora and regional cooperation..... | 83 |
| 4.6.3. Participation in bilateral fora | 88 |
| 4.7. Strengthening the Legislature as an Arm of State | 93 |

| | | |
|----------|---|-----|
| 4.7.1. | The SA Legislative Sector Bill | 93 |
| 4.7.2. | The Legislative Sector Budget | 93 |
| 4.7.3. | Implementation of the FMPPLA | 94 |
| 4.7.4. | Sector Oversight Model (SOM) | 94 |
| 4.7.5. | Consideration of High Level Panel Assessment on the Impact of key Legislation | 95 |
| 4.7.6. | Inter-legislature Relations and Coordination | 95 |
| 4.7.7. | Legislative Sector International Relations and Coordination | 96 |
| 4.7.8. | Legislative Sector Collaboration with Local Government | 96 |
| 4.7.9. | Capacity Building Programme for Members | 97 |
| 4.7.10. | Induction Programme for Members | 98 |
| 4.7.11. | Establishment of a Parliamentary Institute..... | 98 |
| 4.8. | Procedural and House Matters | 100 |
| 4.8.1. | Joint Rules Committee (JRC) | 100 |
| 4.8.2. | National Assembly Rules Committee (NARC)..... | 102 |
| 4.8.4. | Chief Whips' Forum | 104 |
| 4.9. | Parliament and the Fourth Industrial Revolution | 106 |
| 4.9.1. | The Role of Parliament..... | 107 |
| 4.9.2. | Initiatives in Parliament | 107 |
| 4.10. | Key Parliamentary Projects..... | 109 |
| 4.10.1. | Integrated Members' Services | 109 |
| 4.10.2. | Fraud Awareness | 110 |
| 4.10.3. | Parliamentary Space Utilization | 110 |
| 4.10.4. | Review of Parliamentary Democracy Offices | 111 |
| 4.10.5. | Migration of APAC from the Office of the Auditor General | 111 |
| 4.10.6. | Socio- Economic Impact Study on Possible Relocation of Parliament | 112 |
| 4.10.7. | Re-engineering of Parliament's catering and cleaning services | 112 |
| 4.10.8. | Acquisition of the sixth floor, 90 Plein Street Building | 112 |
| 4.10.9. | Business Continuity Planning Project | 113 |
| 4.10.10. | Video Broadcast Infrastructure Upgrade..... | 113 |
| 4.10.11. | My Parliament App | 113 |
| 4.10.12. | Stakeholder Relations Management | 114 |
| 4.10.13. | Oversight Monitoring & Tracking | 114 |
| 4.10.14. | Enhanced Library Services..... | 114 |
| 4.10.15. | 20-Year Celebration of the Constitution and the NCOP | 115 |
| 4.10.16. | Digital Recording and Transcription System | 115 |
| 4.10.17. | Conferences and Seminars..... | 116 |

| | |
|----------------------------|------------|
| 5. CONCLUSION | 117 |
| ANNEXURES | 119 |

FOREWORD

Separate but Equal – A Case for Equitable Resourcing of the Three Arms of the State

The powers, roles and functions of each arm of State are clearly enumerated in the Constitution. The Constitution envisages that our State is arranged on the basis of the doctrine of separations of powers, which consists of three core principles (a) independence of the arms of State from one another, (b) equality, and (c) checks and balances. While the three arms of State are independent of each other, for the State as a whole to function effectively and orderly, it is necessary that they have regular and planned interactions to promote not only their constitutionally required cooperation, but also the principle of interdependency. It will allow them to consult on matters relating to their constitutional roles and functions with the view to reaching a common understanding on these roles and functions.

Interaction between the arms of State must be informed by the principles of independence, equality, rule of law, and checks and balances. The three arms of State must also cooperate with one another in mutual trust and good faith by fostering relations, assisting and supporting one another, informing one another on matters of common interest. These interactions should not only include discussion on matters of common interest and other concerns as and when they arise, but should also ensure the development of mechanisms for determining equitable resourcing of Office Bearers of the arms of State, and all arrangements for the Office Bearers. These mechanisms should provide the guiding principles to ensure that provisioning for Office Bearers is done in an equitable manner.

It is appreciated that resource provisioning for the requirements of holding office will not be the same for all arms of State because of their peculiar roles and responsibilities. However, the allocation of these resources should be guided by the principles of equality and to achieve this, the process for resource provisioning must be negotiated amongst the three arms of State, and a forum for regular and planned interaction could be an ideal platform to conduct such negotiations.

For example, the President and the Deputy President once they assume office are entitled to their salaries beyond their tenure to ensure that, inter alia, they can execute their duties to the best of their abilities without worrying about future income. Thus makes it possible for former Presidents to be utilised by the State beyond their tenure. These arrangements apply to the Judges in general and Chief Justice in particular, since they are entitled to their salaries until death. The rationale is to ensure that Judges are neutral, impartial and objective at all times. It is only the Presiding Officers of Parliament who are required to display the same attributes of impartiality and neutrality in the execution of their functions, yet are not placed in the same position of strength in relation to resourcing beyond their term of office. In the context of constitutional parity, this entitlement should be extended to the Presiding Officers as well, which will make it possible for the Presiding Officers to be utilised by the State beyond their term

of office as or when necessary. This example demonstrates just one area in which all three arms of State must interact to produce a particular result. It is argued therefore that legally required interactions of this nature can form the basis for regular consultation among the three arms of State to establish a mechanism for effective and efficient discharge of their respective mandates.

Another example relates to the appointment of the Speaker of the National Assembly and the Chairperson of the National Council of Provinces after the national elections. The Constitution requires the Chief Justice to convene a sitting of the National Assembly and the National Council of Provinces and to preside over the election of the Speaker and the Chairperson of the National Council of Provinces. This could also be an agenda item in one or more engagements between the arms of State. The three arms of State can also come together to plan around the State of the Nation Address to ensure that this function is properly coordinated.

There are many other areas in which the arms of State can cooperate without offending the principles of the separation of powers doctrine. For example, the Executive may consult with the Judiciary on policy and legislative proposals which impact upon judicial administration.

To promote equity and transparency, the three arms of State can collaborate when developing handbooks for benefits, privileges and allowances for the office bearers of the arms of State, which is also necessary when mechanisms for budgetary allocations are developed. At the moment there are no formal structures or arrangements for the heads of the arms of State to meet in order to discuss matters of common interests, which include but are not limited to: promotion and protection of the Constitution, strengthening of accountability, management of international affairs, maintenance of peace and security in the Republic, management of natural disasters and equitable allocation of resources to the arms of State.

This Legacy Report gives an account of the various political developments in the core business of Parliament during the fifth term. To ensure continued momentum in strengthening the legislative arm of State, key matters for handover and consideration by the sixth Parliament are highlighted.

We express our sincere thanks and appreciation to all Members of Parliament and the parliamentary administration for their dedication and hard work in service to the peoples of our resilient and resourceful South Africa. We wish the Presiding Officers and Members of the sixth democratic Parliament every success during their term, with the confidence that the vigour, robustness and people-centred attitude of Parliament will continue to grow.

Baleka Mbete

Speaker of the National Assembly

Thandi Modise

Chairperson of the National Council of Provinces

1. EXECUTIVE SUMMARY

The fifth term of Parliament was challenging and encouraging as the events that unfolded compelled a deeper and more thorough assessment of the internal operations, rules and procedures that guide the core business of Parliament and the conduct of Members of Parliament. The lessons learnt through organisational introspection, external assessment and public scrutiny accelerated progress in many areas. Parliament recognised the need for greater prominence as a major role player in achieving the development aspirations of South Africa and the regional, African and global development agendas. The fifth Parliament therefore crafted a 5-year Strategic Plan within this policy paradigm. The strategic policy priorities were determined to increase Parliament's capacity to discharge its constitutional mandate of law-making, conducting oversight of government, holding the Executive accountable and ensuring public involvement in its processes. The overall theme for the fifth Parliament was "following up on our commitments to the people" thereby placing the people of South Africa front and centre in all parliamentary business during the term. This Legacy Report highlights some of the key achievements and challenges in ensuring that Parliament's commitments to the people of South Africa are honoured and pursuant to the implementation of Parliament's 2014-2019 Strategic Plan.

The report reflects on some of the significant political developments during the fifth Parliament and highlights key issues for consideration in the sixth Parliament. Reference is made to performance information where necessary to illustrate progress in advancing the core business of Parliament, but the report is not an account of performance. Moreover, it is not a comprehensive record of all the activities of the fifth Parliament. Detailed performance information, including financial performance is contained in the Annual Reports of the fifth Parliament.

The report is structured thematically, in the main, mirroring the strategic priorities of the fifth Parliament: strengthening oversight and accountability, legislative capacity, and cooperative government, enhancing public involvement and deepening engagement in international fora. In addition, the flagship programmes of the National Council of Provinces and strengthening Parliament as an arm of State are reflected on before examining outstanding procedural and programming matters, Parliament and the fourth industrial revolution and the projects of the fifth Parliament.

Strengthening Oversight and Accountability

Arguably, the most important function of Parliament is to oversee the government's expenditure of public funds, progress in achieving their annual performance plans and implementing laws passed by Parliament. Closely aligned to this is Parliament's responsibility to hold the Executive accountable for performance of the various initiatives and programmes for socio-economic development in line with the National Development Plan.

Parliament discharges these functions mainly through plenary and committee mechanisms in the National Assembly and the National Council of Provinces.

This section of the report reflects on the adequacy and effectiveness of the key oversight and accountability mechanisms. The general approach was to consider the full value chain of oversight and accountability to highlight the interconnectedness and complementarity of the different mechanisms. In the main, there were significant improvements in the effectiveness of Members of Parliament and Committees in the application of the various mechanisms. Members of Parliament participated actively and robustly in plenary debates, questions, motions and resolutions. Improved coordination with the Executive also ensured the attendance of Ministers in the sittings of the Houses when required and an increase in Executive responses to written questions. The introduction of Committees of inquiry enhanced strength of parliamentary oversight and accountability. It is envisaged that this method of oversight would be expanded in the future terms of Parliament.

The fifth Parliament also recognised the value of independent scrutiny in advancing its oversight and accountability mandate. In this regard, the consideration of the report of the High Level Panel on the Assessment of Key Legislation and Acceleration of Fundamental Change, organisational and budget process reviews of the institutions supporting democracy in line with the recommendations of the ad hoc Joint Committee on the Review of Institutions Supporting Democracy ('Asmal' Report) and establishing closer working relationships with these institutions and a reflections on the work of the Parliamentary Budget Office, were key focus areas.

Notwithstanding the notable achievements, the potential and value of parliamentary oversight and accountability has not been fully realised. This pertains primarily to the effective use of information obtained through these mechanisms and the need to create greater synergy between committee and house proceedings. These are some of the matters, which the sixth Parliament could explore further with a view to procedural and operational improvements and capacity building programmes for Members and officials of Parliament. This would include consideration of the revised oversight and accountability model, which is aligned closely with the budget cycles of the medium term expenditure framework. The sixth Parliament should also engage with matters emanating from the fifth Parliament's consideration of independent scrutiny mechanisms.

Strengthening Legislative Capacity

The Constitution vests the national legislative authority in Parliament through the law-making powers and functions of the National Assembly and the National Council of Provinces. The Constitution is explicit and elaborate on the high-level responsibilities and procedures of the two Houses in processing the different categories of Bills. The determination and control of the internal arrangements, proceedings and procedures of Houses are however at the behest of the respective House. Parliament standardises this through the rules of the Houses and the Joint

rules. Public involvement and the involvement of the provinces is a critical component of the law-making processes. The fifth Parliament initiated significant improvements in this area of work.

Members of Parliament processed over 200 Bills during the fifth term, signifying a busy law-making calendar for Committees. Despite their best efforts however, Committees were unable to complete all the required processes for some Bills and a number of Bills have thus lapsed. This highlighted the need for tighter coordination and collaboration between Parliament and the Executive in determining the annual law-making agenda. On an administrative level, the role of the parliamentary offices of the Leader of Government Business and the Clerk of Papers are important components for improvements in this regard.

A very encouraging and notable development during the fifth Parliament was a significant increase in the number of private Members' and Committee Bills. This was an indication of an increased level of maturity of Parliament and a departure from the exclusive reliance on the Executive to initiate laws. This development brought the need for enhanced law-making capacity, including legal drafting, research and advice into sharper focus.

Review and refinement of the Legislative Model created greater synergy and alignment with Parliament's Public Participation Model and Oversight and Accountability Model. Further political consideration of the Model is required before adoption and implementation.

The litigation portfolio of the fifth Parliament highlighted the need to examine the adequacy and robustness of Parliament's law-making processes and the internal dispute resolution mechanisms for Members of Parliament. The NCOP developed a Practice Note as a guide to Select Committees and the Provincial Legislatures to ensure adequate and comprehensive law-making processes. The sixth Parliament should consider innovative approaches to ensuring law-making processes that would stand the test of any independent scrutiny, while not overburdening the Committees of both Houses. During the fifth Parliament, some NA and NCOP Committees held joint meetings as part of their oversight activities (e.g. Departmental briefings on their Strategic Plans and Annual Performance Plans). It might be prudent to assess whether this approach could be used for public hearings and departmental engagements in the law-making processes.

Enhancing Public Involvement

As alluded to above, public involvement in the processes of Parliament is a pervasive constitutional imperative in parliament's core business. Parliament is the national forum for the public consideration of issues of public interest and the representation of the provinces in the national sphere of government. This area of work received particular attention during the fifth term. Parliament adopted a revised Public Participation Model that reinforces the continuum of public participation activities and completes the cycle by a feedback loop. This also enhances Parliament's accountability to the public in following up on commitments made during public engagement activities.

The extent of public participation in the law-making processes was also the subject of some of the matters brought before the Constitutional Court by civil society organisations. This included making provision for appropriate time in the law-making processes for adequate public involvement in Provincial Legislatures. Parliament ensures public involvement primarily through Committee public hearings and public submissions on Bills and other matters addressed by Committees. During the fifth Parliament, committees of the NA and the NCOP called for submissions on all Bills. Some committees dealing with matters of heightened public interest, such as the Constitutional Review Committee, conducted extensive public hearings across the country.

Apart from public participation in Committee processes, a cornerstone of Parliament's public participation mechanisms is engagement with specific sectors of society through sector parliaments. This includes regular engagements with the youth, women, persons with disability and children. A Women's Roundtable convened in 2015 under the theme: Accelerating Women's Empowerment and Development through Engendering the National Development Plan and Financing for Gender Equality and an international women's conference elaborated on the declaration of the United Nations 61st session of the Commission on the Status of Women relating to Women and the Changing World of Work in 2016 were amongst the focused parliamentary engagements with women in society. Parliament also hosted a Women's Charter Review Conference, which sought to review the strides that have been made in implementing the provisions contained in the 1954 Women's Charter as well as 1994 Women's Charter for Gender Equality in 2018.

The fifth Parliament also paid particular attention to youth development through a series of interactions with the youth between 2015 and 2018. Youth empowerment was the focus of discussions at the Youth Roundtable in 2015, followed by a Youth Parliament in Kiptown in 2016 in commemoration of the 1976 youth uprising and a Youth Summit in 2018 in partnership with the Nelson Mandela Children's Fund.

Parliament's sector engagements were enhanced further through an Inaugural Disability Rights Parliament in 2017, under the theme: celebrating 20 years of the rights of persons with disabilities under our democracy and an Inaugural Men's Parliament in 2018 with a particular focus on the intentional involvement and responsibilities of men in eradicating gender-based violence and violence against women and children in particular. The latter was a collaborative initiative with the Men's Sector (Takuwani Riime).

A key outcome of reflection on the sector engagements is that the wealth of information gained from these initiatives does not find material expression in the work of the parliamentary committees and the Houses. This would be particularly relevant in the oversight and accountability mechanisms of Parliament. Moreover, feedback to the various constituencies is lacking. The sixth Parliament should view these areas for improvement in the context of the revised Public Participation Model. This should also inform the development of relevant modules in the capacity building programmes for Members and officials of Parliament.

Strengthening Cooperative Government

One of the primary principles for the establishment of the NCOP was to ensure that provincial interests are taken into consideration in the national sphere of government. The NCOP is therefore at the centre of the facilitation of effective intergovernmental relations and cooperative government in the Republic. The key mechanism by which the NCOP discharges this responsibility is through processing interventions in terms of the provisions of the Constitution. Moreover, through Committee meetings, the NCOP, provincial legislatures and SALGA share information on matters of common interest. This assists in the furtherance of overseeing the implementation of the principles of co-operative government as contained in section 41 of the Constitution. In order to achieve this, it is necessary to have synchronised and co-ordinated programmes amongst the NCOP, Provincial Parliaments and SALGA. This has assisted, not only in improving the relationship between the provincial legislatures and organized local government, but also in improving the efficiencies of resources management across the three spheres.

Interventions are intended to be a supportive mechanism to ensure continuity of service delivery and improvement of capacity of municipalities. The Select Committee on Co-operative Governance and Traditional Affairs (COGTA) during the fifth Parliament was that the provinces did not apply standard, uniform intervention procedures. This created a risk of interventions being legally questionable and open to constitutional challenge.

National and provincial government should exercise the power given to them in terms of Sections 154(1) and 155(7) of the Constitution, to regulate and support the executive authority of municipalities to ensure that municipalities perform their functions effectively. In this context, powers of intervention should be exercised as a measure of last resort after all ordinary intergovernmental resolution mechanisms have been exhausted.

At its strategic planning session in 2014, the NCOP undertook to strengthen its review and monitoring of Section 100 and 139 interventions and to develop guidelines for uniformity in interventions procedures. Resolutions of the NCOP on interventions should be followed up through on-site oversight visits in the affected municipalities. This would require coordinated, synchronised programming between the Select Committee on The Select Committee on COGTA and the provincial and municipal legislative and government institutions.

In the sixth Parliament, the NCOP should continue its role in overseeing the functioning and performance of the different spheres of government. The Provincial Legislatures represented through the Speakers' Forum and the SALGA are strategic stakeholders in this regard. The establishment of a desk in the office of the Chairperson of the NCOP to co-ordinate co-operative government activities of the NCOP should be considered.

Flagship Programmes of the National Council of Provinces

The Taking Parliament to the People, Provincial Week and Local Government Week programmes of the NCOP are benchmark examples in the legislative sector depicting the convergence of the oversight and accountability, law-making, public participation and cooperative government mandates of Parliament.

Taking Parliament to the People

During the fifth Parliament the NCOP conducted Taking Parliament to the People programmes in the Western Cape in April 2015 and April 2016, the Eastern Cape in November 2016 the Free State in August 2017 and Gauteng in November 2018. The programme in the Eden District Municipality in the Western Cape coincided with the celebration of two decades of democracy in South Africa. Members of the NCOP engaged communities on successes and challenges in socio-economic upliftment and development. Matters such as the need for improved access to quality housing, education and healthcare were prominent amongst the myriad of community concerns. The feedback to the relevant communities on progress regarding NCOP recommendations and Executive undertakings during the TPTTP programme was conducted in April 2016.

The Eastern Cape TPTTP programme was anchored in the Buffalo City Metropolitan Municipality (East London) under the theme: "Following up on our commitments" in November 2016 following Oversight Visits held from 17 to 21 October 2016 in Alfred Nzo District Municipality. Teams of Members of the NCOP, the NA and the Eastern Cape Provincial Legislature conducted site visits in Matatiele Local Municipality, Ntabankulu Local Municipality, Umzimvubu Local Municipality, and Mbizana Local Municipality. The key thematic focus was education, particularly basic education and related matters included health, water and sanitation, roads and scholar transport, social development, economic development, and sport and recreation. Access to basic services, particularly water and sanitation, infrastructure development, including student housing and the quality of basic education and healthcare emerged as pervasive concerns across the various municipalities visited.

The TPTTP visit to the Free State was held in Mangaung Metropolitan Municipality under the theme: "Celebrating 20 years of the Constitution and 20 years since the establishment of the NCOP - Deepening Parliamentary Oversight for quality services to our people." Preliminary Oversight Visits were held from 15 – 19 May 2017 in Xhariep District Municipality. The focus of the Free States TPTTP was on health. An analytical report was adopted by the NCOP on 8 November 2017 and forwarded to the relevant offices for consideration. Verification of Executive responses to issues highlighted in the report and public submission preceded the NCOP's report-back session in August 2018. Communities raised various challenges relating to access to basic services. Follow-up with the relevant national and provincial government departments and municipalities is ongoing.

The overall theme for the 2018 Taking Parliament to the People Programme in Gauteng was the Impact of Migration on Gauteng and implications for peace and security, social services, education and growth and development. The Pre- Visit to Gauteng took place from 17 to 21 September 2018 and focused primarily on the impact of migration on service delivery in the various key sectors through site visits and public meetings in the City of Johannesburg, City of Ekurhuleni, West Rand District Municipality and City of Tshwane Metropolitan Municipality.

The main programme in Gauteng from 19 to 23 November 2018 focused on the impact of migration on policy development, integrated planning, budgeting and the regulatory environment. The main visit included public hearings and concurrent site visits, with each public hearing having its own sub-theme. The main areas addressed during this programme included Home Affairs, Safety and Security, Health, Human Settlements and Infrastructure, Education and Economic Development. The NCOP produced and debated a detailed report of the findings, NCOP recommendations and Executive undertakings. The parliamentary administration is conducting follow-up with the relevant departments and matters should be referred to the appropriate Select Committees for oversight and reporting to the Council.

Some notable improvements in the TPTTP programme were that for the first time in 2016 the NCOP worked together with the NA during the preliminary visits and the main programme. This approach was effective and was a consideration for subsequent programmes. In addition, since the programme to the Free State in 2017, detailed analytical reports are produced for debate in the Council and transmission to the relevant government departments and other stakeholders. The reports consolidate the key issues that emerged at different stages of the process and analyse the various social determinants of the overall theme. This has proven useful for follow-up and oversight.

This report highlights some of the key achievements of the TPTTP programme in the various provinces.

Provincial Week

The NCOP has set aside dedicated periods of one week annually or biannually for oversight work in the provinces. Provincial is week when the provincial permanent delegates go back to the provinces to conduct oversight together with the provincial legislatures. The NCOP in consultation with the provincial legislatures decide on the issue and theme of oversight. The focus of Provincial Week is to give permanent delegates to the NCOP and Provincial Legislatures the opportunity to ensure the following with respect to identified themes/issues:

- Engage with national and provincial departments, entities, municipalities and other relevant role-players to understand challenges
- Undertake oversight visits across the nine provinces

- Follow up on previous commitments
- Assess progress with respect to implementation of the NDP
- Monitor the state of service delivery in the nine provinces
- Provide an opportunity for delegates and Members of the provincial legislatures to get ‘first hand’ information on progress or problems.

The NCOP conducted six Provincial Week programmes during the fifth term. Themes that guided discussions and interactions included:

- 09 – 12 September 2014, under the theme “Together making service delivery work for our people”
- 21 – 24 July 2015, under the theme “Advancing the developmental agenda of municipalities for a better life for our people”
- 14 – 18 September 2015, under the theme “Advancing infrastructure investment and development for better services to communities”
- 12 – 16 September 2016, under the theme “Following up on our commitments to make access to education and healthcare work for all”
- 09 – 13 October 2017, under the theme “Advancing our collective efforts to creating work opportunities for our people”

The next Provincial Week programme is scheduled for 16-19 October 2018. A concept document will be finalised in June 2018.

Local Government Week

Local Government Week (LGW) was first initiated in 2012 to strengthen the relationship between the NCOP and SALGA. The inaugural LGW was held under the theme: ‘Accelerating Service Delivery and Addressing Challenges through effective Cooperative Governance’. A subsequent LGW took place in 2013 under the theme: ‘Departmental Local Government in a Capable State: Celebrating Achievements and Exploring Opportunities’.

Key objectives of the LGW are:

- To debate matters relating to local government and to seek solutions to challenges facing the local sphere of government within the context of cooperative government and intergovernmental relations.
- Facilitate dialogue and propose short, medium and long-term solutions to challenges facing local government

- Showcase successes and contextualise challenges confronting municipalities in the execution of the developmental mandate
- Assess the adequacy of the support framework from national and provincial government as envisaged by the Constitution
- Explore means of enforcing the constitutional support framework.

Thematic areas for Local Government week discussions included:

- Sustainable Development Goals: mobilising local government for implementation
- Access to affordable, reliable, sustainable and modern energy for all
- Sustainable management of water and sanitation for all
- Gender equality and empowerment for all women and girls.

The detailed reports of the Provincial Week and Local Government Week programmes should be used to inform the oversight programme of the NCOP and the Select Committees.

Deepening engagement in international fora

The Policy Perspective and Operational Guidelines for Parliament's Involvement and Engagement in International Relations, as agreed by the Joint Rules Committee (2006) guides Parliament's international engagements. The participation of Parliament in international relations is located within and informed by the South Africa's foreign policy.

The Strategic priorities of fifth Parliament is premised on deepening and enhancing parliamentary international engagement and cooperation. Parliament's Strategic Plan places prime importance on increasing its capacity to represent the interests of South Africa in the international arena. It further seeks to promote and facilitate the transformation of undemocratic governance structures and processes through building strategic partnerships around mutual interests and solidarity. In order to enhance parliamentary international engagement and co-operation, the strategic objectives related to international engagements contained in the 2014-2019 Strategic Plan of the fifth Parliament include the following:

- increase its capacity to represent the interests of South Africa in the international arena;
- promote and facilitate the transformation of undemocratic governance structures and processes;
- build strategic partnerships around mutual interests and solidarity;
- prioritise its focus towards promoting the African Agenda, especially with regard to its role in regional and continental integration, manifesting in the formation of a SADC Parliament, and transformation of the Pan-African Parliament as regards its legislative powers; and

- strengthen mechanisms for negotiation and ratification of international agreements, and establish mechanisms to monitor South Africa's obligations

Parliament fulfils these objectives through the active participation and collaborations in various multilateral forums and bilateral engagements. This report reflects on the fifth Parliament's participation in, amongst others, the Southern African Development Community Parliamentary Forum (SADC-PF), the Pan African Parliament (PAP), the Commonwealth Parliamentary Association (international and Africa chapters), the Inter-Parliamentary Union, the BRICS Parliamentary Forum and the United Nations Commission on the Status of Women. Key bi-lateral engagements and outcomes are also indicated.

While efforts are made to ensure multiparty participation in the various forums and exposure of as many Members of Parliament to the various bodies, as resources would allow, many Members of Parliament may not be aware of the participation of Parliament at this level.

The sixth Parliament should consider appropriate mechanisms for Members representing Parliament at the various international forums to provide substantive feedback and insight on key developments emanating from the forums to all Members of Parliament. This could be done through programming and would allow all Members of Parliament the opportunity to participate and contribute actively in deepening Parliament's engagement in international fora. Greater public awareness and understanding and appreciation of Parliament's roles and responsibilities in global politics and development would be a possible outcome of this initiative.

The sixth Parliament should also intensify efforts for the transformation of the SADC Parliamentary Forum into a regional Parliament, during its term. This should be championed by the Speaker of the National Assembly and the Chairperson of the National Council of Provinces.

Strengthening the Legislature as an Arm of State

The Speakers Forum through the legislative sector support of Parliament initiated several processes to strengthen the legislature as an arm of State. Amongst others, this included greater integration and coordination across the sector. The general approach is the formal establishment of the 10 legislatures as the legislative sector. This is similar to the way the various levels of the judiciary and the executive are regarded collectively as the Judicial and Executive arms of State, respectively. This section of the Legacy Report highlights the key initiatives within the legislative sector during the fifth Parliament. Reflections, achievements and areas for continuation are made on 11 primary initiatives.

Key highlights amongst these include the drafting of a Legislative Sector Bill and engagements with the Minister in the Presidency, the Minister of Finance and National Treasury on a review and reframing of the budget and budget

processes for Parliament and the Provincial Legislatures. Coordinated and standardised oversight through the adoption of a Sector Oversight Model and a coordinated approach for Provincial Legislatures to engage with the High Level Panel Report on Key Legislation and Acceleration of Fundamental Change signify some of the achievements in establishing a cooperative and collective approach within the sector. The Sector engagement in inter-legislature relations and coordination and the role of the sector in international relations and collaboration with the local government sphere are also reflected upon.

The Sector has also developed capacity building and induction programmes for Members of Parliament. Lessons learnt and matters for improvement raised by leadership and Members of the fifth Parliament are highlighted for continuity in the sixth Parliament.

One of the primary objectives of the sector is to establish a Parliamentary Institute that will serve as a critical resource for strengthening not only the South African Parliament and Provincial Legislatures, but also the Parliaments of member countries of the SADC region and the rest of Africa.

Procedural and House Matters

This section of the report provides a summary of the key achievements and matters for further consideration emanating from the work of the Joint Rules Committee, NA and NCOP Rules Committees and the Chief Whips Forum.

Parliament and the Fourth Industrial Revolution

The 4th Industrial Revolution impacts on all sectors of society. South Africa and the rest of the African continent have an opportunity to leverage the opportunities to further their development aspirations. While there are inherent and envisaged risks emanating from the 4th Industrial Revolution, it is likely that some of the biggest challenges can become unique opportunities. The opportunities of current and future technologies should be leveraged and the potential threats mitigated by ensuring a cohesive and comprehensive national response involving the citizenry and prioritising the key areas of focus in developing policies, laws and programmes of action. Parliament is a powerful player in this arena – but only if Parliament keeps pace with the rapid advances and pervasive disruptions of the 4th Industrial Revolution.

As an outcome of a study visit to Denmark, the Deputy Speaker of the National Assembly and the Deputy Chairperson of the National Council of Provinces initiated a programme for Parliament regarding the state of readiness for the 4th Industrial Revolution. Central to the role of Parliament in this regard is to ensure an inclusive process in all matters pertaining to the 4th Industrial Revolution, but particularly in the development of policy and

legal frameworks. The latter should provide a supportive environment for maximum gains, while concurrently mitigating the potential for increased inequality and exclusivity.

The report highlights the activities of the fifth Parliament in this regard. This includes two Roundtable Discussions bringing together parliamentarians, Government Ministers, academia and research institutes. Parliament also hosted an EXPO in February 2018 to raise awareness on the 4th Industrial Revolution and showcase South African innovations. Workshops and discussion groups held during the EXPO provided opportunities for parliamentary officials and school learners to engage on the concepts, opportunities and risks pertaining to the 4th Industrial Revolution.

It would be important for the sixth Parliament to build on the initiatives of the fifth Parliament. In particular, mechanisms to ensure that Members of Parliament keep pace of the exponential advances in the 4th Industrial Revolution and are ahead of the curve in addressing policy, legal and ethical concerns should be a primary area of focus.

Key Parliamentary Projects

This section of the report provides high-level summaries of the status of the 16 projects implemented during the fifth Parliament to advance the strategic objectives determined in Parliament's Strategic Plan and Annual Performance Plans over the 5-year term. Matters for continuation or review by the sixth Parliament are indicated.

Conclusion

The Legacy Report of the fifth Parliament is intended to serve as a key input to the political considerations and Strategic Planning of the sixth Parliament. Hopefully, it will serve as a catalyst for further discussion on the areas for improvement in the core business of Members of Parliament and the support provided by the parliamentary administration.

2. INTRODUCTION

Since the dawn of democracy in South Africa, Parliament has played a fundamental role as one of the three arms of state, to build a new democratic social order that is premised on human dignity, freedom and equality. As Africa's last nation to traverse the frontier of colonialism into democracy, its landscape hence shifted from that of a nation warring for freedom and democracy, to a constitutional construct that is strategically positioned for the advancement of South Africa's transformation agenda. Hence, in its commitment to enable and give impetus to the principles of democracy and equality, Parliament began the arduous journey to give effect to its constitutional mandate, by passing some of the world's most progressive laws. It is upon these progressive laws that the pillars of our democratic social order have been constituted, for the progressive realization of the ideals of a better life for all.

Over the last 25 years of our democracy, Parliament has established itself as the nerve-centre of people's power, people's participation and people-centered governance. Parliament's functional imperatives remain premised on values of socio-political activism, which enables it to give adequate expression to people-centred governance across the three arms of the state.

To this end, during the fifth dispensation, Parliament has made steady progress as the legislative arm of the state to accelerate the eradication of the remnants of more than 340 years of colonialism and apartheid in South Africa. Indeed, prevailing challenges clearly demonstrate the complexity and extent of underdevelopment in the country, which still require sustained efforts to enable progressive and sustainable change. This fifth Parliament legacy report is hence broached taking cognizance of the prevailing challenges on the country's transformation landscape, while presenting the notable strides that have been made by this sentinel institution of democracy in advancing South Africa's transformation agenda.

Guided by the Constitution and the assessment of two decades of democracy, the fifth Parliament identified five strategic priorities to guide and focus its resources and operations:

- Strengthening oversight and accountability;
- Enhancing public involvement;
- Deepening engagement in international fora;
- Strengthening co-operative government;
- Strengthening legislative capacity.

Closely linked to the strategic priorities was an increasing realisation that as a country steeped in a history of exclusion, an activist, transformative and people-centred Parliament is not just a desirable state, but an absolute necessity. The fifth Parliament strategic priorities identified the need for a more empowered and capacitated Parliament that serves as a platform for robust public discourse, where deliberation and debate about the future developmental path of the country are front and centre. The strategic priorities also underscored the importance of repositioning Parliament set the standard on issues of oversight and accountability. Meaningful public participation, Executive accountability and effective oversight of government are essential, not only to the operations of Parliament, but also for the development and enrichment of South Africa's fledgling democracy.

The report is structured along the themes of the strategic priorities and include reflections on strengthening Parliament as an arm of State. It is not intended to be a report of the performance of the fifth term of Parliament. Performance information, including financial performance is presented in the Annual Reports of Parliament. The Legacy Report illustrates significant political developments during the fifth term through highlighting examples of key initiatives under the various themes. The report consolidates information from the National Assembly and the National Council of Provinces and while House-specific information is highlighted appropriately, there are no chapters dedicated to each House. Where relevant, matters for handover to the sixth Parliament are indicated to initiate further political consideration and to give direction to the parliamentary administration.

3. OVERARCHING POLICY CONTEXT

The national, regional, continental and global policies for sustainable development set the overarching policy context within which Parliament operates for the good of people and planet. Just over five years ago, Parliament adopted the National Development Plan (NDP), as the guiding policy manuscript to give strategic impetus and focus to its work. The NDP embodies the hopes and aspirations of every South African citizen. Vision 2030 and its underpinning policy imperatives were hence integrated into the overall tapestry of Parliament's institutional machinery, demonstrating Parliament's commitment to ensure that it aligns its planning processes towards the realisation of the NDP.

Furthermore, the Parliament of the Republic of South Africa is part of a global world order and is hence guided by a set of strategic policy priorities that are purposed to give effect to a set of globally and regionally adopted development imperatives. Parliament's development trajectory is therefore anchored within a global, regional and national policy context, which is at the core of driving the advancement of the state's transformation agenda. These broad policy priorities include the following:

- The NDP (National Policy Perspectives)
- SADC Master Plan (Regional Policy Perspectives)
- Agenda 2063 (African Policy Perspectives)
- The UN Sustainable Development Goals (Global Policy Perspectives)

These priorities form the overarching nexus through which the constitutional mandate of Parliament is given expression. Principally, these policy imperatives have set Parliament on a clear path towards ensuring a crystalized focus for the legislative sector's law-making and oversight path.

Through its functional imperatives, Parliament continues to refine its approach and the inner workings of its institutional machinery, to enable a more focused prioritization of catalyzing policy imperatives, guided by the resolve to avail the most equitable allocation of budgetary resources towards the realization of the country's development goals. These efforts are all in line with the commitment to ensuring that Parliament advances the objectives of building a capable and democratic developmental state.

4. POLITICAL DEVELOPMENTS AND OUTCOMES

The information in this section is presented thematically. The themes reflect the strategic objectives of the fifth Parliament as elaborated in the Strategic Plan 2014 – 2019. Additional pertinent issues that emerged during the term of the fifth Parliament are also discussed, including reflection on matters emanating from the fourth Parliament Legacy Report. Key considerations and recommendations for hand over to the sixth Parliament are highlighted for ease of reference.

4.1. Strengthening oversight and accountability

Overseeing government's implementation of policies and legislation and holding government accountable is one of the most important responsibilities of Parliament. Parliament uses several mechanisms to fulfil this. These include processes within plenary sittings of the National Assembly and the National Council of Provinces, responsibilities devolved to committees of the Houses and the work of individual Members of Parliament. The reliability, integrity and robustness of these mechanisms is crucial in determining how effectively parliamentarians represent public interests and the interests of the provinces in the national sphere of government. This section reflects on the key oversight mechanisms and initiatives of the fifth Parliament and highlights areas for further consideration by the sixth Parliament. It is important to note that while certain performance matters are presented, this is not intended to be a comprehensive account of the performance of the fifth Parliament, which has been elaborated in the Annual Reports of Parliament.

4.1.1. Oversight and the development agendas

In the case of the development agendas, debates and questions will help ascertain which goals are most critical and where the good practices and challenges lie. Members of Parliament can then provide direction as to the plans and programmes required to achieve the goals by the target deadlines. Such information should be applied to inform the engagement of parliamentary committees with the medium term budget policy statement and annual budget proposals of government.

Without the support of Members in approving the strategic plans and budgets of government departments, the development agendas will not receive the financial resources from the state required for their implementation. Therefore, Members should ensure that the strategies, plans and budget proposals of Government reflect the development imperatives contained in the global, continental, regional and national development agendas. It is critical that this is monitored throughout the budget and oversight processes and reflected in the budget vote considerations and debates in committees and the Houses of Parliament. The Parliamentary processes for budget review and recommendations form a critical component in the oversight value chain.

4.1.2. Oversight in Plenary

Plenary sittings of the Houses arguably represent the public face of Parliament in that it is the most commonly broadcast of parliamentary proceedings on television and social media (live streaming) platforms. Plenary sittings therefore provide a significant opportunity for the public accountability of Members of Parliament to the electorate. The effective and appropriate use of plenary mechanisms for overseeing government action and holding the Executive accountable to Parliament is therefore critical in strengthening the oversight responsibility of Parliament. Moreover, the unique approaches to the plenary oversight and accountability mechanisms by the National Assembly and the National Council of Provinces, as intended by the establishment of a bicameral Parliament, should be adequately leveraged and fully realised. Reflections on plenary debates, questions, motions and resolutions are located within this context.

4.1.2.1. *Plenary Debates*

While not an obvious mechanism for Parliament to oversee government progress in the implementation of policies and laws, plenary debates on Bills and matters of public interest are an important opportunity for Members of Parliament to highlight where government policies may be lacking, where implementation is tardy or inadequate or where there are unintended consequences of legislation that hamper efficient service delivery. Plenary debates may also be used to elevate specific socio-economic or human rights issues raised by communities or in oversight reports of parliamentary committees to matters of national interest, thereby prompting government action.

It has become convention to debate matters of national importance, highlighted during recognised commemorative days, in joint sittings of both Houses such as Human Rights Day, Africa Day, Worker's Day, Youth Day, Women's Day, Heritage Day, and 16 days of activism on no violence against women and children.

During the period under review, the NCOP held 96 plenary debates. Topics for debate in the NCOP were carefully crafted to ensure that they reflect the constitutional mandate of the NCOP, focussing on provincial and local government issues, largely related to service delivery and reflecting on the state of service delivery particularly on matters of concurrent national and provincial legislative competence (Constitution, 1996, Schedule 4) such as health, education, environment and social development.

The NCOP also debated a number of issues of national importance that were topical at a particular time in the country such as the impact of crime in SA, addressing the spate of rapes of learners in schools, protection of women and children against violence and abuse, anti-racism and racial prejudice and finding a lasting solution to the financial assistance for needy students at higher education institutions, to name but a few. Plenary debates on key oversight reports such as the reports of the Taking Parliament to the People (TPTTP) programme and Provincial Weeks are also a key mechanism to highlight matters raised by communities regarding government performance at provincial and municipal levels. Ministers are often required to respond to matters raised by Members of the NCOP in such debates. The TPTTP programme and Provincial weeks are discussed in more detail later in this section.

The use of plenary debates as a mechanism to conduct oversight of government and hold the Executive accountable to Parliament and therefore to the people of South Africa, has seen considerable development in the fifth parliament. Further improvements however should be considered to realise fully the value of plenary debates in strengthening oversight. On the face of it, the NCOP has held a considerable number of plenary debates on matters that directly affect people's quality of life. However, an assessment of the plenary processes reveals an obvious gap in the value chain to ensure that matters debated in the Houses are not lost to competing demands. A wealth of data and information is available, but is not used to meaningful effect. Plenary oversight mechanisms should therefore dovetail with committee oversight mechanisms to ensure that matters raised in plenary debates find expression in the oversight cycles of committees. In this way, Parliament and the Executive will sustain their interest and attention, which is more likely to conclude matters through regular follow-up on progress and accountability for slow or absent action on the part of the Executive.

Key Considerations for the sixth Parliament

Political

The National Assembly and the National Council of Provinces should develop mechanisms for matters emanating from plenary debates to be followed up through the cycles of the Oversight and Accountability Model. It would be important to ensure that this is not relegated to an exclusively administrative function. It should be incorporated into the operational plans and programmes of Committees. This would go a long way in giving material effect to the concept of an oversight and accountability value chain that brings together the different political mechanisms thereby strengthening parliamentary oversight of the Executive.

Administrative

The Secretary to the NA and the Secretary to the NCOP should develop business processes that would consolidate matters emerging from plenary debates for government / Executive / Parliamentary action for referral to the relevant Committees via the House Chairpersons in charge of committees in each House.

4.1.2.2. Questions

Questions to the President, Deputy President and Ministers provide Members of Parliament regular opportunities to focus attention on specific matters within the various functional areas of government. This is not confined only to matters of service delivery, but may pertain to governance and financial management of departments. Again, the mandate of the NCOP affords the additional advantage to Members of the NCOP to highlight matters pertinent to a specific Province or municipality¹. Members might obtain information during Committee oversight processes and public hearings, during their constituency work, lobby or special interest civil society groups or from other oversight activities of Parliament, including the receipt of petitions, TPTTP programme and Provincial weeks.

The relevant member of the Executive responds to questions for oral reply in plenary sittings. The Member putting the question (or his/her nominee) has the opportunity to ask a follow up question in accordance with the rules of the relevant House. Three additional follow-up questions may be posed by any Members of the House at the discretion of the Presiding Officer. In recognising Members for follow-up questions, the Presiding Officer gives due

¹ This is in terms of Section 92 of the Constitution.

consideration to the principle of multi-party participation. Questions for written reply are placed on the Question Paper and responses are submitted to the Member in whose name the question stands via the Questions Office. Responses are distributed to the Member who posed the question, all political parties represented in Parliament and copied to the relevant government departments and the accredited media.

During the fifth Parliament Members of the NCOP posed 2 068 questions (oral and written) to the Executive. In keeping with the overarching oversight priority of the fifth Parliament on government progress towards the objectives of the National Development Plan, the majority of questions solicited responses from the Executive on the key outcomes of the National Development Plan (NDP). These included questions on Quality Health Care, Clean Environment, Quality of Education and Skills Development, which were prominent during the 2015/16 financial year. In 2016/17 Members' questions focused largely on Human Settlements, Water, Electricity, Sanitation and Safety and Security, with the latter comprising questions specifically relating to the cluster on Police, Justice and Correctional Services. Therefore, questions to the President, Deputy President and Ministers can solicit detailed information on progress in particular responsibilities of government and can also be used to emphasise where greater effort is required to address service delivery challenges. Members of the NCOP in particular, can address the peculiar challenges or needs of a specific province and highlight challenges emanating from inadequate synergy, coordination and cooperation between national and provincial government departments, particularly in matters of concurrent competence.

The attendance of the relevant members of the Executive to answer questions in the Houses and the timely submission of responses to written questions has improved considerably in the fifth Parliament. The quality, relevance, reliability and completeness of responses has however been regarded with disappointment by some Members of Parliament. Moreover, Parliament does not have adequate processes to fully appreciate the value of information, government programmes and Executive undertakings that emanate from questions.

Key Considerations for the sixth Parliament

Political

It would be important for the sixth Parliament to review the questions mechanism of oversight and accountability to ensure that the value is maximised. Key to such consideration would be the balance between encouraging and supporting the use of this important oversight and accountability mechanism by Members of Parliament and not over-burdening the Executive with having to produce numerous reports, thus diverting departmental capacity from service delivery management and operations. Capacity building of Members of Parliament in crafting questions that further the mandate of the relevant House, strengthen the oversight and accountability role of Parliament and which solicit cogent, relevant responses should also be an important consideration.

Administrative

The Secretary to the NA and the Secretary to the NCOP should establish administrative processes that would serve as a clearinghouse for information provided to Parliament through questions. The parliamentary office of the Leader of Government Business should be strengthened to monitor progress on matters emanating from questions, in collaboration with the Questions Units in both Houses.

4.1.2.3. *Motions*

Like plenary debates, motions are generally not regarded as an obvious oversight mechanism of Parliament. Nonetheless, a cursory analysis of the subject of motions in the National Assembly and the National Council of Provinces reveals that Members of Parliament indeed utilise motions within the context of overseeing the performance of government. Many motions address matters of public interest and highlight concerns and challenges, particularly in instances where policies, laws, resources or more efficient government services may be required. Motions are also often the primary tool to publicly recognise and acknowledge key achievements of individuals or groups within society on a national platform. In addition, Members of Parliament or political parties use motions to convey condolences or messages of support where families, communities or countries have suffered loss, tragedy or hardship. While they might appear to be dealt with in a 'matter of fact' manner within the proceedings of the Houses, motions are not only a significant oversight mechanism, but also a mechanism by which Members of Parliament represent matters of public concern and interact with the public. The rules of the Houses allow Members of Parliament to move motions without notice or to place notices of motion on the Order Paper of a sitting of the House.

During the fifth Parliament, Members of the NCOP moved 709 motions². Approximately 49 percent of these related to key socio-economic issues at provincial and local government level. Motions relating to service delivery and administrative inefficiencies of municipalities (72), basic and higher education (60) and economic development (60) were most prominent. This was followed by motions referring to corruption at municipal level (55). 41 motions related to safety and security, 17 of which referred specifically to crime, 19 motions referred to the provision of healthcare, 11 motions addressed unemployment in South Africa, 10 motions spoke to racism and 5 motions dealt with Eskom debts owed by municipalities. It is clear from this indicative list, that motions are a significant tool for Members to bring matters to the attention of the House and the public at large.

Key Considerations for the sixth Parliament

Political

Similar to the matters raised under the reflections on debates and questions, the value and potential of motions to enhance the oversight and accountability functions of Parliament are not fully realised. A substantial number of issues raised by Members of Parliament in moving motions should inform topics for debate in the Houses. Forging this link and association between these two plenary oversight mechanisms would further strengthen the oversight role and impact of Parliament. Moreover, substantive matters raised in motions and debates should find expression in the oversight activities of parliamentary committees, where opportunity for public involvement could also be realised.

Administrative

The Secretary to Parliament should ensure that the NA and NCOP Divisions develop business processes and administrative systems that would consolidate the outputs of debates, questions, motions and resolutions.

² 197 Motions without notice and 512 notices of motion.

4.1.2.4. House Resolutions

Reports before the Houses emanating from Committee oversight activities or, in the case of the NCOP, also from programmes such as Taking Parliament to the People, Provincial Weeks and oversight weeks, become resolutions of the House, once adopted. In this way, recommendations for the action of government departments contained in such reports become matters for oversight. The NA and NCOP Table Divisions track such resolutions and follow-up with the relevant departments or other stakeholders.

The NCOP adopted 245 resolutions emanating from reports of Select Committees and oversight and public outreach initiatives such as the Taking Parliament to the People and Provincial Week Programmes during the fifth Parliament. Resolutions were communicated to the relevant members of the national and provincial Executive or other stakeholders including petitioners, South African Local Government Association and other relevant organizations seeking action from the Council. Response rates to follow-up has been low, with only 15 Executive responses recorded. The NCOP has improved follow-up correspondence by referring stakeholders to the specific section(s) of the resolutions for their attention and has also introduced a three-month response window. Despite the low response rate, responses received contained precise, detailed and accurate information on the implementation of the Council's resolutions. Follow up courtesy calls introduced as an additional method to encourage the Executive to furnish the Council with reports have not yielded positive results.

Key Considerations for the sixth Parliament

Political

A large number of resolutions are suggestive or investigative in nature rather than requiring specific action to be taken. As the majority of these emanate from Committee reports, it would be important for Committees to ensure that their reports are well-drafted before adoption by the Committee and publication in the Announcements, Tablings and Committee Reports paper for consideration and adoption by the House. Specific, clear and realistic recommendations formulated concisely in committee reports, where appropriate, are also likely to improve response rates. This will enhance the value of committee reports to the House and the impact of Parliament's oversight function.

Administrative

The Secretary to Parliament should implement a programme of capacity-building for committee support staff (Committee Secretaries and Content Advisors), with particular focus on report-writing. Appropriate quality assurance processes should also be implemented to further improve the quality and utility of committee reports.

Resolutions tracking mechanisms in the NA and NCOP should be improved and utilised optimally.

4.1.3. Committee Oversight

Committees of the NA and the NCOP are established to ensure focussed and comprehensive consideration of the breadth of functional areas of government Ministries and Departments. Committees are an extension of the Houses and the key mechanism whereby Members of the Assembly and the Council can exercise deeper interrogation of matters before Parliament with appropriate consultation and public involvement. Membership of specific committees also affords Members the opportunity to develop subject-specific knowledge and expertise. The latter poses a particular challenge in the clustered Select Committees of the NCOP, where Members deal with a number of government portfolios. Moreover, due to the small number of Members of the NCOP relative to the NA, Members of the NCOP may sit on several Select Committees. Professional content, research and advisory services in support of the oversight work of Members of Parliament is therefore critical.

Committees conduct oversight through engagement with relevant Ministers and government officials, oversight visits to departments, schools, hospitals and other service delivery access points and through public hearings. It is important to note that committee oversight activities do not focus only on challenges and inefficiencies, but also highlight good practice and pockets of excellence that could be replicated elsewhere.

4.1.3.1. An Oversight and Accountability Model for Parliament

In general, Committee oversight processes follow the annual cycle of the Oversight and Accountability Model (Figure 1). Every year committees review the departmental strategic plans, annual performance plans and departmental budgets. Parliament approves the budget, allocating funds to each institution of the state in accordance with the plans and strategies set out for that year. Committees continuously monitor expenditure and performance, through amongst others, the quarterly and annual reports of departments. Furthermore, Committees oversee progress in the implementation of government’s plans and strategies through issue-based committee engagements with Ministers, government officials and civil society organisations, where relevant. Ministries and departments are required to outline how their expenditures contribute towards the policy priorities Parliament has endorsed. A particular focus of the fifth Parliament was the scrutiny of departmental strategies, plans and budgets in relation to the policy priorities and key outcomes of the National Development Plan.



Figure 1: Implementation of Oversight & Accountability Model – the budget cycle

Building on the Oversight and Accountability Model adopted by the fourth Parliament in 2009, the fifth Parliament conducted a review of the model, which sought to refine and codify the oversight processes of Parliament. The primary objective of the Model is to provide a framework that describes how Parliament conducts oversight and holds the Executive to account to ensure that policies announced by government and authorised by Parliament are actually delivered. This function includes monitoring the achievement of goals set by legislation and the government's own programmes. The Model sought to improve existing tools of parliamentary oversight and enhance Parliament's capacity to fulfil its oversight function in line with Parliament's new strategic direction. This represents an important framework that will drive and determine Parliament's effectiveness in overseeing the Executive and holding it accountable. The revised model is a core component of the Oversight and Accountability Programme premised on the Legislative Sector Oversight Model (SOM). In addition to the refinement of the Oversight and Accountability Model, the Programme comprises three other projects: develop and implement a legislative Model, develop and implement a co-operative government oversight mechanism and implement Parliament's Public Participation Model.

4.1.3.2. Committees of inquiry

A notable advancement in committee oversight during the fifth Parliament has been the introduction of committees of inquiry on specific matters of national interest. Amongst these have been the Portfolio Committee on Public Enterprises inquiry into allegations of governance failures and state capture at Eskom, concluded in November 2018. In March 2017, the National Assembly adopted the report of an ad hoc parliamentary committee established to probe the South African Broadcasting Corporation (SABC) board. This resulted in the dissolution of the Board and a process to appoint interim directors and a new Board of the national broadcaster. Towards the end of November 2017, Members of Parliament from various political parties called for a probe into allegations of state capture at state-owned freight and logistics company, Transnet. Parliament's Standing Committee on Public Accounts (SCOPA) engaged with the executive management of Transnet regarding alleged kickbacks given to Gupta-linked companies in exchange for contracts with the state-owned company. In February 2018, SCOPA supported the call from the Portfolio Committee on Water and Sanitation for a full parliamentary inquiry into alleged irregular, fruitless and wasteful expenditure in the Department of Water and Sanitation.

It is important to note that such inquiries are inquisitorial and do not constitute judicial hearings. Where relevant and appropriate, as in the case with the inquiry into Eskom, the Committee would recommend that law-enforcement agencies or other formal extra-parliamentary structures (e.g. Commissions) make further investigations into the findings and observations made during the inquiry.

It is evident that committees of inquiry reflect significant progress in the maturity of parliament's constitutional mandate of oversight of the Executive and holding the Executive accountable to Parliament. It is expected that there would be an increase in this method of committee oversight in the sixth Parliament. Committees of inquiry could be extended to more fully appreciate inefficiencies in the delivery of social services such as health, education and housing to ensure the protection, promotion and fulfilment of these rights enshrined in the Bill of Rights³.

4.1.3.3. Joint Constitutional Review Committee

The Joint Constitutional Review Committee (JCRC) was established in terms of Section 45(1) (c) of the Constitution, 1996 (the Constitution) which provides that Parliament must establish a joint committee of Assembly and Council Members to review the Constitution at least annually. In giving effect to this provision, Rule 102 (2) of the Joint Rules of Parliament requires the JCRC to annually, before the first day of May, by notice in the public media, invite the public, Assembly or Council Committees, joint committees, members and any organ of state to submit within 30 days, written representations on any constitutional matter.

The Committee's review process entails the consideration and deliberations on all submissions and may elect to hold public hearings and engage in extensive consultation with relevant stakeholders, subject specialists and consider legal advice in order to arrive at a conclusive determination on the desirability of a submissions received to amend the Constitution. Thereafter a report is compiled with a recommendation on the desirability of each submission, which is then tabled in both Houses for consideration. Following which, submitters are advised on the resolution/recommendation of the Committee on their submissions.

The JCRC of the fifth Parliamentary term was established March 2015, during the 2016 year the Committee adopted a report recommending that South African Sign Language form part of Section 6(1) which lists the official South African languages as opposed to being located in Section 6 (5)(a)(iii), as a language which requires development. In 2017, the Committee adopted its Strategic Plan and annual performance plan for the 2017- 2018 year.

In 2018, The National Assembly (NA) and the Council mandated the Committee to review and amend section 25 of the Constitution to make it possible for the state to expropriate land in the public interest without compensation.

³ Chapter 2 of the Constitution (Act 108 of 1996), the Bill of rights is the "cornerstone of democracy [and]...enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom."

Following an extensive consultation process, on 4 & 5 December 2018, the Assembly and the Council respectively, recommended that Parliament should amend section 25 of the Constitution, urgently establish a mechanism to effect the necessary amendment to the relevant part of section 25 of the Constitution. Thereafter table, process and pass a Constitutional Amendment Bill before the end of the Fifth Parliament, as well as establish an ad hoc in terms of Rule 253 to initiate and introduce legislation amending section 25 of the Constitution and have regard to the recommendations as contained in the JCRC report.

In 2019, the Committee amalgamated its legacy report, reflecting recommendations to the sixth Parliament CRC Committee to focus on submissions pertaining to languages and the referral of submissions that propose amendments, which can be accommodated in national legislation to the relevant Portfolio Committees for processing through Parliament's established law-making processes.

Key Considerations for the sixth Parliament

Political

Parliamentary mechanisms, including the parliamentary programme should encourage and support opportunities for coordinated oversight across committees on transversal or mutli-sectoral issues. The programmes of the Houses should allocate adequate time for oversight and create opportunities for committees to meet jointly on specific matters. It may also be prudent to establish *ad hoc* joint committees comprising Members of the NA and the NCOP, specifically on focus areas of the NDP (and other development instruments, such as the SDG's and AU Agenda 2063) that fall within functional areas of concurrent national and provincial legislative competence such as health, housing and education.

The sixth parliament should consider and give effect to the recommendations of the Joint Constitutional Review Committee.

The capacity-building programme for Members of Parliament should provide ongoing development of knowledge and expertise on subjects dealt with by specific committees. This should include seminars, discussion forums and round table engagements with experts, academia and practitioners in the various portfolios of government. Members' capacity building should also reflect a greater emphasis on the parliamentary duties, roles and functions of Members of Parliament.

Administrative

The Secretary to Parliament must ensure that all committees of Parliament in both Houses have equitable access to professional content, research and advisory services. Committee support staff should possess the appropriate levels of knowledge and expertise supported by ongoing capacity development.

4.1.4. Enhanced oversight through independent scrutiny

Parliament acknowledges and appreciates the value of independent sources of data and analyses to enrich its oversight and accountability functions. It is encouraging that there is a general acceptance that development is a shared and collective responsibility. In this vein, the fifth Parliament was intentional in forging collaborative and complementary relationships with key institutions.

4.1.4.1. High-Level Panel

In December 2015, the Speakers' Forum established an independent high-level panel of eminent South Africans to undertake the task of assessing the content and implementation of legislation passed since 1994 in relation to their effectiveness and unintended consequences. The Panel was mandated to conduct its work in three main thematic areas: i) poverty, unemployment, inequality and the creation of and equitable distribution of wealth; ii) land reform: restitution, redistribution, and security of tenure; and iii) social cohesion and nation building.

The Panel conducted its work as through: i) public hearings in all nine provinces to receive inputs directly from the public; ii) commissioned research; iii) roundtables and workshops with panel of experts; and iv) written public submissions. The Panel concluded its work in September 2017 and submitted its report to the Speakers' Forum in November 2017 for further processing. Parliament referred the report to the Joint Rules Committee (JRC). A subcommittee of the JRC advised on the most appropriate process to consider the report and its recommendations. The recommendations were referred to the relevant Portfolio and Select Committees. The Committees were requested to report by 28 September 2018 on whether the recommendations referred to them could be processed in the short, medium or long term. A report was received on 24 October 2018, which provided information on the committees that had considered the HLP Report recommendations relevant to their areas of focus. The Sixth Parliament will have to engage with the reports of the parliamentary committees in respect of the processing of the HLP recommendations.

In addition to recommendations on legislation, the Panel made a number of recommendations to improve the functioning of Parliament as an institution. The HLP Report identified areas for improvement in public participation, accountability, scrutiny of implementation of legislation and effective oversight, development of legislation by Parliament, improving linkages between Members and the constituencies, implementation of the NDP, improving the capacity of Parliament and of its Members, amongst others. Key recommendations (which do not require amendment or introduction of laws) include:

- Ensuring an intersectoral and collaborative approach to the development of legislation (including more Committee Bills) but also in the oversight processes where implementation of law cuts across a number of different sectors. This includes the recommendation of additional ad hoc or joint committees for oversight, and the call for these joint meetings to be built into the planning processes of the committees of both Houses so that they take place regularly (i.e. annually). In addition, the Report recommends that civil society and the public are invited to participate in these oversight hearings to highlight implementation

challenges on the ground so that these can begin to be addressed more effectively. The Report notes to this effect that because oversight happens in silos often the inter-sectoral implications are missed. In addition, often the same recommendations are made repeatedly without resolution and that regular joint oversight meetings could assist in addressing this problem.

- More effective public participation in the legislative and policy cycle. One recommendation specifically calls for Parliament to review all laws which include a public participation component to ensure that it conducts oversight over the implementation of these public participation provisions to ensure that participation is fully realised and that the public participate as partners. Part of this oversight must include ensuring that the budgets of implementing departments make provision for this effective participation.

Examples of other recommendations which impact on the parliamentary system but which require legislative amendment or introduction include:

- Consideration of amendment of the electoral system to improve the linkage between members and their constituencies.
- Increasing parliamentary involvement and public participation in critical appointments especially appointments to Cabinet, Provincial Executive Councils and Mayoral Committees. The Report suggests that Parliamentary drafts this Bill.
- Implementing a system of penalties for lack of performance by the Executive.

4.1.4.2. *Parliamentary Budget Office*

The Parliamentary Budget Office (PBO), established in terms of the Money Bills Amendment Procedure and Related Matters Act, no 9 of 2009. The main objective of the PBO is to provide independent, objective and professional advice and analysis to Parliament on matters related to the budget and other money Bills. The PBO supports the implementation of the Act by undertaking research and analysis for the finance and appropriations committees in the Na and the NCOP.

The performance efforts discharged by the Parliamentary Budget Office during the period under review were directed primarily at enabling Parliament to carry out its public finance oversight mandate over the Executive. To achieve this, the PBO provides fiscal, policy and economic advisory services to the client parliamentary committees to strengthen and enhance the overall fiscal capacity of Parliament over the Executive.

A significant initiative during the fifth term relates to the successful hosting of the 2nd conference of African Network of Parliamentary Budget Offices. The conference included the active participation of Members of Parliament. One of the key outcomes of the 1st and 2nd African Network of Parliamentary Budget Offices conferences was that two other African PBO's formally requested benchmarking study tours to South Africa, to learn best practices from the South African PBO.

Some of the key inputs to parliamentary finance and appropriations committees included: Draft Comment on the South African Airways Debt Relief and Recapitalisation; 2017 Medium Term Budget Policy Statement Analysis Report; Integration of the NDP with Annual Performance Plans: Outcome 7: Comprehensive rural development and land reform; Briefing note on fiscal consolidation and fiscal expansion; Briefing Note: Division of revenue Amendment Bill; Briefing Note to NCOP Finance and Appropriations: Medium Term Budget Policy Statement; Briefing Note to NCOP Finance and Appropriations: Recapitalisation of SAA; Briefing to Select Committee on Finance: Regulations protecting South Africans against credit card fraud among strictest in the world.

The Speaker of the NA and Chairperson of the NCOP have recognised that all parliamentary committees would derive tremendous value from the technical expertise, information, advice and analyses provided by the PBO. Extending the services of the PBO to all committees would require significant increase in the capacity of the office and should be phased in over a five to ten year period in line with the medium term expenditure framework and the annual budget cycles.

To improve the skills and expertise of practitioners in the PBO and to keep abreast of current developments in this field of work, representatives of the PBO participated in the following engagements during the fifth Parliament; a) 9th OECD Meeting for Parliamentary Budget Offices (PBOs) and Independent Fiscal Institutions (IFIs): Edinburgh, Scotland; b) fifth World Bank Global Network of Parliamentary Budget Offices (GNPBO) Meeting; Ottawa, Canada; c) 2nd African Network of Parliamentary Budget Offices (AN-PBO) Conference in Cape Town, South Africa.

4.1.4.3. *Institutions Supporting Democracy*

One of the issues highlighted in the Legacy report of the fourth term of Parliament was for the fifth Parliament to process the report of the Ad Hoc Committee on the Review of Chapter Nine and Associated Institutions (commonly referred to as the Asmal Report). On 22 September 2015, the Presiding Officers, Heads of Institutions Supporting Democracy (ISD) and members of the Executive, agreed to determine the feasibility of the Asmal recommendations on amalgamation of certain ISDs and the shifting of ISD Budgets to Parliament. To this end,

Parliament established a Task Team including the ISD's and National Treasury. A report with recommendations was submitted to Parliament in June 2018 for further processing.



The Speaker of the National Assembly chairs a meeting between Presiding Officers of the National Assembly and heads of Institutions Supporting Democracy

a) Establishment of a single human rights body

The Asmal Report highlighted the uneven allocation of resources across the ISDs, which has negative implications for effectiveness and efficiency. This was reiterated in engagements with the ISDs. The primary overarching mandate of the ISDs is the protection and promotion of the rights of specific constituencies in South Africa. As most of the socio-economic issues are transversal and interdependent, this has arguably created duplication and fragmentation, confounding the intention that the ISDs should advance the seamless realisation of the Bill of Rights.

Against this background, the office on institutions supporting democracy produced a discussion document on the envisaged establishment of an umbrella human rights body, possible to be conceptualised as the South African Commission on Human Rights and Equality. The Discussion Document presents literature review on the evolution of human rights bodies in selected countries and documents the perspectives of key stakeholders (ISDs, the public including civil society and other organisations). Further engagements and deliberations are required for a final decision on this matter.

b) Delinking of budgets of ISDs from the Executive

Addressing the lack of common funding processes for ISDs and the dependence of the ISDs on government departments for their budgets, as acknowledged by the Asmal Report and reinforced during engagements between Parliament and ISDs, was one of the key priorities for the fifth Parliament.

During the period under review, a series of engagements between Parliament and the Heads of ISDs (some engagements included the Executive) pointed out that the location of the budgets of ISDs within the budget allocations of specific government departments negatively impacts on their independence, creating an impression that the ISDs are accountable to the government departments for the use of their finances. To this end, the discussion document gives effect to the (Asmal) recommendations, that the budgets of all bodies identified by the Constitution and included in the review should be part of Parliament's Budget Vote and elaborated as follows:

- Since most of the institutions are accountable to the National Assembly and Parliament maintains oversight over them, the Committee is of the view that Parliament's Budget Vote would be a more appropriate location for the budgets of the institutions;
- Parliament must establish appropriate structures and mechanism to ensure an effective and efficient budget process; and
- The process should be negotiated with the National Treasury and should afford the institutions adequate opportunity to motivate their budget submissions directly to the Treasury before the budget allocations are taken. If such arrangements are agreed to, the programme within Parliament's budget vote for these institutions will still fall under the Public Finance Management Act and would be subject to accountability and audit arrangement.

The Asmal recommendation referred to above was made before the passing of the Financial Management of Parliament and Provincial Legislatures, 2009 (FMPPLA Act. No. 10 of 2009, as amended). The discussion document therefore built on the recommendations of the Asmal report within the context of the FMPPLA. It explored best possible approaches to entrenching the financial independence of ISDs, while maintaining accountability to the National Assembly. The Office on Institutions Supporting Democracy (OISD) engaged the Parliamentary Budget Office (PBO), National Treasury and the Administration of Parliament to solicit expert input on the delinking of budget processes of ISDs. The discussion document thus reflects the collective inputs from these key stakeholders. The National Treasury also offered to provide technical support to the process of transferring the budgets of ISDs to Parliament.

c) Office on Institutions Supporting Democracy

The Office on Institutions Supporting Democracy (OISD) was established to enhance the capacity of the NA to perform its functions of oversight, accountability and support relevant to ISDs, and to coordinate all interaction between the NA and ISDs. The OISD has planned and managed its support to Parliament along 3 strategic programmes: 1) Legal and Constitutional Services, 2) Oversight support and 3) Strategic Liaison and Coordination.

During the fifth term, the main objective of the OISD was to deepen Parliament's working relationship with the ISDs by facilitating input to key parliamentary processes, engaging parliamentarians in relevant debates and facilitating the participation of Heads of ISDs and senior officials in parliamentary events. Specific joint activities included hearings by the Commission for the Protection of Cultural and Linguistic Communities (CRL) on the Commercialisation of People's Religion and Belief Systems, the discussion of the IEC election Atlas, the Auditor-General's (AG) report on municipal expenditure trends and the Task Team Report on the Feasibility into Amalgamation and Shifting of Budgets of ISDs from the Departments to Parliament.

Legal and Constitutional Services

With respect to vacancies and appointments in ISDs, mechanisms were developed to monitor the expiry of terms of office of Commissioners and to ensure timely legal advice on procedures to appoint Commissioners. This served to ensure continuity in ISDs. The OISD developed a framework to provide guidelines and uniformity to the appointments process. Procedures for the appointment of commissioners also introduced timely, efficient and more meaningful public involvement. This included appointments to the offices of the Public Protector, South African Human Rights Commission (SAHRC), Commission for Gender Equality (CGE), National Youth Development Agency (NYDA), Independent Communications Authority of South Africa (ICASA) and the Public Service Commission (PSC).

Reporting obligations and powers of ISDs, came to the fore after the Constitutional Court Judgment: EFF vs the Speaker of the NA and Others: DA vs the National Assembly and Others (2016), was handed down. The need was identified to clarify and obtain consensus on the implications of the Constitutional Dialogue for ISDs and Parliament. Two dialogues were held with parliamentary and ISD stakeholders with technical advice and insights provided by experts from universities, the Human Sciences Research Council (HSRC) and the Office of the Chief

State Law Adviser. This culminated in a report on Reporting Obligations, which outlines the roles and responsibilities of the ISDs.

Oversight Support

The main objective of oversight support was to improve the provision of objective analysis, research and content support for Parliament on oversight matters related to ISDs. Working with stakeholders, the OISD ensured that ISD reports were tabled and referred to Portfolio Committees timeously. Although the processing of investigative reports by Portfolio Committees has improved there is a need for Parliament to consider, a Specialised Committee or Plenaries to effectively deal with ISD matters. Tools and other support to parliaments, include the development of ISD Vacancy Register, ISD report register. The OISD conducted research in collaboration with parliament's Knowledge and Information Services Division on, amongst others:

- The extent of implementation of the Asmal recommendations by ISDs;
- Infrastructure expenditure by ISDs;
- Stakeholder submissions on the feasibility of Amalgamation and Delinking of ISD budgets;
- Performance Review of ISDs over the last ten years.
- Comparative Analysis on Models of Equality, Gender and Human Rights in selected countries



The Speaker of the National Assembly, the Deputy Speaker of the National Assembly and House Chairperson in the National Assembly, flanked by heads of Institutions Supporting Democracy

Strategic Liaison and Coordination

The main objective of the Strategic Liaison and Coordination function of the OISD was to improve stakeholder liaison and coordination by deepening stakeholder engagement between the OISD and ISDs and to ensure the implementation of Parliament's resolutions on ISD-related matters. Key stakeholder liaison, communication and engagements included:

- Site visits undertaken by the Deputy Speaker and the staff of the OISD to 10 of the ISDs⁴ to foster improved communication.
- OISD participation in the Forum on Institutions Supporting Democracy to exchange views on issues of mutual interest or concern.
- Workshop with Parliamentary Liaison Officers of ISDs to identify opportunities and challenges to strengthen the relationship between Parliament and ISDs.
- Strategic engagements between Presiding Officers, Portfolio Committee chairpersons, ISD Heads and members of the Executive on the way forward with respect to Asmal recommendations, in 2015, 2017 and 2018.
- Workshops on the powers and responsibilities of ISD's.
- The OISD appeared before Portfolio Committee on Arts and Culture, Women in the Presidency and the Multi Party Women's Caucus, on request.
- Booklet developed on the role of ISD's in African languages and distributed via Parliamentary Democracy Offices and public hearings.
- Collaboration with Legislative Sector Support (LSS) through participation of the PP and AG.

⁴ With the exception of ICASA

Key Considerations for the sixth Parliament

Political

The revival of the Committee processes regarding the recommendations of the High Level Panel would be important in considering the recommendations effectively. Should there be a rationalisation of Committees, the referrals to Committees in this regard would need to be reviewed. Committee processes should include public participation.

Parliament's Programme should make provision for debates on the reports of Committees on their consideration of the HLP Report. This could be done in clusters.

Increasing the capacity of the PBO to broaden its scope of support to all parliamentary committees would be an important matter for consideration by the sixth Parliament. This should gain traction in the sixth Parliament and be phased in over 5-10 years. It might be prudent to prioritise Committees in alignment with the focus areas of the Medium Term Strategic Framework.

Parliament should implement the recommendations of the Task Team on the consideration of the Asmal Report,

The current oversight and accountability structures in relation to ISDs, particularly on the processing of transversal matters, should be strengthened.

There should be a standard procedure for the appointment of Commissioners and other key office-bearers in ISDs. Appropriate public involvement must be a key consideration in this regard.

Ensuring advocating for funding of the OISD and strengthening thereof

Administrative

The Secretary to Parliament must ensure that the resources, structure and operations of the Parliamentary Administration enhances:

- The capacity of the Office on Institutions Supporting Democracy.

4.2. Strengthening Legislative Capacity

The Constitution vests national legislative powers in Parliament and is explicit on the categories of legislation, powers and high-level procedures for the Houses and other stakeholders regarding Parliament's powers to legislate. Constitutional provisions regarding legislation must be read together with all other chapters and the schedules in the Constitution. Fundamental to these are the Founding Provisions and the Bill of Rights, Parliament's powers to determine its own internal arrangements, proceedings and procedures and obligation to involve the public in its legislative and other processes consistent with the principles of an open and democratic society,

With South Africa achieving democracy in 1994, the bulk of the legislative load of the first two terms of Parliament was preoccupied with dismantling the apartheid legal architecture and transforming the statute books to give further expression in law to the constitutionally guaranteed political, social and economic rights in a democratic South Africa. The subsequent terms of parliament reinforced the socio-economic development objectives of the democratically elected governments through the passing of Bills consistent with the tenets of the Constitution.

4.2.1. Private Member's and Committee Bills

The legislative agenda has historically been determined and driven largely by the Executive. The fifth Parliament has however seen a considerable increase in Bills initiated by individual Members and Committees of Parliament. Members of Parliament may introduce legislation addressing matters raised by their constituencies or special interest groups and Committees may introduce Bills in compliance with Constitutional Court judgments or on matters emerging from Committee oversight activities and public hearings that require legislative intervention. The number of private Members Bills and Committee Bills increased by 158% and 83%, respectively during the fifth Parliament compared to the fourth Parliament. 43% of private Members Bills and 41% of Committee Bills were introduced during the fifth Parliament compared to 63% and 67%, respectively in 2014. There was also a decrease in rejected motions of desirability by 19% in the fifth Parliament, reflecting greater support for private Member's and Committee Bills. It is interesting to note that only 1 of the 21 private Members Bills and 5 of the 9 Committee Bills introduced during the fifth Parliament were passed by both Houses. The four remaining Committee Bills were before the relevant NCOP Committees at the time of drafting this report and are likely to lapse at the end of the term.

The Labour Laws Amendment Bill, a Private Member's Bill, which the National Assembly passed in November 2017, provides for parental leave for fathers and for adoption and surrogacy leave. The Political Party Funding

Bill, from the Ad Hoc Committee on Political Party Funding, introduces regulations that will, for the first time, govern private donations to political parties represented in Parliament and the Provincial Legislatures. A private Member's Bill to amend the Restitution of Land Rights Act, based on the concerns raised by the Constitutional Court on the latest amendment to that Act was on the Order Paper of the National Assembly at the time of drafting this report.

4.2.2. National Council of Provinces

The NCOP passed 79 Bills during the fifth Parliament. Select Committees amended or proposed amendments to Bills in accordance with the rules of the Council defining the processes for the different categories of legislation. A full list of Bills considered by the Council is contained in [Annexure \[\]](#). The National Council of Provinces highlighted the need for sufficient time for the Select Committees, Provincial Legislatures and the House to process Bills, with particular reference to ensuring opportunity for adequate public involvement, obtaining provincial mandates and consultation with the South African Local Government Association (SALGA), where relevant. Members of the NCOP, provincial and local government stakeholders (including traditional leaders) also raised this matter sharply during the NCOP's Provincial Week and Local Government Week programmes. Moreover, the challenges emerging from the requirements of coordinated and comprehensive law-making processes in the NCOP within the context of representing provincial interests in the national sphere of government, intergovernmental relations and participatory democracy were illustrated, amongst others in Constitutional Court rulings on procedural challenges brought by civil society organisations and concerns raised by the President of South Africa in the assents process of certain Bills. The section of this report on enhancing public involvement discusses the former in more detail.

Concerns highlighted during the consideration of Bills for Presidential assent are illustrated through the examples of the Mineral and Petroleum Resources Development Amendment Bill and the Expropriation Bill [B4D- 2015]. The President returned the Mineral and Petroleum Resources Development Amendment Bill to Parliament on substantive and procedural grounds. The substantive grounds mainly affected the National Assembly processes whilst the procedural concerns spoke specifically to the NCOP. This related to the President's concern that the NCOP and Provincial Legislatures did not sufficiently facilitate public participation as required by sections 72 and 118 of the Constitution. The President highlighted that the consultation period was highly compressed and there appeared to have been insufficient notice of the public hearings held by the provincial legislatures. The remitted Bill has been processed by the National Assembly and referred to the NCOP in terms of joint rule 205(1) (b)(ii). The Bill was before the Select Committee on Land and Mineral Resources at the time of drafting this report.

Regarding the Expropriation Bill, the President requested the views of Parliament on the procedural objections raised by individuals and various civil society organisations to the signing into law of the Bill. In the main, objections related to whether the negotiating and final mandates procedures in some provincial legislatures were flawed. The Chairperson of the NCOP responded to the matters raised after investigating the processing of the Bill by the Select Committee. These experiences highlighted the need to review the law-making processes and practices with a view to mitigate such risks.

4.2.3. National Assembly

One hundred and twenty one Bills were introduced in the National Assembly during the fifth Parliament and 72 of the 73 Bills sent to the President for assent were signed into law and transmitted to the Constitutional Court for safekeeping. Bills passed include the Financial Intelligence Centre Amendment Bill (to strengthen South Africa's ability to prevent and punish financial crimes like money laundering, illicit capital flows, tax evasion, corruption and bribery and financing of terrorism), the Protected Disclosures Amendment Bill (with extra safeguards for whistleblowers) and the International Arbitration Bill. This Bill provides for recognition and enforcement of foreign arbitral awards.

A number of other Committees of the National Assembly were also in the process of developing legislation for introduction. These included amending the Powers Privileges and Immunities of Parliament and Provincial Legislatures Act (to address a recent Constitutional Court judgment, which declared section 11 of the Act invalid to the extent that it applies to Members of Parliament); amending the Money Bills Amendment Procedure and Related Matters Act (to address challenges experienced when processing Money Bills); the National Credit Act (to develop a debt relief measure); and the Public Audit Act (to review the enforcement powers of the Auditor General, amongst others).

4.2.4. Bills Lapsed at the end of term

Bills that have not been concluded at the end of a term of Parliament do not automatically carry over to the successive term. Forty four Bills at various stages in the legislative process have lapsed at the end of the term of the fifth Parliament. The table below indicates the Bills that should be considered to be revived in the sixth Parliament. Thirty four of the lapsed 44 Bills were before NA (19) and NCOP (15) Committees. This illustrates, in

part, the workload of the Committees of Parliament and reiterates the need for all aspects of the law-making process to be considered in the annual legislative calendar of Parliament. Timely indication of the intention to introduce Executive Bills would also improve matters in this regard.

| STAGE OF BILL | TITLE OF BILL |
|--|--|
| On NA Order Paper | National Public Health Institute of SA Bill [B16D-17 (s76)] |
| | Road Accident Benefit Scheme Bill [B17B-17 (s75)] |
| | Restitution of Land Rights A/B [B19B-17 (s76)] |
| | Airports Company A/B [B5B-2018 (s75)] |
| | Air Traffic & Navigation Services Company A/B [B6B-2018 (s75)] |
| | Small Enterprises Ombud Service Bill [B14-2018 (s75)] |
| | Electoral A/B [B24-2018 (s75)] |
| | Firearms Control A/B [B40-2018 (s75)] |
| | Science and Technology Laws A/B [B42B-2018 (s75)] |
| | Regulation of Gatherings A/B [B47-2018 (s76)] |
| Before NA Committee | Foreign Service Bill [B35B-15 (s75)] – International Relations |
| | National Land Transport A/B [B7D-16 (s76)] – Transport |
| | Defence A/B [B18-17 (s75)] - Defence |
| | SANRAL A/B [B20-17 (s76)] – Transport |
| | International Crimes Bill [B37-17 (s75)] – Justice |
| | Animals Protection A/B [B4-2018 (s76)] – Agriculture |
| | Social Assistance A/B [B8-2018 (s76)] – Social Development |
| | Prevention of Hate Crimes & Hate Speech Bill [B9-2018 (s75)] - Justice |
| | State Liability A/B [B16-18 (s75)] – Justice |
| | Aquaculture Development Bill [B22-2018 (s76)] – Agriculture |
| | SA Reserve Bank A/B [B26-2018 (s75)] – Finance |
| | National Health A/B [B29-2018 (s76)] – Health |
| | Public Finance Management A/B [B41-2018 (s76)] - Finance |
| | National Sport & Recreation A/B [B43-2018 (s76)] – Sport & Recreation |
| | Civil Aviation A/B [B44-2018 (s75)] – Transport |
| | Postal Services A/B [B45-2018 (s75)] – Telecommunications |
| | Local Govt: Municipal Systems A/B [B2-2019 (s76)] – Cogta |
| Appropriation Bill [B6-19 (s77)] - Appropriations | |
| National Health A/B [B8-2019 (s75)] – Health | |
| Before NCOP Committee | Mineral & Petroleum Resources Development A/B [B15D-13 (s76)] – Land |
| | Border Management Authority Bill [B9B-16 (s75)] – Social Services |
| | National Forests A/B [B11B-16 (s76)] – Land |
| | Traditional Courts Bill [B1B-17 (s76)] – Security |
| | Cybercrimes Bill [B6B-17 (s75)] – Security |
| | National Environmental Management Laws A/B [B14D-17 (s76)] – Land |
| | Customary Initiation Bill [B7B-2018 (s76)] – Cogta |
| | iKamva Digital Skills Institute Bill [B10B-2018 (s75)] – Communications |
| | Civil Union A/B [B11B-2018 (s75)] – Social Services |
| | Hydrographic Bill [B17B-18 (s75)] – Security |
| | Local Govt: Municipal Structures A/B [B19B-2018 (s76)] - Cogta |
| | Independent Police Investigative Directorate A/B [B25-18 (s75)] – Security |
| | National Gambling A/B [B27B-2018 (s76)] – Trade |
| Child Justice A/B [B32B-18 (s75)] – Security | |
| National Minimum Wage A/B [B9-2019 (s75)] - Economic Development | |
| Total | 44 |

4.2.5. A Legislative Model for Parliament

Parliament recognised the importance of passing quality legislation aimed at improving the quality of lives of the people of South Africa. Accordingly, Parliament developed a Legislative Model that would codify the law making processes of Parliament, while enhancing Parliament's capacity to ensure constitutionality, quality of drafting, inclusivity and responsiveness of laws. The Model will also serve as a guide to law-making for Members of Parliament in processing legislation. Particular attention is paid to the distinct but complementary roles of the two Houses and the roles of Members of parliament in the Portfolio and Select Committees and other structures within the law-making process. The Model is thus aimed at enhancing the quality of legislation, improving the quality of support to Members, Committees and the Houses of Parliament and evaluating and improving current systems for law-making or identifying systems that would improve procedural, legal, content and research support and advice.

4.2.6. Litigation

During the term of the fifth Parliament, 74 litigation matters were served on Parliament⁵. While this might be viewed as an indication of a maturing democracy and an example of the doctrine of the separation of powers between the arms of state (the legislature and the judiciary in this context) in practice, concern is raised on the number of litigations resulting from inadequate parliamentary processes. Effective legal and procedural support and advice is critical for improvements in this area. Furthermore, notwithstanding Members' Constitutional rights, Members of Parliament using extra-parliamentary mechanisms, such as the courts, to address disputes arising during House proceedings is also a matter for further consideration. While this practice might bolster political party interests in the short term, it has significant potential to negatively impact public confidence in Parliament and the public image of Parliament, and therefore the Members of Parliament, more generally. Members of Parliament have recourse at the NA, NCOP and Joint Rules Committees to address matters of interpretation and application of the House rules. These mechanisms should be utilised to full effect, with litigation considered a last resort unless the gravity of the matter to hand warrants immediate legal recourse. It would be prudent to examine the adequacy and/or effectiveness of internal dispute resolution mechanisms at the disposal of Members of Parliament.

4.2.7. Administrative Support

⁵ Data as at end April 2018.

The Constitutional and Legal Services Office assisted Committees of both Houses with respect to legal questions, support and analyses on all Executive Bills before the fifth Parliament. This included legislative drafting of private Member's and Committee Bills. Further, the Bills Office in the Constitutional and Legal Services Office manages the passage of these Bills until they are signed into law and the Acts are deposited for safekeeping with the Constitutional Court.

Parliament's Constitutional and Legal Services Office manages Parliament's litigation portfolio which is categorized according to substantive matters such as "oversight", "public participation", "labour practice", "law making- constitutional process", "house rules and rulings" and "administration". The Constitutional and Legal Services Office evaluates each litigation matter to ascertain the prospects of success on the merits. The Speaker of the National Assembly and the Chairperson of the National Council of Provinces are informed of litigation via their respective legal advisers. A detailed briefing document is prepared by the Constitutional and Legal Services Office and where appropriate briefing engagements are conducted with all relevant stakeholders. In certain matters, the court documents, affidavits and / or pleadings are drafted by the Constitutional and Legal Services Office.

Key Considerations for the sixth Parliament

Political

The Joint Rules Committee or other relevant structure within the Houses should consider and adopt the revised Legislative Model for Parliament. Particular attention should be paid to the timelines for parliamentary processes before Bills are submitted to the President for assent. Public involvement and the legislative processes of the NCOP, which includes provincial legislatures and local government in some instances would be important considerations in this regard.

Consideration should be given for the early revival of Bills that have lapsed. This is particularly relevant to Bills that were at an advanced stage in the law-making processes.

Initiatives to reduce the litigation against Parliament on the grounds of procedure and constitutionality of parliamentary processes should be developed. This should include regular engagements with the Chief Whips of political parties represented in Parliament and the capacity-building programme for Members of Parliament. The adequacy of internal dispute resolution mechanisms should also be examined.

The capacity-building programme for Members of Parliament should also solicit and address Members' needs in terms of strengthening the legislative capacity of Parliament. This would include the relevant procedural and substantive aspects of initiating private Member's and Committee Bills.

Administrative

The Secretary to Parliament must ensure that the structure and operations of the Parliamentary Administration enhances:

- Constitutional and Legal Services advice and support to Members, Committees and the Houses of Parliament. This would include, amongst others, increasing legislative drafting capacity.
- Professional translations services should also be improved to ensure timely and accurate translations of Bills into the required official languages.
- Content advice and research services should be reviewed to ensure that all Committees in both Houses have equitable access to subject knowledge and expertise.

The administrative planning and budgeting processes should include the financial, human and systems resourcing for the full implementation of the Legislative Model, once adopted.

4.3. Enhancing Public Involvement

Sections 59 and 72 of the Constitution compel Parliament to facilitate public involvement in its legislative and other processes. Parliament's public participation mechanisms include, amongst others the deliberate and intentional involvement of the public in Committee processes of oversight and law-making, sectoral Parliaments, Taking Parliament to the People and Petitions. This section provides a brief summary of progress in institutionalising Parliament's Public Participation Model, highlights key developments in enhancing public participation in law-making and reflects on the sectoral engagements of the fifth term of Parliament.

4.3.1. A Public Participation Model for Parliament

In its aim to improve public participation in all parliamentary processes as set out in the Constitution and its commitment to being a responsive and people-centred institution, Parliament developed a Public Participation Model. The production of the Model was driven by a Joint Political Task Team (JPTT) and adopted by Joint Rules Committee on 15 November 2017. It outlines the mechanisms and processes through which Parliament can provide for meaningful public involvement and participation in its legislative and other processes.

The Model also aims to improve communication support to the business of Parliament, public education, provision of information, and public access to Parliament's processes in striving to increase the involvement of people from across the socio-economic and geographic profiles of the country. The Model also increases the accountability of Members of Parliament to the people as their elected representatives through closing the public participation cycle with the introduction of a feedback loop. Furthermore, it is integrated with the Oversight and Accountability programme so that inputs received through public participation activities are channelled to appropriate parliamentary Committees and find expression in their respective programmes.

4.3.2. Public Participation in the Legislative process

Notable in this term were the levels of public involvement in the law-making process, where Committees advertised all bills for public information and input. This contributed to an increased level of public involvement in the following elements effective public involvement:

- Ensuring that the people of South Africa were informed about the law making activities of their committees;

- Provision of an opportunity to make inputs or request to make representations to committees as they process legislation; and
- Provision of an opportunity to influence the direction of policy and laws by attending and participating in public hearings.

Committees were encouraged to hold more public hearings to facilitate further public involvement, in addition to increased advertisement. Committees also supported permanent delegates to attend to briefings on Bills before the National Council of Provinces in their provincial legislatures. This was introduced in the fifth Parliament, to ensure that the law making process in relation to Bills affecting provinces is enhanced. This led to provincial legislatures benefiting from briefings by the permanent delegates as a compulsory part of the law making process.

The fifth Parliament also saw the enhancement of public participation where Select Committees were encouraged to advertise and, where necessary, hold public hearings on bills including Section 75 Bills, irrespective of the National Assembly Committees having facilitated public involvement on the same Bills. This is an important area of enhancement in the fifth Parliament that can be further developed in the sixth Parliament.

4.3.3. Improvements in the NCOP law-making process

In 2016, the judgment handed down by the Constitutional Court in the LAMOSASA case (Land Access Movement of South Africa and Others v Chairperson of the NCOP and Others) highlighted the NCOP internal processes with regard to the processing of legislation and required the NCOP to address deficiencies as raised by the Court in particular with regard to the public consultation processes.

The legal question before the court was the obligation on Parliament to facilitate public participation in its legislative process, and its effect on the validity of the Restitution of Land Rights Amendment Act 15 of 2014.

The Restitution of Land Rights Amendment Act was passed by Parliament in 2014. The Amendment Act aimed to reopen the window for the lodgement of land claims.

The applicants challenged the constitutionality of the Amendment Act on two grounds:

- Failure by the National Council of Provinces and some or all of the Provincial Legislatures to facilitate adequate public participation as required by sections 72(1)(a) and 118(1)(a) of the Constitution;
- Alternatively, the applicants sought the constitutional court to declare that section 6(1)(g), (which required the Commission on Restitution of Land Rights “to ensure that priority is given”) added to the Restitution Act by the Amendment Act to be unconstitutional and invalid.

The courts declaration on the first ground is of relevance to Parliament and the factors it took into consideration in coming to the declaration are set out below. The court looked at the procedure that was followed when the Amendment Act was processed by the NCOP. It noted that the provinces had less than one calendar month to process fully a complex piece of legislation with profound social, economic and legal consequences for the public.

In addition, the court considered the following issues to determine whether the NCOP had acted reasonably in facilitating the involvement of public in its process of enacting the Amendment Act.

- The nature and importance of the Amendment Act.
- The self-imposed time line.
- Mandates of Provincial Legislatures at the NCOP.
- Public Participation at Provincial Legislatures

In handing down judgment, the court declared:

- That the conduct of the NCOP and the Provincial Legislatures was inconsistent with the Constitution and therefore invalid;
- That the NCOP public participation process was unreasonable and thus constitutionally invalid;
- Failure by one of the Houses of Parliament to comply with a constitutional obligation amounts to failure by Parliament; and
- The deficient conduct of the NCOP in facilitating public participation in passing the Bill tainted the entire legislative process and is a lapse by Parliament as a whole.

As a result, the Amendment Act was declared invalid. Parliament was afforded 24 months to re-enact the legislation.

The judgment resulted in the compilation of a Practice Note by the NCOP outlining how legislation affecting provinces (section 76 legislation) will be processed by the NCOP. The NCOP held a workshop with provincial legislatures to share the Practice Note with a view to ensure that legislation is processed in line with the letter and spirit of the Constitution.

Select Committees have used the Practice Note in its processing of section 76 legislation such as the remitted Mineral and Petroleum Resources Development Amendment Bill and the Plant Breeders Rights Bill. The Practice Note attempts to address the issues raised by the Constitutional Court and in summary provides, inter alia, that:

- all Bills received by the NCOP should be widely advertised whether on print or electronic media or social media platforms
- Bill summaries should be compiled in at least three of the languages spoken in a particular province
- advertisements should indicate the dates of public hearings in the provinces
- advertisements should provide the public with at least 7 working days within which to submit comments on a Bill
- the programme of a SC should take into account the complexity and importance of a Bill
- permanent delegates who are members of the Select Committee processing the Bill should attend public hearings
- the Chairperson of the NCOP should consider all requests for extension of the six-week cycle (Council Rule 240(3)).

4.3.4. Sector Parliaments

Parliament's constitutional mandate requires that it provides meaningful opportunities for the involvement of the public in its legislative and public engagement processes. This means that Parliament is at the core of public discourse through the creation of platforms that enable meaningful engagement with all sectors of society, particularly the vulnerable and the marginalized. Parliament therefore affords designated groups i.e. Youth, Women, Men, Children and People with Disabilities, the opportunity to engage directly with public representatives as well as government agencies, in order to unlock opportunities for socio-economic advancement.

Over the years Parliament has convened sectoral parliaments focusing on youth, women and people with disabilities. During the fifth Parliament a review of sectoral parliaments was undertaken which concluded that an events-driven approach undermined the value of such sectoral engagements. A shift towards a more interconnected and outcomes-based approach was proposed and endorsed by the Speakers Forum. This new approach was adopted to ensure that the various sectors derive greater value, through a response process that is activated by the oversight process of the legislative sector as whole. Pursuant to the resolve to deepen public

participation and through the maximization of public involvement in the sector parliament programme, implementation towards the new approach for sector parliaments was launched in 2015.

During the fifth parliamentary dispensation, Parliament hosted the following Sector Parliament activities categorised as falling within the ambit of Sector Parliaments:

- The 2015 Youth Roundtable Discussion convened under the theme: “Africa Rising: Creating a Capable State through Youth Empowerment by 2030”
- The 2015 Women’s Roundtable convened under the theme: Accelerating Women’s Empowerment and Development through Engendering the National Development Plan and Financing for Gender Equality
- The 2016 Kiptown Youth Parliament in commemoration of the 1976 Soweto Youth uprising
- The 2016 International Conference on Women and the Changing World of Work – Giving Effect to the Sixty-First Session of the Commission on the Status of Women
- 2017 Inaugural Disability Rights Parliament under the theme: celebrating 20 years of the rights of persons with disabilities under our democracy
- The 2018 Children’s Parliament hosted under the theme: 20 years of democracy, moving Madiba legacy forward
- The 2018 youth Summit hosted in partnership with the Nelson Mandela Children’s Fund
- The 2018 Women’s Charter Review Conference, which sought to review the strides that have been made in implementing the provisions contained in the 1954 Women’s Charter as well as 1994 Women’s Charter for Gender Equality
- The 2018 Inaugural Men’s Parliament in collaboration with the Men’s Sector (Takuwani Riime), to institutionalise an integrated approach to root out Gender Based Violence

4.3.4.1. Women's Parliament

The 2015 women's Roundtable Discussion was hosted under the theme: Accelerating Women's Empowerment and Development through Engendering the National Development Plan and Financing for Gender Equality.



Deputy Speaker Hon SL Tsenoli and the Chairperson of the Women's Caucus, co-chairing the 2015 Women's Roundtable Discussion (Engendering the NDP)

One of the Key resolutions emanating from deliberations at the Roundtable, was the need to re-ignite gender responsive budgeting and planning throughout all Parliamentary Committees.

4.3.4.2. Gender Responsive Budgeting

The Multi-Party Women's Caucus responded to this strategic resolution on gender responsive budgeting, by initiating a process to ensure that Committees in Parliament collect the requisite information to review revenue projections and assess budget appropriations in terms of their gendered implications. The Multi-Party Women's Caucus initiative to re-ignite gender responsive budgeting and planning hence received prominence during the latter part of the term, demonstrating Parliament's responsiveness in ensuring that oversight over the implementation of the NDP is given expression in a gendered manner. The fifth Parliament hence hands over a policy to the sixth Parliament, which gives guidance on how budgeting and planning from a gender perspective should be approached as part of the legacy project.

4.3.4.3. Inaugural Young Parliamentarians Summit

Parliament hosted its inaugural Young Parliamentarians Summit in 2015, effectively convening Young Parliamentarians across the legislative sector, in order to engage in deliberations on the most pertinent challenges

facing South Africa's youth today. The 2015 Youth Roundtable discussion, was convened under the theme: "Africa Rising: Creating a Capable State through Youth Empowerment by 2030".



The Deputy Chairperson of the NCOP, Hon RJ Tau Chairing a session of the 2015 Youth Roundtable Discussion

This summit of Young Parliamentarians highlighted the important role that young MPs have to play, in ensuring that policy imperatives that pertain to youth development in the NDP, are prioritized, resourced and supported by the appropriate oversight processes to ensure accountability and implementation.

4.3.4.4. Women's Charter Review Conference

Parliament hosted a Women's Charter Review conference in 2018. The primary objective was to start a conversation on the progress made since the adoption of the Women's Charter in 1954 and 1994 Women's Charter for effective equality.

The overarching themes and breakaway discussions were formulated from the 12 articles contained in the Charter. The articles encompass the following broad themes and calls for the equal participation, recognition and development of women in all aspects of life and society:

- Equality
- Law and the administration of justice
- Economy
- Education and training

- Development, infrastructure and the environment
- Social services
- Political and civic life



The Deputy Chairperson of the NCOP, Hon RJ Tau and the Chairperson of the Multiparty Women's Caucus, Hon R Morutoa co-chairing a session of the 2018 Women's Charter Review Conference

4.3.4.5. Inaugural Men's Parliament

In 2018, Parliament hosted its inaugural men's Parliament, in collaboration with the Department of Social Development and the Takuwani Riime Men's movement. The Men's Parliaments provide a public participation platform for men to engage social constructs and discuss issues regarding the men's civil society movement responses to adverse social conditions, and to be held accountable for our contribution to resolving social challenges affecting communities. This decentralized process will enable the "Takuwani Riime" Plan of Action to be tailored to the specific needs and conditions in communities and for men to hold each other accountable in advancing the Men Championing Change programme.

Given the current statistics of on Gender Based Violence (GBV), it is imperative that Parliament formulates and solidifies partnerships with civil society groups across the board, in order to find strategic solutions one of society's greatest current challenges as they relate to the prevalence of GBV and HIV.



Deputy Speaker of the National Assembly, Hon LS Tsenoli and Deputy Minister for Social Development, Hon H Bogopane-Zulu, co-chairing the Inaugural Men's Parliament

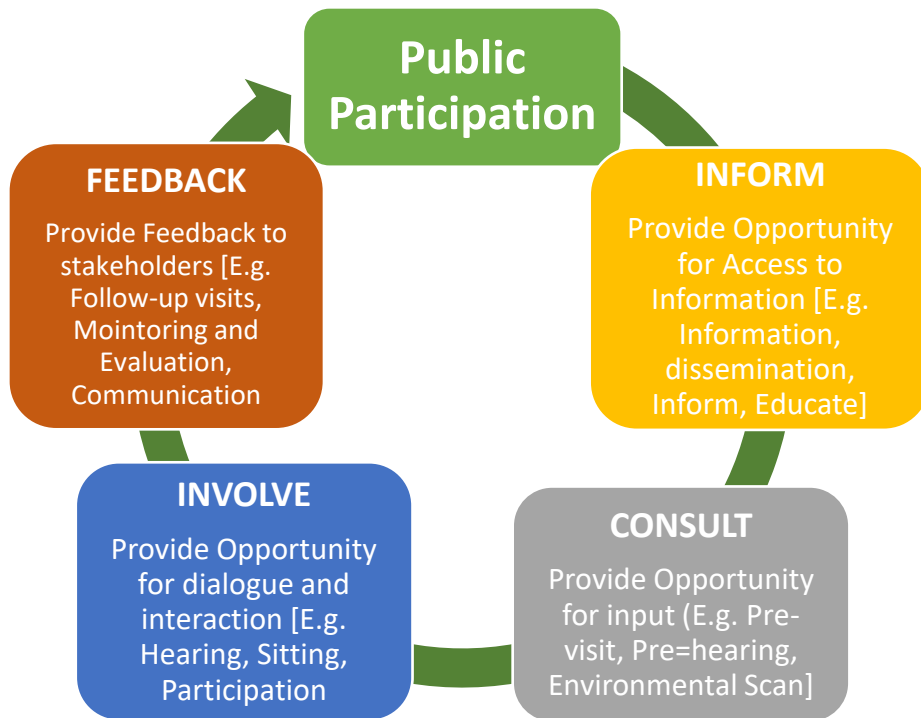


Figure []: Activities in Parliament's Oversight and Accountability Model

Key Considerations for the sixth Parliament

Political

Public participation processes related to Committee work should ensure meaningful application of the full value chain of the Public Participation Model.

The Practice Note pertaining to the law-making process for Section 76 Bills developed by the NCOP should inform further deliberations on law-making and public participation in the sixth Parliament.

As articulated by Young MPs, a Young Parliamentarians forum must be established, in order to create a mechanism for regular engagement and seamless processing of urgent youth related issues.

Young Parliamentarians also called for both houses to have designated Youth Committees that must be tasked with processing matters of critical importance, so as to advance the youth transformation agenda.

Gender-responsive budgeting should inform Committee deliberations and budget vote debates in the Houses.

The Sixth Parliament must make every effort to maximize public participation through extensive consultation across all provinces, by creating platforms of engagement and further discussion on the Women's Charter. This process of engagement must culminate in the adoption of a thematically attuned women's charter, which will form the basis on which government can align its programme of action for the advancement of its women empowerment agenda.

In partnership with Parliament, the "Takuwani Riime" Men's Movement has committed to hosting a bi-annual national Men's Parliament of the Republic of South Africa. They will also host annual provincial and quarterly district Men's Parliaments, in order to develop context specific provincial implementation & district operational plans to operationalize, in greater detail the broader strategic directions and approaches for the successful realization of values of the Men's Charter and goals of our Plan of Action. The sixth Parliament should build on the foundation that has been laid, by ensuring that the oversight instruments at its disposal are appropriately activated, in order to sustain a strategic focus in government's programme of action across all spheres and localities, to root out gender based violence.

Administrative

The Secretary to Parliament must ensure that all parliamentary officials supporting the core business of Parliament directly or indirectly, have a thorough working knowledge of the Public Participation Model. Moreover, administrative systems and procedures must be developed for the full implementation of the Model.

All relevant reports and documents pertaining to sector parliaments must be easily accessible to Members of Parliament and the public. Particular attention must be paid to multilingualism and access to the visually impaired.

Appropriate and adequate application of technology, including social media platforms and other virtual communications technologies should be considered to increase the speed and broaden the scope of public participation activities.

4.4. Strengthening Cooperative Government

The NCOP was established to ensure that provincial interests are taken into consideration in the national sphere of government. As such, the National Council of Provinces is responsible for facilitation of effective Intergovernmental Relations and Cooperative Government in the Republic. In the fifth Parliament committees were supported to facilitate this mandate by, amongst others, processing ... interventions in terms of the Constitution.

Moreover, through Committee meetings, the NCOP, provincial legislatures and SALGA share information on matters of common interest. This assists in the furtherance of overseeing the implementation of the principles of co-operative government as contained in section 41 of the Constitution. In order to achieve this, it is necessary to have synchronised and co-ordinated programmes amongst the NCOP, Provincial Parliaments and SALGA. It is the responsibility of the parliamentary administration to facilitate and to prepare the programmes for such meetings. During the fifth Parliament, all meetings were accordingly arranged. This has assisted in improving the relationship between the provincial legislatures and organized local government.

NCOP House business

Interventions by the NCOP

The NCOP has received twenty eight (28) notices of section 139 interventions, eight (8) of which were repeat interventions and five (5) new notices were terminated by operation of the law after the 2016 Local Government Elections before the NCOP could approve or disapprove them.

No section 100 notices of intervention were received in the fourth term of 2017.

Table: Number and type of interventions

| Year | Number | Sec 139 (1)(b) | Sec 139 (1)(c) | Sec 139(4) | Sec 139(5) |
|------------|--------|----------------|----------------|------------|------------|
| 2014 | 4 | 1 | 3 | 0 | 0 |
| 2015 | 10 | 8 | 2 | 0 | 0 |
| 2016 | 8 | 6 | 0 | 1 | 1 |
| 2017- date | 6 | 4 | 1 | 1 | 0 |

Of the twenty-eight interventions, the House approved twenty-six and two were not approved for failure to comply with the procedural requirements for a section 139 intervention.

The two notices of intervention that were not received by the NCOP within the stipulated period in terms of the Constitution were Makana Local Municipality and Kannaland Local Municipality.

All the interventions that were approved by the House and were currently running before the 2016 Local Government Elections were terminated by the operation of the law.

Makana Local Municipality, Nquthu Local Municipality are repeat interventions this term (others highlighted pink are repeat interventions from previous terms).

The following table identifies the interventions in more detail. Of these interventions, the highest number occurred in KwaZulu-Natal (12), followed by North West (7) and Free State and Eastern Cape (3 each), Western Cape (2) and Limpopo (1).

The notices highlighted green (7-11) were received and were never completed by the Committee because they were automatically terminated by operation of the law after the 2016 Local Government elections (new Municipal Councils were elected).

From 15-28, these interventions were approved by the House and were currently running. We had not received a notice of termination from the intervening authority. The Constitution does not give us a period of how long an intervention can continue after approval by the NCOP. These interventions were also terminated after the 2016 Local Government Elections.

Those highlighted blue are repeat interventions from previous terms.

| No. | Name of Municipality / Department | Province | Intervention began on | Triggered by | Approved/Dis-approved by the NCOP on |
|-----|-----------------------------------|---------------|-----------------------|--------------|--------------------------------------|
| 1 | Nquthu Local Municipality | KwaZulu-Natal | 1-Mar-17 | 139(1)(c) | 2-Mar-17 |
| 2 | Emadlangeni Local Municipality | KwaZulu-Natal | 18-Jan-17 | 139(1)(b) | 27-Jun-17 |
| 3 | Metsimaholo Local Municipality | Free State | 1-Jul-17 | 139(4) | 25-Aug-17 |
| 4 | Mafube Local Municipality | Free State | 13-Mar-17 | 139(1)(b) | 25-Aug-17 |
| 5 | Masilonyana Local Municipality | Free State | 17-Mar-17 | 139(1)(b) | 25-Aug-17 |
| 6 | Umzinyathi District Municipality | KwaZulu-Natal | An extension | 139(1)(b) | |
| 7 | Thabazimbi Local Municipality | Limpopo | 17-Feb-16 | 139 (1)(b) | Terminated by operation of the law |
| 8 | Imbabazane Local Municipality | KwaZulu-Natal | 16-Apr-16 | 139 (1)(b) | Terminated by operation of the law |
| 9 | Ingwe Local Municipality | KwaZulu-Natal | 4-May-16 | 139 (4) | Terminated by operation of the law |

| | | | | | |
|----|-----------------------------------|---------------|-----------|------------|------------------------------------|
| 10 | Jozini Local Municipality | KwaZulu-Natal | 20-Jul-16 | 139 (1)(b) | Terminated by operation of the law |
| 11 | Mamusa Local Municipality | North West | 29-Jul-16 | 139 (1)(b) | Terminated by operation of the law |
| 12 | Nquthu Local Municipality | KwaZulu-Natal | 12-Oct-16 | 139 (1)(b) | 23-Feb-17 |
| 13 | Umzinyathi District Municipality | KwaZulu-Natal | 12-Oct-16 | 139 (1)(b) | 23-Feb-17 |
| 14 | Kannaland Local Municipality | Western Cape | 7-Dec-16 | 139(5) | 31-May-17 |
| 15 | Mkhanyakude District Municipality | KwaZulu-Natal | 7-Oct-15 | 139(1)(b) | 15-Mar-16 |
| 16 | Oudtshoorn Local Municipality | Western Cape | 31-Jul-15 | 139(1)(b) | 19-Nov-15 |
| 17 | Indaka Local Municipality | KwaZulu-Natal | 29-Jul-15 | 139(1)(b) | 19-Nov-15 |
| 18 | Ventersdorp Local Municipality | North West | 1-Apr-15 | 139(1)(b) | 23-Jun-15 |
| 19 | Tswaing Local Municipality | North West | 1-Apr-15 | 139(1)(b) | 23-Jun-15 |
| 20 | Ngaka Modiri Molema District | North West | 23-Mar-15 | 139(1)(c) | 23-Jun-15 |
| 21 | Madibeng Local Municipality | North West | 20-Mar-15 | 139(1)(b) | 23-Jun-15 |
| 22 | Makana Local | Eastern Cape | 17-Mar-15 | 139(1)(b) | 3-Sep-15 |
| 23 | Mtubatuba Local | KwaZulu-Natal | 16-Feb-15 | 139(1)(c) | 17-Feb-15 |
| 24 | Matlosana Local | North West | 1-Jan-15 | 139(1)(b) | 23-Jun-15 |
| 25 | Makana Local Municipality | Eastern Cape | 10-Sep-14 | 139 (1)(b) | 26-Feb-15 |
| 26 | Mpofana Local Municipality | KwaZulu-Natal | 17-Sep-14 | 139 (1)(c) | 16-Sep-14 |
| 27 | Ngaka Modiri Molema District | North West | 17-Sep-14 | 139 (1)(c) | 16-Sep-14 |
| 28 | Inkwanca Local Municipality | Eastern Cape | 15-Sep-14 | 139 (1)(c) | 1-Oct-14 |

During this term there has been a great emphasis on progress reports on approved interventions to check on whether the intervention is yielding positive results. In addition, when the province submits a notice for the termination of an intervention the SC on COGTA also gets an opportunity to visit the municipality to ensure that the termination is warranted.

Issues for discussion

- What is the number and nature of interventions and have there been notable changes in the management of interventions?

The work of Select Committees

SC on Cooperative Governance and Traditional Affairs

The NCOP has received twenty-eight (28) notices of section 139 interventions, eight (8) of which were repeat interventions and five (5) new notices were terminated by operation of the law after the 2016 Local Government Elections before the NCOP could approve or disapprove them. Of the twenty-eight interventions, the House approved twenty-six and two were not approved for failure to comply with the procedural requirements for a section 139 intervention.

The two notices of intervention that were not received by the NCOP within the stipulated period in terms of the constitution were Makana Local Municipality and Kannaland Local Municipality. All the interventions that were approved by the House and were currently running before the 2016 Local Government Elections were terminated by the operation of the law. Makana Local Municipality, Nquthu Local Municipality are repeat interventions this term. (See detail in section below on interventions under Work of Plenaries in the House).

Table: Other referrals

| | | |
|--|-----------------|--|
| Written Statement in terms of Section 106 (3) (b) of the Local Government: Municipal System Act, 2000 (Act No 32 of 2000) at Ray Nkonyeni Local Municipality | 18 October 2017 | To be considered in 2018 during first term |
|--|-----------------|--|

Challenges and recommendations:

One of the observations by the Select Committee on Co-operative Governance and Traditional Affairs with previous interventions was the procedures followed by intervening provinces which differed extensively. There were interventions with and without prior directives, interventions that 'relieved' councillors of all their functions and those that 'took over' the administration of the municipality. Clearly, no uniform procedure with the necessary checks and balances was used or even available. Many of the interventions, in particular those that omitted the 139(1) (a) directive, were legally unsound and open to constitutional challenge.

From the point of view of efficacy, the inclusion of directives as a means of intervention resulted in the practice where the directive was seen as an unnecessary hurdle to take at a stage where it was already clear that intervention is necessary. It then became an obligatory step (which was often ignored) rather than an intervention. It is contended that the instrument of directives has not added any value to the efficacy of intervention.

National and provincial government should exercise the power given to them in terms of Sections 154(1) and 155(7) of the Constitution, to regulate and support the executive authority of municipalities to ensure that municipalities perform their functions effectively.

Powers of intervention should be seen as a measure of last resort, where the problem cannot be resolved through ordinary intergovernmental processes. There is broad agreement that both national and provincial government are committed to ensuring the stabilisation of the local government environment to such an extent that interventions are exceptional and not regular occurrences.

The Select Committee will during the 2018 financial period need more time to conduct proactive oversight visits in all the provinces in order to assess progress made in respect of interventions and the resolutions of the national council of provinces.

The work of other Select Committees

The following provides a few examples of the work of other Select Committees in cooperative matters:

Select Committee on Security and Justice

Table: Statutory appointments

| | Number per type of appointment |
|------------------|---------------------------------------|
| 2014 (from June) | 0 |
| 2015 | 1 |
| 2016 | 1 |
| 2017 | 0 |

Only two statutory appointments were referred to the SC during the fifth Parliament, namely to consider the: (a) appointment of National Forensic Oversight and Ethics Board in terms of section 15V of the Criminal Law (Forensic Procedures) Amendment Act 37 of 2013, and (b) shortlist of candidates to be appointed as representatives of the public on the National Council for Correctional Services in terms of the Correctional Services Act 111 of 1998, in 2016.

Table: Other referrals

| | Other referrals |
|------------------|------------------------|
| 2014 (from June) | 10 |
| 2015 | 17 |
| 2016 | 17 |
| 2017 | 38 |
| Total | 82 |

The SC on Security and Justice receives progress reports on suspension, provisional suspension and removal from office of magistrates; Proclamations; Draft Rules and Regulations, as well notices and schedules determining the annual rate at which salaries, allowances and benefits are payable to Constitutional Court judges and other judges; as well as public office bearers.

The SC expressed frustration with the slow pace of resolving disciplinary processes against magistrates referred and proposed meeting with the Minister of Justice and the Magistrates Commission with a view to addressing challenges through legislative amendments.

SC on Education and Recreation

Table: Other referrals

| | Other referrals |
|-------|-----------------|
| 2017 | 2 |
| Total | 2 |

Only two referrals are identified for the SC on Education and Recreation for the period. In 2017, the resolutions and recommendations of the NCOP 2016 Higher Education Site Report: Eastern Cape was referred to the SC for consideration. On the 28 November 2017, the Addis Convention of the Recognition of studies, certificates, qualifications in higher education in African States, tabled in terms of Section 231 (2) of the Constitution was referred to the Committee.

Issues for discussion

- Have there been notable changes in the management of interventions by the SC on COGTA?
- What are the challenges and constraints faced by the SC on COGTA in oversight over interventions and what recommendations can be made?
- How other cooperative governance referrals are dealt with in the NCOP Select Committees and what are the constraints and recommendations?

Previous recommendations made at the 2014 NCOP Strategic Planning Session

- The NCOP must ensure compliance with regard to Section 154 (1) of the Constitution, which requires the province and national government to support and strengthen the municipality. Enhance co-ordination and planning with the provinces. This is to ensure that programmes between the Legislatures and NCOP are synchronized.
- In terms of sections 100 and 139 of the Constitution, the NCOP plays a particular role. The role of the NCOP in monitoring and reviewing the intervention should be emphasised. Ensure that there was uniformity in instituting section 139 interventions and develop guidelines.

- In respect of the principles of co-operative government, the NCOP has a role to play in overseeing the functioning and performance of the different spheres of government. Establish a desk to co-ordinate co-operative government and SALGA should be seen as a strategic partner.

4.5. Flagship programmes of the National Council of Provinces

The Taking Parliament to the People, Provincial Week and Local Government Week programmes of the NCOP are a cardinal representation of the convergence of the oversight, accountability and public participation imperatives of Parliament within an intergovernmental relations and cooperative government framework.

4.5.1. Taking Parliament to the People

This component of the report serves as a contribution for the report back and review of the five-year term of the National Council of Provinces Taking Parliament to the People programme. It seeks to audit the progress made by the NCOP in effecting the kind of oversight that challenges and builds the state's capability to advance transformation. Through its flagship programme Taking Parliament to the People, the NCOP has been able to conduct oversight over the work of the executive, while enabling a more crystalized focus on issues of critical importance, for immediate response by the executive, through the most appropriate action plans.

4.5.1.1. *Origin of the Taking Parliament to the People*

Taking Parliament to the People is a product of the evolution of Parliament. The first five years of NCOP were formative in nature given this upper house was the first of its kind. The notion of provincial collaboration and provincial liaison which clearly became a strong feature of the NCOP had to be given special attention.

After five years of existence. Delegates to the NCOP had to further give concrete expression to the mandate of the House. It is during this period that certain visible initiatives, such as the launch in 2002 of the institutional flagship programme Taking Parliament to the People, were made. It is during this phase that the National Council of Provinces and the National Assembly introduced an open Parliament, with open plenaries and committee meetings, rolling programmes of public education and numerous initiatives aimed at improving public involvement and participation.

The NCOP in its 20th year of existence has made notable strides to implement an outcome based oversight process. In the past, the Taking Parliament to the People programme comprised of two legs, namely, the pre-visits and the main programme. In the fifth Parliament, the leadership of the National Council of Provinces took a decision to add a third leg, namely the report back session. Through the report back session, the NCOP seeks to provide

feedback to members of the community on progress being made by Government on various service delivery issues, which they had raised in the pre-visit and main programme.

For the term under-review, the NCOP visited four (4) provinces through its flagship programme Taking Parliament to The People. The provinces visited are as per the below and accompanied by detailed achievements per province:

- Western Cape
- Eastern Cape
- Free State and
- Gauteng

For the term under review, the NCOP through the Taking Parliament to the People programme, the NCOP has been able to accelerate government's responses to issues and challenges raised by communities.

d) TPTTP Achievements in the Western Cape Province

After the NCOP's oversight engagements in the Western Cape, The Provincial Department of Finance allocated R130 000 million over the Medium Term Expenditure Framework (MTEF) period for rehabilitation and minor geometric improvements of the MR00332 between the N2 and Stilbaai. For the 2015/16 financial year, R40 million was allocated to the project.

For the George Regional Hospital, R23 308 million was allocated for the organisational development and supply chain management support and Psychiatric Evaluation Unit over the MTEF period, with R1 836 million allocated for the current financial year. The project has reached its practical completion stage, with final account in progress.

In relation to the new Eden Nursing College in George, R20 million was allocated for the upgrade of the nurses hostel over the MTEF period, with R5 million allocated for the 2015/16 financial year. For the procurement of health technology for the training college, the provincial department allocated R2 million over the MTEF period.



The state President of the RSA, Hon CM Ramaphosa, flanked by the Chairperson of the NCOP, Hon TR Modise, the Deputy Chairperson of the NCOP and the Western cape legislature leadership

e) Delivering a House to Charlotte Stuurman in Oudtshoorn (TPTTP)

The Taking Parliament to the People public hearings in Oudtshoorn also highlighted the plight of people with disabilities. One such case was that of Charlotte Stuurman, a resident of Bongoletu Township in Oudtshoorn. Ms Stuurman, a wheelchair bound resident of Bongoletu Township, attended the TPTTP session to make a submission about the dilapidated conditions of the house she was residing in at the time. The house had no wheelchair ramp and the plan of the house was not suitable for occupation by a wheelchair-bound individual. The Deputy Chairperson of the NCOP, led a process that initiated a response plan from the Department of Human Settlements, the Department of Cooperative Governance and Traditional Affairs, the Oudtshoorn Municipality as well as the Oudtshoorn business community, in order to address Ms Stuurman's housing challenge.



Home Built for Charlotte Stuurman, Bongoletu Township, Oudtshoorn

Through this proactive intervention, undertakings were made by the private sector to build the house at no cost to the state or the beneficiary. The house was completed in November 2018 and was subsequently also furnished by benefactors from the business community in Oudtshoorn. The completion of this house and the processes it took to respond to the challenges of this wheelchair bound Bongoletu community resident, demonstrates the impact of the TPTTP programme. It also demonstrates IGR functional imperatives at work, through the efforts of the NCOP to play a national coordinating role, enabling the success of this project.



The Deputy Chairperson of the NCOP, Hon RJ Tau assists the beneficiary to access her new home

f) TPTTP Achievements in the Eastern Cape Province

The Taking parliament to the People programme to the Eastern Cape focussed on Education. The Council produced a detailed report of all matters emerging through the interaction of Members of the NCOP and members of the Eastern Cape Provincial Legislature with communities through public hearings and site visits. Some of the key tangible service delivery in the Eastern Cape, as a result of the Taking Parliament to the People visit in 2017 are listed below:

- Progress was made in terms of ECD's Massification Programme in that the numbers of conditionally registered ECD's has increased.
- There is also an on-going drive by the department to register children who do not have birth certificates with a special focus on ECD's
- In respect to the recommendation that the Provincial Department of Education should investigate the matter of renovating or buying the buildings owned by the church for the St. Thomas School for the Deaf, the property was subsequently bought for the school by the Eastern Cape Department of Education.

- With regards to the recommendation that the positions of the two vacant deputy principals at St. Thomas School for the Deaf should be filled as a matter of urgency, the two positions have since been filled.

g) TPTTP Achievements in the Free State Province

The NCOP focused on the delivery of healthcare during its TPTTP programme to the Free State Province. The Council produced and debated a detailed report on the achievements, challenges, recommendations and Executive undertakings for continuous follow-up as part of the oversight and accountability roles of the Council. Improvements made to the Free State health facilities, as a result of the Taking Parliament to the People oversight process are listed below:

- Redundant equipment and furniture was removed to a central storage space for disposal by Asset management at province.
- Albert Nzula was successfully opened and is currently functional.
- Medical equipment procured in line with Ideal Clinic standards and delivered by January 2018
- Cleaning material was procured in bulk and as facilities requested materials, stock was replenished.
- Office supplies were procured in bulk at the District office and replenished as requested by facilities.
- Security personnel were allocated by the provincial directorate to the district by October 2018.
- Operational managers were appointed at clinics, assumed duties on 1 February 2018.

h) TPTTP Programme in the Gauteng Province

The overall theme for the 2018 Taking Parliament to the People Programme was the Impact of Migration on Gauteng and implications for the following sectors:

- Peace and Security
- Social Services
- Education
- Growth and Development



The 2018 Taking Parliament to the People visit to Gauteng province, marked the last TPTTP visit undertaken during the fifth Parliament

The NCOP Taking Parliament to the People Pre-Visit to Gauteng took place from 17 to 21 September 2018 and focused primarily on the impact of migration on service delivery on the various key sectors, through site visits and public meetings in the following municipalities: City of Johannesburg, City of Ekurhuleni, West Rand District Municipality and the City of Tshwane Metropolitan Municipality.

The main programme in Gauteng, which took place from 19 to 22 November 2018, focused on the impact of migration on policy development, integrated planning, budgeting and the regulatory environment. The main visit included public hearings and concurrent site visits, with each public hearing having its own sub-theme.

The NCOP produced and debated a detailed report on the TPTTP Main Visit to the Gauteng Province. The follow-up visit for feedback to the various municipalities visited would need to be considered by the sixth Parliament.

4.5.2. Provincial Week

The Provincial Week is one of the key mechanisms established by the National Council of Provinces (NCOP) to achieve its constitutional mandate of representing the country's provinces in the national sphere. It is intended to ensure that provincial delegates continuously keep abreast with developments in their provinces. It affords

provincial delegates the opportunity to interact with the provinces and report back on their activities in the NCOP with the aim of obtaining new mandates on issues to be placed on the national agenda.

Since its inception the Provincial Week has grown to be a key mechanism of soliciting information on progress that provinces and municipalities are making in delivering quality services to the people and measures that they have instituted to advance the government's commitment to ensure a better quality of life for the people of South Africa. It also enables the NCOP to contribute to the effective governance in the provinces and at municipal levels.

During the Provincial Week, permanent delegates to the NCOP meet with various provincial leaders, including the Provincial Premiers, Members of the Executive Council (MECs) and the Departments, Provincial Legislatures, including the Speakership, the Whippery and Chairperson of Committees, and other key stakeholders such as local government leaders and the South African Local Government Association (SALGA). The Provincial Week gives permanent delegates to the NCOP and Legislatures an opportunity to undertake oversight visits and interact with their communities in order to get "first hand" information on the needs and challenges that are confronting the people. They also visit projects that are implemented by both national and provincial government in their provinces to ascertain progress that is being made.

The Provincial Week process has enabled the NCOP during the term under review, to remain closely connected to all provinces. This programme particularly takes cognizance of the nuanced differences across all nine provinces, giving provincial delegates an opportunity to highlight the most pressing challenges across different provinces and localities that they represent.

4.5.3. Local Government Week

The Local Government Week is an annual flagship programme of the NCOP. For the term in review, the NCOP hosted one Local Government Week under the theme "Land Use: Towards Integrated Spatial Planning".

Areas of discussion included integrated planning and the provision of services (human settlement, energy, water and sanitation), and fiscal allocation for the development of local government. The summit reflected on the dialectical relationship between Section 154 and 139 towards a developmental state.

The NCOP must continue to play a lead facilitating role to ensure greater synergies and delivery through adequate use and activation of the intergovernmental relations mechanisms at its disposal.

Key Considerations for the sixth Parliament

Political

The NCOP will need to resuscitate the Chair of Chairs forum as a matter of urgency to bring synergy in the manner in which the NCOP interacts with other Stakeholders specifically on legislation, oversight, and interventions.

When the NCOP passes legislation it should also ensure that the legislation facilitates future oversight. For Parliament to oversee the implementation of legislation effectively, the legislation itself must contain clearly stipulated goals and objectives.

The NCOPs role in overseeing the budget is to ensure that provincial and municipal interests are properly accommodated in the budget and that the division is equitable. To do this, the house will have to review past division of revenue, consider recommendations of the Financial and Fiscal Commission and draw on the experience and expertise of the Parliamentary Budget Office.

4.6. Deepening Engagement in International Fora

The International Relations operations and programmes of the National Council of Provinces and National Assembly derive its mandate largely from the Constitution of the Republic of South Africa and the Strategic Plan of the fifth democratic Parliament, 2014- 2019.

The Policy Perspective and Operational Guidelines for Parliament's Involvement and Engagement in International Relations, as agreed by the Joint Rules Committee (2006), noted that the participation of the South African Parliament in international relations is informed by the South Africa's foreign policy. The South African foreign policy is an expression of the democratic values of the country. These values are entrenched in the provisions of the 1996 Constitution of the Republic of South Africa.

The Strategic priorities of fifth Parliament is premised on deepening and enhancing parliamentary international engagement and cooperation. Parliament's Strategic Plan places prime importance on increasing its capacity to represent the interests of South Africa in the international arena. It further seeks to promote and facilitate the transformation of undemocratic governance structures and processes through building strategic partnerships around mutual interests and solidarity. Parliament fulfils these objectives through the facilitating. In order to enhance parliamentary international engagement and co-operation, the strategic objectives related to international engagements contained in the 2014-2019 Strategic Plan of the fifth Parliament include the following;

- increase its capacity to represent the interests of South Africa in the international arena;
- promote and facilitate the transformation of undemocratic governance structures and processes;
- build strategic partnerships around mutual interests and solidarity;
- prioritise its focus towards promoting the African Agenda, especially with regard to its role in regional and continental integration, manifesting in the formation of a SADC Parliament, and transformation of the Pan-African Parliament as regards its legislative powers; and
- strengthen mechanisms for negotiation and ratification of international agreements, and establish mechanisms to monitor South Africa's obligations

4.6.1. Parliamentary Group on International Relations

The South African Parliament's participation in international relations is conducted by the Presiding Officers and the Members of Parliament, through the strategic support of the Parliamentary Group on International Relations (PGIR). The PGIR is a strategic body that was established by the Joint Rules Committee (Joint Rule 76 to 79) to manage Parliament's involvement in international relations. The PGIR provides strategic direction on the implementation of policy positions emanating from Parliament's international relations policy guidelines. The National Council of Provinces continues to play a leadership role in this structure owing to the fact that the Chairperson of the National Council of Provinces, Hon Thandie Modise and House Chairperson, Hon Dikgale are equally responsible for the strategic direction of the PGIR and operationalisation of the mandate of this strategic body.

4.6.1.1. *The role of Parliamentary Group on International Relations (PGIR)*

The PGIR is a strategic body that was established by the Joint Rules Committee (Joint Rule 76 to 79) to manage Parliament's involvement in international relations. The PGIR provides strategic direction on the implementation of policy positions emanating from Parliament's international relations policy guidelines.

The mandate of the PGIR can be summarised as follows:

- To implement the international relations policy agreed upon by the Joint Rules Committee.
- To co-ordinate Parliament's international engagements, including its relations with other parliaments and membership of and participation in international parliamentary organizations.
- To receive reports from parliamentary delegations and submit proposals for their tabling, referral and scheduling for debate to the Presiding Officers or other relevant parliamentary structures.
- To meet annually with Members appointed by the Houses to serve in international parliamentary bodies and Members of all substructures of the PGIR, as well as the chairpersons of the parliamentary committees dealing with international relations and cooperation and trade and industry to determine strategy and evaluate the international relations of Parliament.

4.6.1.2. Activities of the Parliamentary Group on International Relations

Since the inception of the fifth Parliament, the NCOP under leadership of Hon Thandie Modise and Hon Dikgale and their counterparts from the National Assembly continue to play a leadership and facilitating in a number of activities of PGIR. These include convening of monthly meetings of PGIR and two strategic workshops. These activities were aimed at reflecting on the issues of policy, with respect to bilateral, multilateral engagements as well as the governance matters of PGIR and Joint Rules Committee. The outcomes of these workshops are summarised as follows:

- Recommendation to review and update International relations policy. The case in point was the Policy Perspective and Operational Guidelines for Parliament's Involvement and Engagement in International Relations, and Parliament's Guideline for Parliamentary Travel Policy adopted in 2006, to ascertain whether they are relevant to Parliament in light of developments in the international relations sphere. A task team had since been established to develop to facilitate this task,
- Developed policy guidelines on the nature of bilateral relations and for processing memorandum of understanding on Parliament to Parliament and bilateral relations that are trade related and those seeks to advance people to people foreign policy. Finalise the establishment of the Bilateral Focus Group.
- Recommended for Parliament and PGIR to consider developing Guidelines for the management of Focus Group. Amongst others, such guidelines may include provisions for regular and mandatory meetings, and strategic planning intervention strategies. The Focus groups had since been established and processes are in place to ensure the implementation of its programmes
- The PGIR workshop further recommended the development of an implementation mechanism in tabling of reports and implementing resolutions emanating from delegation reports.
- Clarified the roles and responsibilities of the Conveners, including the processes, procedures for International report approval and follow up's on decisions on International Relations.
- Ensure uniformity from the focus groups on their understanding of their roles in line with each focus group mandate.
- Deliberated on the conceptual framework on South Africa's National Interests and the role of parliamentary diplomacy
- Discussed current international events in today's world complexity with a view to develop and identify response and normative role of Parliament in extra-ordinary situation through the lens of foreign policy.

4.6.2. Participation in multilateral fora and regional cooperation

The main objective of Parliament's participation in multilateralism is to consolidate and strengthen its role in international co-operations and to make rules-based contributions to the democratisation of global system of governance. Equally, the South African Parliament's participation in multilateralism and in the global system of governance finds expression on the need to promote democracy, human rights, gender justice, international law, justice, sustainable development, good political and economic governance. The National Council of Provinces together with National Assembly Members continue to represent Parliament through the participation and leadership demonstrated by its political leadership in multilateral fora such as Commonwealth Parliamentary Association, Pan African Parliament, Inter-Parliamentary Union, BRICS Parliamentary Forum and Commission on the Status of Women in the United Nations Headquarters. Note should be taken of the fact that the National Council of Provinces as the House of Parliament participate in all the multilateral fora, however there are those Members of the NCOP had consistently played a leadership and coordinating role in the executive and policy management of these fora.

The NCOP was responsible for the CPA, PAP and ASSECAA and thus the Chairperson of the NCOP led the delegations to these bodies. The leadership of the delegation to the PAP was delegated to the Chief Whip of the NCOP. Between 2014 and 2017, various Members delegated to serve in these bodies held various leadership positions:

- Hon Thandi Modise (NCOP Chairperson) - CPA Southern Africa Representative in the CPA Executive;
- Hon Baleka Mbete (Speaker of the NA) - served on the SADC-PF Executive Committee;
- Hon Raseriti Tau (NCOP Deputy Chairperson) - President of the Peace and Security Committee;
- Hon House Chairperson Thoko Didiza from the NA - Chairperson of the CPA Women Parliamentarians;
- Hon Lindiwe Maseko from the NA - CPA Africa Region Chairperson;
- Hon Thandi Memela from the NA - Vice-Chairperson of the Southern African Caucus at the PAP.

At the regional and continental levels, Parliament continued to give the necessary support to the SADC-PF and the PAP, respectively, in their endeavours to become legislative bodies.

Parliament hosted the following international conferences as part of its contribution to strengthening the collegiality of the international community:

- 37th Plenary Assembly Session of the SADC-PF in Durban under the theme “Industrialisation and Integration in SADC: the role of Parliaments” (July 2015);
- “Conference on Statelessness” at Parliament, in partnership with the IPU and the UN High Commission for Refugees (UNHCR) (November 2015)
- The NCOP has been contributing to the Pan African Parliament High Level Task Team to ensure that South Africa improves on hosting the PAP.

4.6.2.1. Commonwealth Parliamentary Association (CPA)

In pursuit of South African foreign policy priorities of strengthening North-South Relations, the South African Parliament is affiliated and participates fully in all sessions of the Commonwealth Parliamentary Association (CPA) and Commonwealth Women Parliamentarians (CWP) within the Africa Region and the International platform. The aim of the Association is to promote the advancement of parliamentary democracy by enhancing knowledge and understanding of democratic governance.

Our Parliament continues to serve in the Executive Committee, substructures of this organisation and support efforts of transforming this organisation into a diplomatic organisation that will serve the agenda of the developing countries within the Commonwealth. In 2014 –to date, Parliament under the leadership of Hon T Modise has participated in Annual Regional and international conferences, consultative, executive committee meetings and seminars of this body. In this period, Parliament has endorsed the decision to transform the status of the CPA from being a charity organisation into an international organisation with a diplomatic status. The Chairperson of the National Council of Provinces and other leaders led the South African delegation to the following International Conferences of the CPA;

- 60th Commonwealth Parliamentary Conference: This conference was premised on the theme “Repositioning the Commonwealth for the Post-2015 Development Agenda”.
- 4sixth Commonwealth Parliamentary Association, Africa Region: The theme of this conference was premised on “Democracy and Development in Africa: Policy Options in the Post Millennium Development Framework”. This discussion and resolutions in the conference provided space to also discuss progress relating to gender and women emancipation under the theme “Women and leadership in Africa, 20 years Post Beijing Platform for Action: Challenges and Prospects for Achieving Gender Parity.
- 23rd Commonwealth Speakers and Presiding Officers Conference: This conference was organised under the theme “Raising the Confidence of the Citizenry in the Legislature”. The conference further deliberated

and shared good practises and experiences on issues relating to The role of the Speaker in THE Security of Parliament and Precincts, The Challenges facing the Independence of the Speaker, Orientation and Development for Parliamentarians.

- 1sixth Commonwealth Speakers and Presiding Officers: the deliberations of this conference to place under theme “The Presiding Officer in Changing Society”. South Africa through the Chairperson of the NCOP presented a paper on “The Presiding Officer and the Role of Managing E-Parliament”
- 48th CPA Africa Region: The conference was premised on the theme of “Agenda 2063, Vision and Master Plan”. This theme focused the attention of parliamentarians on the task they set for themselves when they declared the 21st century as an African century. It also affords an opportunity to commit and double efforts in quest of responding to the ideal of an “Africa We Want” as articulated in the 8 Aspirations of Africa’s Agenda 2063 adopted by Heads of States and endorsed by our Parliaments. 63rd Commonwealth Parliamentary Conference: The conference took place in Bangladesh under theme “Continuing to enhance high standards of Performance of Parliamentarians”.

4.6.2.2. *Inter-Parliamentary Union (IPU)*

The Inter-Parliamentary Union (IPU) is the focal point for world-wide parliamentary dialogue and works for peace and co-operation among peoples and for the firm establishment of representative democracy. The objectives of the IPU are to:

- Foster contact, coordination and the exchange of experience among Parliaments of all countries.
- Consider questions of international interest and concerns and to express its views on such issues in order to bring about action by Parliaments and parliamentarians.
- Contribute to the protection and promotion of human rights.
- Contribute to better knowledge of the working of representative institutions and to the strengthening and development of their means of actions

137th Inter-Parliamentary Union Plenary Assembly: The National Council of Provinces in particular the Presiding Officers continue to serve in the Executive Structures of the IPU, these include the Deputy Chairperson of the NCOP, Hon Tau, who was the President of the Standing Committee on Peace and Security 2014-2016. Recently, the Chairperson of the National Council of Provinces had recently led the Parliament delegate to the 137th Assembly which held in Russia from the 14-18th October 2017. The general theme on debates of the Assembly was of “Promoting cultural pluralism and peace through inter-ethnic and inter-faith dialogue”, During the general debate session of the Assembly, the Chairperson of the National Council of Provinces expressed South Africa’s

input, that it is not too late for the countries to turn the tide and build a world free of racism, discrimination, xenophobia and related intolerances.

137th Inter-Parliamentary Union Plenary Assembly Sub-Saharan Seminar, “The Role of Parliaments in the Implementation of the Sustainable Development Goals”: Parliament, through the members of the NCOP and NA participated in the Inter-parliamentary Union Seminar hosted by the Parliament of Uganda in conjunction with the United Nations Development Agency premised on the abovementioned theme. In this seminar delegates deliberated on how the SDGs and their targets could apply to their respective countries and region as well as and how they could positively influence the advancement of development.

4.6.2.3. BRICS Parliamentary Forum

Parliament participates in the BRICS Parliamentary Forum within the context of deepening South-South cooperation as one of the mechanisms to advance the interests of the developing countries on the global stage. This is also an influential international relations platform to prioritise the developmental challenges of the South and to prioritise policy objectives of the African Agenda. The strengthening of South-South parliamentary relations has developed into high level intercontinental engagements for the strengthening of solidarity, economic development, interdependence among the developing countries in an effort to address common socio-economic challenges related to poverty, education, health, population, environment, women and children’s rights and other core socio-economic issues. During the course of the fifth Parliament in 2015 and 2016, The Chairperson of the National Council of Provinces led delegations to BRICS Annual Meetings. The meetings are summarised as follows:

- 2016 BRICS Women Parliamentary Forum: The BRICS (the Federative Republic of Brazil, the Russian Federation, the Republic of India, the People’s Republic of China and the Republic of South Africa) Meeting of Women Parliamentarians’ Forum took place in the Indian State of Rajasthan’s capital city Jaipur, on 20 to 21 August 2016 under the theme: “Women Parliamentarians: Enablers for achieving SDGs”. The Meeting took place in a Plenary Session and two Working Sessions over the two days. The purpose of the Meeting was to deliberate on various issues pertaining to the implementation of the Sustainable Development Goals (SDGs), and the role of women parliamentarians in facilitating it.
- 2015 BRICS Parliamentary Forum: The first BRICS-PF held in Moscow from the sixth – 9th of June 2015 took place in a global context in which cooperation between African, Asian and Latin American countries has significantly increased. The BRICS Parliamentarians identified this forum as key in coordinating their positions and actions in international organisations such as the International Parliamentary Union (IPU)

and myriad others were issues pertaining to the call for the transformation of the United Nations Security Council and the Bretton Woods Institutions (IMF and the WB) are deliberated.

4.6.2.4. *Pan African Parliament (PAP)*

The Pan African Parliament (PAP) was established in March 2004 under Article 17 of the Constitutive Act of the African Union as one of the nine organs provided for in the Treaty Establishing the African Economic Community signed in Abuja, Nigeria in 1991 (Abuja Treaty). The PAP was envisioned as a platform from which the African peoples could be represented in decision-making processes, good governance, oversight, accountability and transparency.

In pursuit of the consolidation of the African Agenda at the level of parliamentary diplomacy, the Parliament of South Africa is a member of PAP, which is the key African multilateral institution. The fifth Parliament enhanced South Africa's participation in the PAP by including more senior Members of Parliament. The Pan African Parliament Plenary meets twice a year (in May and October) at its Headquarters in Midrand Gallagher Estate. However, depending on the need, the PAP Bureau can call the Extra Ordinary Session in between the two Plenaries. Each Plenary sits for a period of two weeks, discussing issues of cardinal importance to the African Continent and its peoples. One of the highlights on the key issues initiated by the South African delegation was the development and adoption of the Motion on the rotation of the Presidency of the Pan African Parliament.

4.6.2.5. *SADC Parliamentary Forum (SADC-PF)*

Parliament hosted the 37th SADC-PF Plenary Assembly in July 2015 at the request of the Executive Committee of the SADC-PF under theme 'Industrialisation and SADC Regional Integration: The Role of Parliaments'. The conference provided a platform for parliaments and parliamentarians to promote and improve regional integration in the SADC region through parliamentary involvement. Two years later, At the 42nd SADC-PF Plenary Assembly in Namibia in November/December 2017, the Parliament of South Africa tabled a motion condemning the reported slave trade in Libya. This motion demanded decisive action from the African Union as well as its respective Regional Economic Communities.

The South African Parliament will continue to lobby for the SADC-PF to become a full legislative body to ensure development in Infrastructure, sanitation, the abolition of child marriages, improvement of laws on water and land.

4.6.2.6. *Commission on the Status of Women in the United Nations*

The South African Parliament is a regular participant in the United Nations Session Commission on the Status of Women and Inter-Parliamentary Union Meeting on Women in Politics. The fifth Democratic Parliament worked tirelessly to advance gender equality, at regional and international level as reflected in the country's accession to several global and Continental protocols and declarations such as the Beijing Platform for Action (1996), the UN Security Council Resolution 1325 (2001) on Women, Peace and Security and the AU Solemn Declaration on Gender Equality in Africa (2004).

In 2016, Parliament, through the representation of the National Council of Provinces participated in the deliberations of the Commission on Status of Women in the United Nations under the theme "Women Empowerment and the Link to Sustainable Development Goals". The 2016 session of the United Nations Commission on the Status of Women resulted in a historic commitment to the gender-responsive implementation of the 2030 Agenda for Sustainable Development. In 2017, the theme of CSW was premised on "Women's Empowerment in the Changing World of Work".

4.6.3. Participation in bilateral fora

At the bilateral level, the Parliament of the Republic of South Africa prioritise the enhancement of bilateral cooperation with other parliaments in the African continent and parliaments in the countries of the South, as well as progressive parliaments in the North. This is done through establishing Strategic Partnerships, Network Groups, Friendship Associations and Focus Groups, which are issue based. These partnerships could be structured in a way that South Africa's Parliament share information, forge common positions and engage with other Parliaments by having bilateral meetings on the fringes of international forums or during sub-regional preparations for international engagements.

On 1 December 2014, the National Council of Provinces signed a Memorandum of Understanding with the Council of the Federation of the Federal Assembly of the Russian Federation. The Memorandum seeks to broaden bilateral ties between South African and Russian people as well as broaden bilateral cooperation on a mutually beneficial basis.

Table [] provides a record of bilateral engagements in which the leadership of the National Council of Provinces participated during the fifth Parliament.

Table []: NCOP participation in bilateral engagements

| 2014 – 2015 Financial Year | | |
|-----------------------------------|--|--|
| 10 July 2014 | Ambassador of the Republic of Korea in the RSA, H.E Mr LEE Yoon paid a courtesy call on Chairperson of the NCOP, Ms TR Modise, MP | Outcome of the meeting: The Chairperson agreed in principle to the upcoming Official Visit of the Speaker of the NA of Korea, H.E Dr Chung Ui-hwa. |
| 18 February 2015 | NCOP Chairperson, Ms TR Modise, MP and the Speaker of the NA, Ms B Mbete, MP met with the 22 European Union Ambassadors led by Ambassador Van de Geer. | Outcome of the meeting: The meeting agreed to convene regular meetings between POs and EU Ambassadors on matters of mutual interest. |
| 18 March 2015 | The Deputy Chairperson of the NCOP, Mr RJ Tau, MP met with the visiting delegation from the Parliament of the Federal Republic of Germany (Bundesrat) led by the President of the Bundesrat, H.E Mr Volker Bouffer. Meeting discussion: The political situation in the RSA and Germany | Outcome of the meeting: The meeting agreed to encourage visits at parliament-to-parliament levels and to strengthen relations at the parliamentary level. |
| 2015 – 2016 Financial Year | | |
| 27 May 2015 | Ambassador of the People's Republic of China, H.E. Mr TIAN Xengun paid a courtesy call on Chairperson of the NCOP, Ms TR Modise, MP | Outcome of the courtesy call: The meeting agreed as follows: The Introduction of Mandarin language in SA schools was an important development in the relationship between China and the RSA; People-to-people exchanges should be encouraged. |
| 04 November 2015 | Ambassador of the Russian Federation in the RSA, H.E Mr Mikhail Petrakov paid a courtesy call on Chairperson of the NCOP, Ms TR Modise, MP. Purpose of the meeting: to brief the Chairperson on the position of the Russian Federation vis-a-vis the conflict in Ukraine and Syria; how the Russian | Outcome of the courtesy call: The meeting agreed as follows: The conflict in Syria can only be resolved by the people of Syria through dialogue. |

| | | |
|-----------------------------------|--|--|
| | Federation views the developments in the international arena | |
| 2016 – 2017 Financial Year | | |
| 15 April 2016 | President of the Senate of Burundi, Mr Reverien Ndikuriyo on a working visit to the RSA paid a courtesy call on Chairperson of the NCOP, Ms TR Modise, MP | Outcome of the courtesy call: The meeting agreed as follows: The NCOP and Senate of Burundi should consider working towards a cooperation agreement with the aim of formalising and strengthening relations between the two Houses of Parliaments Parliament of Burundi expressed a wish to join the SADC-PF and urged the Parliament of the RSA to support that endeavour; |
| 21 – 30 September 2016 | The Chairperson of the NCOP, Ms TR Modise, MP led a delegation on an Official Visit to Poland Russia | Outcome of the Visit: The Chairperson extended an invitation to both the Marshal of the Polish Senate, H.E Mr Stanislaw Karczewski and Chairperson of the Federal Council of the Federal Republic of the Russian Federation, H.E Ms Valentino Matvienko to pay an official visit to the Parliament of the Republic of the RSA. |
| 2017 – 2018 Financial Year | | |
| 17 August 2017 | Ambassador of Poland in the RSA, H.E Mr Andrezh Konthak paid a courtesy call on NCOP Chairperson Purpose of the meeting: To discuss the upcoming visit of the Marshal of the Polish Senate, H.E Mr Stanislaw Karczewski | Outcome of the Visit: The NCOP Chairperson agreed to host the Marshal of the Polish Senate, H.E Mr Stanislaw Karczewski on 15 – 19 November 2017. |
| 18 November 2017 | Ambassador of China, H.E.Mr LIN Songtian paid a courtesy call on NCOP Chairperson | Outcome of the courtesy call: The Bilateral relationship between China and South Africa should be mutually beneficial; |

| | | |
|--------------------------------------|---|--|
| 15 – 19 November 2017 | Official Visit of the Marshal of the Polish Senate, H.E Mr Stanislaw Karczewski and delegation to the Parliament of the RSA | |
|--------------------------------------|---|--|

Key Considerations for the sixth Parliament

Political

Appropriate mechanisms should be determined for Members representing Parliament at the various international forums to provide substantive feedback and insight on key developments emanating from the forums to all Members of Parliament. This could be done through defined periods in the programmes of the Houses for debate on the reports of the South African delegates to the various bodies. This would also create greater public awareness and understanding of Parliament's roles and responsibilities in global politics and sustainable socio-economic development. All Members of Parliament will also have the opportunity to participate and contribute actively in deepening Parliament's engagement in international fora.

The sixth Parliament should intensify efforts for the transformation of the SADC Parliamentary Forum into a regional Parliament, during its term. This should be championed by the Speaker of the National Assembly and the Chairperson of the National Council of Provinces.

Administrative

The Secretary to Parliament should ensure the provision of professional content, advisory, protocol, communications and legal services to Parliamentary delegations to the various international engagements.

4.7. Strengthening the Legislature as an Arm of State

The Speakers Forum through the legislative sector support of Parliament, have embarked on a number of initiatives to strengthen the legislature as an arm of State. Amongst others, this included greater integration and coordination across the sector. The general approach is to establish the 10 legislatures formally as a legislative sector. This is akin to the manner in which the various levels of the judiciary and the executive are regarded collectively as arms of state. This section highlights the key initiatives within the legislative sector during the fifth Parliament.

4.7.1. The SA Legislative Sector Bill

Currently Parliament and the provincial legislatures cooperate based on a Memorandum of Understanding. The fifth term of Parliament developed Legislative Sector Bill in collaboration with the nine provincial legislatures. The Speakers' Forum adopted the Bill, which was tabled in Parliament for consideration. Once signed into law, this would be a mechanism to regulate the cooperation of the SA legislative arm of State. The main aims of the Bill are:

- to create a framework for Parliament and the provincial legislatures to facilitate co-ordination and collaboration in the implementation of policy and legislation;
- to provide for the organisation and administration of the Legislative Sector Service in respect of the regulation of conditions of employment for officers;
- to establish a Legislative Sector Knowledge Institute; and
- to provide for related matters.

4.7.2. The Legislative Sector Budget

The Speakers' Forum, spearheaded by the Speaker of the NA and the Chairperson of the NCOP, initiated processes to strengthen engagement with National Treasury to establish a budget process that would affirm the legislative sector as a distinctive arm of state and give greater expression to the doctrine of the separation of powers.

This process considered the need to engage differently from the past and ensure a consultative relationship between the South African Legislative Sector and Treasuries. The result was a set of protocols that outlines

engagement between the Legislative Sector and the Treasuries to ensure that the Legislative Sector forms an integral part of budget process. The fiscal framework will inform engagements in the processes of developing budgets for the legislatures, which would be influenced by current challenges in the country. Legislatures should be involved in consultations at mandating level, which determines government priorities. In 2017, the Executive Authority of Parliament established with the Minister in the Presidency that the Legislative Sector will be consulted at mandating level and that the budget process would be separate from that of the government departments. Further consultations with National Treasury under the leadership of Parliament's Executive Authority would be required to ensure endorsement and signature of the protocols for implementation.

4.7.3. Implementation of the FMPPLA

Financial Management of Parliament and Provincial Legislatures Act (No 10 of 2009) (FMPPLA) and the Supply Chain Management (SCM) Regulations came into effect on 1 April 2015. Some of the smaller provincial legislatures found certain provisions of the Act to be onerous as they do not have the capacity to comply with all provisions. On 9 September 2016, the Sector resolved to amend the Act and Regulations. The Speakers' Forum approved the draft Financial Management of Parliament and Provincial Legislatures Amendment Bill. The Bill must be processed by Parliament.

In the Fifth Term, the Sector consolidated the implementation of the FMPPLA enacted during the Fourth Parliament. Parliament and the Provincial Legislatures transformed governance structures to ensure compliance with the FMPPLA. This included setting up oversight mechanisms or structural alignment with Section 4 of the FMPPLA. Some legislatures set up Treasury Advice offices to ensure effective support to the Executive Authority. Parliament's Treasury Advice office must still be capacitated. The Sector under the leadership of Parliament also drafted three regulations on political party funding and cash management. **These are currently in process in Parliament.**

4.7.4. Sector Oversight Model (SOM)

The legislative sector launched a Sector Oversight Model (SOM) in 2011. The Model is a guideline for legislatures to develop mechanisms and operational tools for oversight of the implementation of the National Development Plan. The Sector has already adopted an oversight approach, which integrates the Sector Oversight Model (SOM) and (NDP) alignment with the regional, African and global development strategies. The Speakers' Forum, through its Reference Group on Oversight and Accountability assists legislatures in the application of the SOM.

4.7.5. Consideration of High Level Panel Assessment on the Impact of key Legislation

In December 2015, the Speakers' Forum moved to establish an independent Panel of eminent South Africans to assess key legislation and the acceleration of fundamental change. The Report tabled at the Speakers Forum on 21 November 2017 was the culmination of extensive public participation and meetings with experts across all provinces.

To assist legislatures in processing the report, the Parliamentary Research Unit developed a consolidated report highlighting the Oversight and Law-making imperatives for Parliament and the Provincial Legislatures. The research report is organised according to sectors (i.e. transport, health, etc.), which are presented in alphabetical chapters. Each chapter addresses the key challenges or gaps identified in the sector, key findings on legislation passed since 1994, recommendations relevant to the sector and provincial-specific issues relevant to the sector

Recommendations were assessed in terms of its practical implementation over the short, medium and longer term, as outlined below:

- a) **Short term** meaning recommendations that must be/ or may be implemented within the remainder of the current (fifth) parliamentary term, e.g. minor amendments to legislation, etc.
- b) **Medium term** would refer to recommendations that could reasonably be implemented by the first half of the next (sixth) parliamentary term, i.e. the year 2021.
- c) **Longer-term** recommendations would require time beyond 2021 to realise, either because its realisation would involve complex processes, significant funding, or extensive public participation processes, etc.

4.7.6. Inter-legislature Relations and Coordination

During the fifth parliamentary term, Parliament and Legislatures continued to strengthen the Legislative Sector collaboration and coordination through the joint sector structures and programmes. The SALS further embarked on a realignment process during the fifth term aimed at streamlining its governance and operations. In this respect, the Speakers' Forum resolved to work closer with the Chairs of Chairs in the legislatures in advancing its programme. As part of this process, the Sector reconfigured its sub-structures to correspond with the programmes of the sector strategic framework by converting its former professional forums to four SALSA Clusters. The clusters

focus on the core business of the legislatures, the optimal use of information and communication technologies, finance and human resource matters.

During the fifth term, Parliament and the provincial legislatures enhanced coordination and collaboration on sectoral initiatives such as the Youth and Women's Parliament, NCOP provincial week and Taking Parliament to the People programmes. The sector approached the 20-year celebration of the Constitution and the establishment of the NCOP in an integrated fashion. The Sector also proposed that all legislatures contribute to the Mandela Centenary celebrations in a coordinated manner under a central theme.

4.7.7. Legislative Sector International Relations and Coordination

The fifth Parliament saw the strengthening of the coordination of the joint participation of Parliament and Provincial Legislatures in international platforms with specific reference to the Commonwealth Parliamentary Association at continental and global level. This has ensured that South Africa and Africa speaks with one voice and makes strong and meaningful contributions to the annual regional and global deliberations whilst also fulfilling leadership roles in the CPA Africa Region, Commonwealth Women Parliamentarians and Society of Clerks-at-the-Table.

Consistent work has also been done towards improving the coordination of participation in the annual Legislative Summit of the US State Legislatures, which serves as a capacity development platform as well as a space for enhancing inter-parliamentary relations, learning and sharing within the context of international participants.

The Sector further resolved to develop a framework for Sector International Relations and Engagement and preparatory work was completed towards the conceptualisation of this framework.

4.7.8. Legislative Sector Collaboration with Local Government

As part of the sector implementation programme for the fifth parliamentary term, the sector identified the development of a Sector Framework for Collaboration with Local Government. A number of engagements aimed at clarifying the needs and expectations in this regard have taken place with SALGA. This information together with legal and other resource documents will serve as a basis for developing a well-researched draft framework.

At implementation level, there are a number of initiatives carried out collaboratively, which signifies the strong link between legislatures and local government. This is in addition to the participation of SALGA in the NCOP and certain provincial legislatures. The majority of legislatures have further established provincial Speakers' Forum structures, which bring together the Speakers of municipalities to deliberate and direct on common matters.

4.7.9. Capacity Building Programme for Members

Parliament and Provincial Legislatures identified the need for capacity building of Parliamentarians as a strategic intervention in improving the effectiveness of legislatures. The Legislative Sector implemented innovative capacity building programmes for Members, which are centrally coordinated through the sector's coordination mechanisms. The programmes are SAQA aligned and mark a departure from the informal, ad hoc, uncoordinated programmes previously. The focus of the revisions was on professionalising Members' capacity building by developing standardised, academic programmes ranging from certificate to Masters level.

The purpose of the programme is to enhance the capacity of Members to execute their constitutional responsibilities through professional development anchored in the core business of the legislature and roles and responsibilities of Members whilst providing access to higher education and training academic opportunities. The programmes were implemented in partnership with National School of Government, Universities of South Africa, Witwatersrand and Johannesburg.

During the fifth Parliament, 405 Members participated and progressed at various levels of the learning pathways. A review of the programme in the fourth Parliament, which was conducted by the National School of Government revealed that members who participated in the programmes increased their knowledge and competencies to perform their roles whilst attaining qualifications thereby enhancing their potential scope of practice beyond the parliamentary term.

The Legislative Sector have also secured intellectual property of the Certificate Course in Governance and Leadership and the Graduate Certificate in Governance and Public Leadership. This would afford a cost saving in the future implementation of these courses.

4.7.10. Induction Programme for Members

The Sector has developed an induction programme for Members of Parliament and Provincial Legislatures. The programme was reviewed and revised in preparation for the sixth term of Parliament. The Speakers Forum reviewed the sector's induction framework, which is the instrument used to support and guide legislatures in the implementation of induction programmes. The review focused on building on the success of the induction programmes implemented by Legislatures at the beginning of the fifth term. This included improvements in the coordination and alignment of induction programmes, expansion of the induction manuals as well as usefulness of the induction manuals produced.

There is also an acknowledgement that the induction programme for Members should be implemented over a multi-year period during the 5-year term. Provision should also be made for Members to improve their portfolio-specific knowledge and expertise. The induction programmes should also leverage the wealth of experience and expertise of selected serving and former Members of Parliament presenters, facilitators and content experts.

4.7.11. Establishment of a Parliamentary Institute

The idea of establishing a parliamentary institute for the Legislative Sector was conceptualised and approved by the Speakers Forum in 2015. The endorsement of the Parliamentary Institute was re-affirmed by including it in the Legislative Sector Services Bill. The main purpose of the institute is to strengthen the capacity of legislatures in fulfilling their constitutional mandate by designing and delivery of capacity building interventions to members and officials, providing technical assistance and cutting edge, quality research and knowledge management. The approval was granted with the provision that this would be a virtual institute, implemented in phases taking into account resource constraints. The legislative sector support services are on course with developments in this area in line with their implementation plan. The work of the sector will be incorporated into the programmes of the institute.

Key Considerations for the sixth Parliament

Political

The sixth Parliament should give particular attention to the utility and implementation of oversight instruments like the Sector Oversight Model to systematically oversee the implementation of the NDP and the regional, African and global development policies.

The scope of the induction programmes should be expanded to cover in-house, occupation-specific modules such understanding and increasing knowledge and practice of rules and procedures of the House, committee specific subject matters and areas such as constituency and other political work, which is not covered by the Sector programmes.

The general approach and timing of the implementation of induction of Members and the induction manuals should be reviewed. The approach and timing could consider staggering the implementation of induction in phases linked to the programme of parliament. This would make information more relevant and useful to matters at hand.

Current and former Members and officials should be identified and trained as facilitators of the induction programme.

The induction programme should continue building on initiatives focusing on committee-specific induction within a knowledge management paradigm.

The establishment of the virtual Parliamentary Institute should gain traction in the sixth Parliament. Strategic partnerships and collaborations in the public and private sector are an important consideration in this regard.

Administrative

The Legislative Sector Support function at Parliament should ensure inclusion of the sector initiatives and proposals in their planning and budgeting processes.

4.8. Procedural and House Matters

4.8.1. Joint Rules Committee (JRC)

The Joint Rules Committee dealt with a number of priority issues pertaining to the core business of Parliament. This included oversight and accountability, public participation, law-making, international participation and the Joint Rules. Key achievements are listed hereunder:

- Establishment of the Joint Standing Committee on Financial Management of Parliament. The Joint Standing Committee oversees the financial and non-financial performance on a quarterly and annual basis.
- Amendment to the membership of the Standing Committee on Defence. The membership was reduced from 36 to 13 members, with the NA and NCOP components consisting of 9 and 4 members, respectively.
- Public Participation Model: The Joint Rules Committee agreed to the draft Public Participation Model in principle, at its meeting of 15 November 2017. The Committee received a briefing on the implications of the High Level Panel Report on the Public Participation Model on 27 November 2018. The Model's implementation will rest largely with the Sixth Parliament.
- Review of the Money Bills Amendment Procedure and Related Matters Act.⁶
- Formula for international travel by parliamentary delegations. Parliamentary groups travelling abroad are currently implementing the formula. The JRC confirmed the formula on 24 October 2018.
- Formulation of Rules regarding disruptions during Joint Sittings. Joint Rule 14GA provides for the removal of a member from the Chamber.

⁶ Although this was concluded by the Standing Committee on Finance upon resolution of the National Assembly, it emanated from discussions held in the JRC during the fourth Parliament.

Key Considerations for the sixth Parliament

Political

- **High Level Panel Report on the assessment of legislation and the acceleration of fundamental change:** The HLP Report has been finalised and submitted to Parliament. The JRC established a subcommittee to consider how Parliament should process the report and its recommendations. The recommendations have been referred to affected Portfolio and Select Committees. The Committees were requested to report by 28 September 2018 on whether the recommendations referred to them could be processed in the short, medium or long term. A report was received on 24 October 2018, which provided information on the committees that had considered the HLP Report recommendations relevant to their portfolios. The Sixth Parliament will have to engage with the reports of the parliamentary committees in respect of the processing of the HLP recommendations.
- **Review of Parliament's international relations policy:** The matter was referred to the Parliamentary Group on International Relations (PGIR) for consideration and report on 28 August 2014. The PGIR is still to submit the review of the international relations policy.
- **Language Policy of Parliament:** This was a legacy item of the fourth Parliament, which was referred to the fifth Parliament for consideration. A Task Team was established to review the Language Policy of Parliament. The Task Team has not finalised the matter and it should be a matter for consideration by the Sixth Parliament.
- **Review of the Joint Rules of Parliament:** On 1 September 2016, the co-chairpersons of the JRC requested the Subcommittee on the Review of Joint Rules to initiate the Review of the Joint Rules. The Subcommittee submitted proposed amendments to Chapters 1 to 2A of the Joint Rules, for the JRC's consideration. Parties were requested to make inputs on the proposed amendments. The Leader of Government Business made an input regarding the Office of the LOGB and its role towards both Houses of Parliament. The Subcommittee faced challenges in scheduling meetings. The review of Joint Rules and other matters that were specifically referred, namely the mandates of the Constitutional Review Committee and the Joint Committee on Scrutiny of Delegated Legislation, will be referred to the next Parliament for finalisation.

4.8.2. National Assembly Rules Committee (NARC)

At the commencement of the fifth Parliament, the National Assembly Rules Committee mandated the Subcommittee on the Review of the Assembly Rules to continue the work, carried over as a legacy matter from the fourth Parliament, of comprehensively assessing and revising the standing rules. The National Assembly adopted the 9th edition of the NA Rules in 2016. Reforms to the rules included, amongst others –

- The sources of authority of the Assembly;
- The powers and responsibilities of the Speaker;
- Members' attendance;
- Mini-plenary sessions;
- Revisions to the sequence of proceedings in the House;
- Reforms to the rules on order and decorum;
- Provision for the removal of members from the House; and
- Revisions to the legislative process.

While the new rules have had a marked effect on the ability of the Assembly to fulfill its constitutional functions, the Subcommittee on the Review of Rules noted that the rules should be considered as living articles which must be regularly evaluated to ensure that they achieve their intended purpose, especially as the political and parliamentary environment continues to evolve. This is also evident in the development of precedent and parliamentary practice. Some of the rules were also tested in the courts during the last term including those pertaining to the voting procedure, and specifically the use of secret ballots, and the rules relating to the removal of the President.

Key Considerations for the sixth Parliament

Political

- **Operationalisation of Rule 136** (Monitoring replies to questions): The Rule requires that a system to monitor unanswered questions by the Executive be developed. The NARC created a subcommittee to conduct oversight over the unanswered questions. However, the NARC was of the view that the matter should be adopted by the House. The NARC report thereon would require revival and consideration by the Sixth Parliament.
- **Pre-1994 Legislation Project:** The NARC mandated Legal Services to identify pre-1994 (Apartheid) legislation that was not in-line with the Constitution, 1996, with a view to amend/ repeal the offending legislation. Legal Services submitted its report to the NARC. The report was referred to relevant portfolio committees to liaise with Government Departments and to finalise legislation to amend the offending legislation.
- **Youth Caucus:** A request was received from the National Assembly Programme Committee to establish a Youth Caucus. The matter was subsequently referred to the NARC for consideration. The Sixth Parliament to consider the establishment of a Youth Caucus.
- **Rulings by presiding officers:** On 27 November 2018, the NARC met to consider two rulings made in the House in terms of the Assembly Rules. Rules 8 and 92 respectively provide that –
 - A member may request that a ruling (by a presiding officer) be referred to the Rules Committee for consideration and report; and
 - In considering a ruling, the Committee must confine itself to the principle underlying, or subject of, the ruling in question, and may not in any manner consider the specific ruling, which is final.

The rulings in question included two by the Deputy Speaker, Mr S L Tsenoli, delivered on 23 May 2018, and a ruling by House Chairperson, Ms AT Didiza, delivered on 7 November 2018. At the meeting of 27 November 2018, the NARC referred these rulings to the Subcommittee for processing. The Subcommittee met in early 2019 to deliberate on these matters but was unable to finalise them. As legacy matters for the Sixth Parliament, the Subcommittee must look into the two rulings made by the presiding officers and discuss any concomitant rule amendment.

- **Money Bills Amendment Procedure and Related Matters Act:** The development of rules needed for the implementation of the Money Bills Amendment Procedure and Related Matters Act also needs attention.

4.8.3. National Assembly Programme Committee

One of the most significant achievements during the fifth Parliament was the provision of more time in the parliamentary programme for committees to conduct oversight and public hearings.

Key Considerations for the sixth Parliament

Political

- **Mini-Plenaries:** Since the review of the rules, mini-plenaries have not been scheduled to consider other matters besides the budget vote debates. This is a matter for consideration by the Sixth Parliament.
- **Petitions before Committees:** A report is to be compiled on petitions currently before Committees, detailing the status of the petitions before the committees. The Petitions are to be revived and considered and resolved expeditiously by the Sixth Parliament.

4.8.4. Chief Whips' Forum

Key Considerations for the sixth Parliament

Political

- **Study tour to Ghana and United Kingdom:** The Chief Whips' Forum undertook a study tour to Ghana and the United Kingdom during 2018. The report was submitted to the National Assembly for consideration. Implementation of recommendations will be for the next Parliament to consider once the report is adopted.
- **Amendment of the Parliamentary and Provincial Medical Aid Scheme (Parmed):** The National Assembly and the National Council of Provinces established an ad hoc committee, on 23 November 2017, to enquire into and make recommendations on the tariffs of members of the Parliamentary and Provincial Medical Aid Scheme (Parmed). The ad hoc committee was mandated to consider the need for options with regard to Parmed and other competitive medical aids for members of Parliament; and the necessity of introducing amending legislation, and the impact on retired members of Parmed. The Ad hoc committee tabled its report on 27 November 2018, with the National Assembly adopting its report on 5 December 2018. It was resolved, inter alia, that the Sixth Parliament be tasked with further investigating the amendment of the Act in order to make it voluntary for members to join and extending its membership to include municipal councillors, Magistrates and traditional leaders.
- **The SAPS and Security in Parliament:** Various concerns were raised by members of the Forum regarding the security provided by the SAPS in Parliament. The Forum held meetings with the Minister of Police in which they shared their experiences with him. Concerns about two centres of authority were raised in that the SAPS officials who operate in Parliament report to the Minister of Police while the parliamentary precinct was under the authority of the Executive Authority, and that this state of affairs negatively affected communication. There was a realisation that because parts of the parliamentary precinct was a National Key Point, the Minister of Police was constitutionally obligated to provide security to Parliament. The Forum proposed that Parliament should have its own dedicated security service that would report to the Executive Authority of Parliament and also have some reporting structure under the Minister of Police.
- **Members' Offices and Meeting Rooms:** The Forum recommended that the Sixth Parliament should look into the standardisation of members' offices and the creation of adequate meeting rooms for parties and Committees.

4.9. Parliament and the Fourth Industrial Revolution

In October 2017, the Deputy Speaker Honourable Lechesa Tsenoli led a South African Parliament multi-party delegation on a study tour to the Denmark Parliament (Folketing), the Danish Board of Technology and the Department of Science and Technology (DST). Denmark boasts one of the best Information and Communications Technology (ICT) infrastructures in the world. Key lessons learnt from engagements on the Danish use of ICT in government and Parliament included, amongst others:

- The enhancement of the capacity of Members of Parliament using ICT policy and governance to conduct oversight, law-making and public participation.
- Usage of 'Round Table' discussions as a platform aimed at involving the public, private sector, ICT industry and state institutions;
- Using ICT platforms to find ways to build and sustain citizen engagement; and
- To unearth opportunities that will benefit the public in the spirit of embracing the unavoidable 4th Industrial Revolution.

Subsequently the Speaker of the National Assembly, Honourable Baleka Mbete endorsed a proposal that the Deputy Speaker of the National Assembly (NA), in collaboration with the Deputy Chairperson of the National Council of Provinces (NCOP), Honourable Raseriti Tau and the House Chairperson of Committees, Oversight and ICT, House Chairperson Cedric Frolick would champion the commencement of strategic discussions with leading agencies and institutions on the state of readiness of South Africa to leverage the benefits and mitigate the risks of the 4th Industrial Revolution.

Developing the appropriate legislative regime to govern the developmental trajectory of the 4th Industrial Revolution in South Africa is an important consideration. With the rapid pace of advancement of the 4th Industrial Revolution, determinations on the form and shape of the legislative regime that would underpin and regulate the application of the various technologies is urgent. This would include meticulous consideration of ethics, democratic rights and constitutional assurances. South Africa has to play a key role in ensuring that it dictates the terms for the use of technologies in a manner that is in line with the country's developmental agenda. Policy and legislation will be critical in ensuring adherence to the broader overarching development agenda of the country, espoused in the National Development Plan. One of the primary concerns is to construct the policy and legal frameworks that would mitigate the potential for increased inequality and exclusivity. Parliament is a powerful role-player in this regard.

4.9.1. The Role of Parliament

Various priority initiatives should be expedited in the South Africa's response to the 4th Industrial Revolution. The World Economic Forum highlighted that governments should be intentional on the state of preparedness for the 4th Industrial Revolution. In addition, the regulatory framework to guide this process is a critical aspect most pertinent to parliamentarians, particularly in ensuring inclusive law-making and oversight perspective.

The appropriate parliamentary structures should be identified to ensure coordination and synergy, particularly across and within the four critical sectors (society, industry, business and skills). Parliament should ensure that broader civil society, such as organised labour, NGOs, the media, etc. is well informed to engage knowledgeably and meaningfully on the complex and rapidly evolving issues pertaining to this new, digital age. It is particularly in this domain that Parliament, in its public participation, oversight and legislative functions can have significant impact.

Successful navigation of the multivariate aspects of the 4th Industrial Revolution would require developing effective inter- and intra-institutional partnerships between research institutes, industry, academia, civil society, business and government. This will create a competitive ecosystem for South Africa to be well poised to derive maximum benefit from the 4th Industrial Revolution in accelerating the sustainable development of the society.

4.9.2. Initiatives in Parliament

The fifth Parliament initiated a number of dialogues and activities to raise awareness and to shape discussions on the critical considerations in with respect to the 4th Industrial Revolution. This included two roundtable discussions (on 31 May 2018 and 15 February 2019), which brought together stakeholders from government, parliament, academia, research institutes and civil society. In addition, from 12-14 February 2019, the Deputy Speaker of the NA hosted a 4th Industrial Revolution EXPO in Parliament to showcase South African innovation and development in this area. Activities during the week included workshops and discussion groups for school learners and parliamentary officials. Detailed reports of the activities have been produced and some of the key recommendations for Parliament are highlighted hereunder.

Key Considerations for the sixth Parliament

Political

All Members of Parliament and the parliamentary administration must be fully conversant with the impact of the 4th Industrial Revolution on the core constitutional functions of Parliament i.e. law-making, oversight, public participation intergovernmental relations, and international relations.

Parliament must prioritise the development of a legislative framework to address the gains and challenges of the 4th Industrial Revolution.

Parliament should drive a countrywide process to ensure the appropriate integration of 4th Industrial Revolution initiatives across the provinces and local government.

The appropriate parliamentary structures should be identified to ensure coordination and synergy, particularly across and within the four critical sectors (society, industry, business and skills).

Parliament should ensure that broader civil society, such as organised labour, NGOs, the media, etc. is well- informed to engage knowledgeably and meaningfully on 4th Industrial Revolution matters

Administrative

The Secretary to Parliament should ensure adaptation of Parliament's strategy, systems and processes to incorporate 4th Industrial Revolution in the support functions of the parliamentary administration.

The 4th Industrial Revolution implementation plan developed by the office of the Deputy Speaker of the NA, should be revised and adequate human and financial resources allocated to ensure successful implementation.

4.10. Key Parliamentary Projects

4.10.1. Integrated Members' Services

The project was established to review the Members' facilities requirements and design a model that would integrate the services provided to Members into a seamless support service to ensure greater effectiveness. The project is implemented in a phased approach and has completed a framework for an integrated service, the services charter with accompanying catalogue and standards; and the stabilized immediate Members' service environment. The final phase of the project which is the integration with Parliament systems is scheduled to be completed in the sixth Parliament. The following services considered during the Members Services Design Framework will inform the approach to be followed in realising the deliverables of the project:

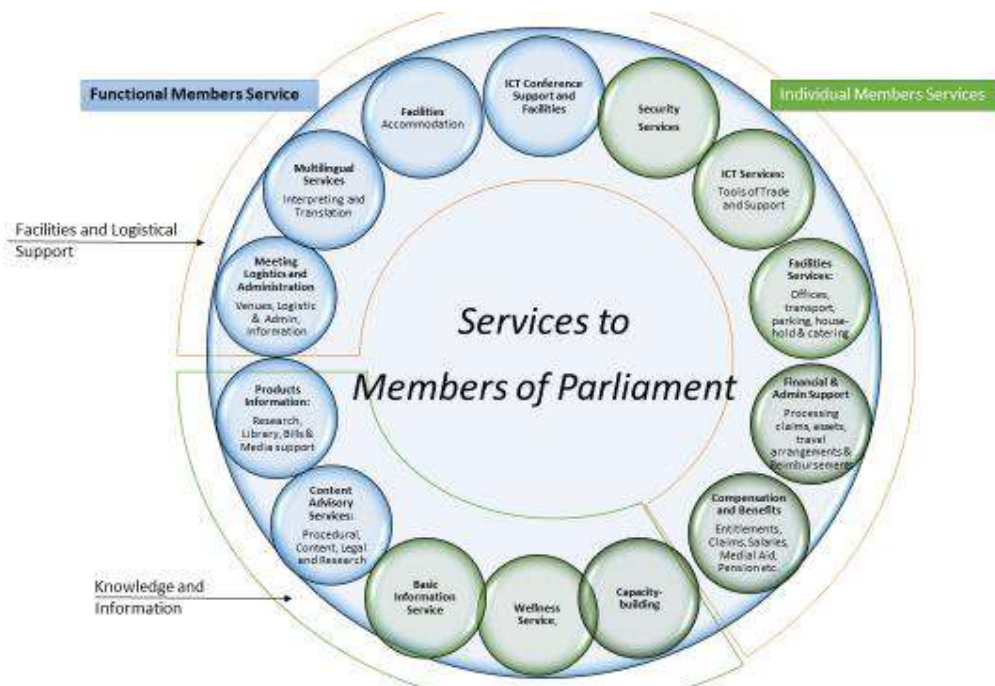


Figure []. Framework for integrated services to Members of Parliament

Some benefits of implementing an integrated services model to support service delivery to Members of Parliament:

- Increase the internal efficiency of the officials by providing for effective and structured time management when prompting officials to execute follow-ups on important tasks;
- Enhance the quality of reporting through systematic process and related decision-making processes;

- High-lighting service delivery “hotspots” with prompt identification of necessary corrective measures that can be implemented without any delay and assist with process improvement;
- Improved communication in general (both internally and externally) with the implementation of an integrated service processes;
- Better understanding of Members and Members’ service requirements and expectations;
- Personalisation of services to specific Members can be increased for example to Members with disabilities; and
- Create an overall better service experience as officials supporting Members will have a clear understanding of different roles and processes required to meet expectations
- Improved alignment and integration of services provided to Members to achieve better synergies

4.10.2. Fraud Awareness

Parliament initiated a Fraud Awareness Project aimed at enhancing institutional commitment to zero-tolerance to fraud. The project launched an anonymous Whistle-Blowing Hotline facility, rolled out fraud awareness training and an e-learning fraud awareness campaign. The added benefit of undertaking this project is that Parliament has legally complied to the Company’s Act and Protected Disclosures Act, which requires all public and listed entities to set up whistle blowing facilities in the work place and create awareness of the facility. The project was completed in March 2018.

4.10.3. Parliamentary Space Utilization

A Space Utilisation project was initiated to review previous studies on the space utilization for facilities that address the spatial needs of Parliament, including the space requirements for residential accommodation for Members of Parliament. The project aligned the previous reports and re-based cost estimates to 2016 requirements and market prices.

In the strategic objective of improved usage and management of space, facilities and conducive environment, the project provided an indication on the costs of upgrading the existing Parliament precinct to meet the current space requirements and also informed the space needs in the event of the construction of a new Parliament Precinct. The project was completed in January 2017.

4.10.4. Review of Parliamentary Democracy Offices

The project objective was to evaluate whether the existing Parliamentary Democracy Offices (PDO) achieved their intended purpose since their establishment in 2009. The project conducted the evaluation in the three provinces (Limpopo, Northern Cape and North West,) where PDOs were piloted. The evaluation of the PDOs concluded that these offices are a viable and critical mechanism for public outreach and to increase awareness of Parliament, particularly in remote and deep rural communities. The PDOs create a platform for people for participation and involvement in law making and other Parliamentary processes.

The recommendations of the evaluation report included among others:

- Integration of PDOs piloted in the Northern Cape Province, North West Province and Mpumalanga as a permanent structure of the Parliamentary Administration.
- Integration of PDO staff into the Parliamentary Administration Services.

The roll-out of the PDOs will be subject to budget availability and the staff integration process will form part of the organisational realignment in the sixth Parliament.

4.10.5. Migration of APAC from the Office of the Auditor General

The Speakers' Forum resolved that the Association of Public Accounts Committees (APAC) migrate to the South African Legislative Sector (SALSA). The APAC agreed with this decision and pursuant to Speakers' Forum resolution, a Report was prepared. Based on the recommendations contained in the Report dated, February 2018 entitled "Implications and Recommendations (Governance, Financial Management and Strategic Partnership with AGSA and International Participation) on APAC Migration", the parliamentary Constitutional and Legal Services Offices was requested to prepare a legal opinion on the matter.

In particular, the request to the Constitutional and Legal Services Office was two-fold. Firstly, the Office was requested to address the status of APAC as an association. Secondly, it was requested to look at the implications of integrating APAC into the South African Legislative Sector (SALS) in general, and parliament in particular. An overarching question for consideration was the legal status of the APAC as a Non-Profit Organisation (NPO) and implications associated with the migration into the legislative sector.

The Legal Services Offices was asked to look at the legal subtleties around the transition of APAC from one legal regime (Non-Profit Organisation Act No.71 of 1997) to another (Financial Management of Parliament and Provincial Legislatures Act No.10 of 2009). This matter has not been concluded and should be considered by the sixth Parliament.

4.10.6. Socio- Economic Impact Study on Possible Relocation of Parliament

In May 2018, Parliament commissioned work to conduct an integrated feasibility study on possible relocation of Parliament with particular reference to socio-economic impact and cost effectiveness. The study was completed in November 2018. The report of the study will be handed over for consideration by the sixth Parliament.

4.10.7. Re-engineering of Parliament's catering and cleaning services

The mandate of the Support Services Branch in Parliament is to build a capable and productive Parliamentary service that delivers enhanced support to Members of Parliament in order that they may effectively fulfil their constitutional functions. To ensure that support rendered to Members of Parliament aligns to the evolving business of Parliament, the Institutional Support Services Division (ISSD) embarked on a process to redesign its cleaning, catering services to ensure that it is equipped to adapt to the evolving business of Parliament, and that the services rendered to Members are of a superior quality. The cleaning and catering services were insourced to ensure control of quality and availability of services.

4.10.8. Acquisition of the sixth floor, 90 Plein Street Building

Parliament has long had challenges with regards to space as the Institution does not have enough offices and Committee rooms available. In 2015, Parliament conducted a space planning project, called St Nubian, to standardise the working space and ensure the centralization of the business units within the precinct. St Nubian design concept conceptualized the space design on the assumption that Parliament will occupy the entire 90 Plein Street building. Parliament adopted the St Nubian report as the standard for the working space. The implementation of the adopted St Nubian recommendations is done in phases and Parliament in conjunction with the Department of Public Works acquired the sixth floor of 90 Plein Street Building during the fifth term. This will result in the availability of more office space and Committee rooms. The newly acquired premises will be completed and ready for occupation by the beginning of the sixth Parliament.

4.10.9. Business Continuity Planning Project

The need for an institutional Business Continuity (BC) Management Plan was identified in recent audit reports. While some components of business continuity existed, the lack of an integrated Parliament-wide plan presented a significant risk. The implementation of a BC Plan would provide a coordinated institutional response to disruptions by primarily focusing on the critical facilities, technology and human resources required for continuity in Parliament's core business.

During the fifth Parliament, an assessment of the operational risk environment and an institutional Business Impact Analysis informed the development of a Business Continuity framework and BC Plan for Parliament.

The project milestones scheduled in the sixth Parliament include the implementation of the ICT Disaster Recovery Strategy and the Facilities Business Continuity Plan.

4.10.10. Video Broadcast Infrastructure Upgrade

This project involved the decommissioning and replacement of obsolete analogue video broadcasting infrastructure with high definition digital infrastructure. The first phase of the project installed an advanced digital video broadcasting infrastructure and upgraded the broadcast control room to support the two Chambers and fourteen Committee rooms.

Phase two, which aimed to implement a media asset management system for archiving, storage and distribution of Parliament media assets was not implemented due to lack of funds. An interim storage solution was implemented, which could be replaced by a media asset management system during the sixth Parliament, should resources permit. The project was closed in March 2018.

4.10.11. My Parliament App

The objective of the My Parliament App project was to design, develop and implement a Member-centric application capable of presenting relevant, accurate and timely information to Members of Parliament on a user-friendly mobile device. This information would leverage off existing systems and e-repositories. The App provides online and

mobile delivery of information to Members of Parliament as-and-when needed from any networked-location in the world; and enhances the way Members of Parliament perform their day-to-day duties and responsibilities. The rollout of the App commenced in October 2016 and by end of April 2018, 302 Members of Parliament had the App installed on their devices. The App will be rolled out to Members of the sixth Parliament.

4.10.12. Stakeholder Relations Management

Parliament initiated this project to conduct an annual survey to measure the overall level of satisfaction amongst Members and officials to improve client-centric services. Survey results are an important input to planning and budgeting processes. The project will be continued in the sixth Parliament, whereby the stakeholder management plan and service charter will be developed to set out the service offerings of the institution.

4.10.13. Oversight Monitoring & Tracking

The overall objective of this project is to provide a system to enable monitoring, tracking and feedback from accountable parties to the Members of Parliament, through monitoring and tracking progress of House resolutions and questions. The system will include a reporting tool that reliably monitors and tracks to enable timely submission of oversight reports. It is envisaged that the project will benefit Parliament by implementing accountability measures through workflow i.e. tracking the exchange of work assignments between different Members, Committees and the Executive from start to finish. The Project went live in both Houses in April 2018. A need for further improvement was identified. Further development and improvements are expected to be conducted during the sixth Parliament.

4.10.14. Enhanced Library Services

The objective of the project was to design, develop and implement an integrated digital library management system that is able to capture, catalogue, store and circulate information. This system has digitized approximately seven million pages of rare and fragile library material, which included books, Hansard, artwork, microfiche, photographs and maps. The project implemented iPads as media devices, whereby Members of Parliament can search the library catalogue and access current news and other library material electronically at the Library. Members of Parliament are also now able to access the library's digital content from anywhere in the world. The project successfully developed and implemented a change management strategy for the Parliamentary Information Centre (Library) staff and was completed in 2017.

4.10.15. 20-Year Celebration of the Constitution and the NCOP

In March 2017, Parliament and the Provincial Legislatures, launched a year-long programme in commemoration of the 20th anniversary of the signing into law of the Constitution of the Republic of South Africa by former president Nelson Mandela on 10 December 1996 and the inception of the National Council of Provinces (NCOP) on 6 February 1997 by undertaking a number of commemorative activities and production of commemorative materials including, amongst others, the following:

- Sitings of the National Assembly, National Council of Provinces and Provincial Legislatures to debated the Constitution and paid tribute to the people who were involved in the constitution-making process.
- Parliament hosted seminars and colloquia in the Eastern Cape, Gauteng, KwaZulu Natal, Limpopo, Mpumalanga and North West Provincial Legislatures to encourage dialogue and sharing of experiences of what the adoption of the Constitution signified in the lives of South Africans.
- Production of a documentary/film that depicted the constitution-making process. The film was shown during the programme launch and broadcast on DSTV.
- Production of two exhibitions that documented the birth of constitutional democracy and the establishment of the National Council of Provinces (NCOP).
- Parliament hosted a 2-day International Women's Conference (IWC), under the theme "Women in the Changing World of Work".
- A book documenting the experiences of Theme Committee members who were involved in the drafting of the Bill of Rights was published and five additional books dealing with other themes are scheduled for publication.
- Publication of a commemorative book containing excerpts from speeches made by the Theme Committee members in the Constitutional Assembly.

4.10.16. Digital Recording and Transcription System

Parliament is required to record all proceedings in the 2 Houses and certain Committees, transcribe, collate and publish the proceedings (Hansard) and archive these materials for future reference. The Digital Recording and Transcription System project will implement a new state of the art digital recording and transcription system to replace the existing analogue system. This is expected to significantly improve the turnaround time for the production of Hansard. The project was suspended in 2018 and will be reviewed for possible commencement during the sixth Parliament.

4.10.17. Conferences and Seminars

The following are some of the notable conferences hosted during the fifth Parliament:

- Two-day international women's conference on the theme: "Women in the Changing World of Work." The 61st session of the Commission on the Status of Women (CSW), held at the United Nations (UN) headquarters in March 2017, had a similar theme. This conference provided an opportunity for broader engagement on the resolutions of the 61st session of the CSW.
- 2nd African Network of Parliamentary Budget Offices Conference in August 2017 hosted by the Parliamentary Budget Office. This was a high-level Parliamentary event led by the Executive Authority of Parliament as well as the PBO's Advisory Board.
- Inter-Parliamentary Union (IPU) Conference on Statelessness.
- The Legislative Sector Celebrations on the 40th Anniversary of June 16.

Key Considerations for the sixth Parliament

Political

Reports are available for all projects for the consideration of the sixth Parliament, particularly where projects are incomplete or require scope expansion.

Administrative

The Secretary to Parliament should ensure easy access to cogent reports on all projects of the fifth Parliament requiring consideration of the sixth Parliament.

5. CONCLUSION

The fifth term of Parliament was characterised by robust debate and contention on matters of public interest and parliamentary procedures and processes alike. The experiences of the fifth dispensation introduced significant improvements in the development trajectory of Parliament as the supreme institution of South Africa's constitutional democracy. This Legacy Report provides some insight into the major political developments in Parliament during the fifth term. It serves as a handover report to the sixth Parliament. The matters highlighted for the consideration of the sixth Parliament are not prescriptive or a comprehensive account of the innate complexities of a maturing Parliament and democracy. They are intended to stimulate further debate and deliberation by the relevant parliamentary structures with the aim of continuous improvement and strengthening of Parliament (and the Provincial Legislatures) as the legislative arm of state.

Undoubtedly, the interface between the Legislature and the Executive is critical for ensuring that government delivers, that the Executive is held to account, that policies are subject to rigorous debate and that questions are asked to sharpen the focus of Parliament and the Executive on areas for improvement. The fifth parliament crafted a strategic plan to guide its operations and allocation of resources in this regard. Moreover, in line with the theme of enhanced oversight and accountability and mindful of its role in building a capable developmental state that is able to respond to the needs of the people, early in the fifth term, Parliament placed a premium on overseeing the implementation of the NDP and in integrating it into its operations.

The Secretary to Parliament must expedite the restructuring and realignment of the parliamentary administration to ensure improved capacity to support the core business of Members of Parliament. This would entail, amongst others:

- Reviewing professional legal, content and research services to Members and Committees of Parliament
- Increasing the availability and use of information communication technology and enablers, ensuring greater process efficiency and access to information in line with the considerations and developments pertaining to the fourth industrial revolution;
- Addressing the shortage and quality of workspaces, facilities and meeting rooms;
- Providing capacity-building programmes for Members of Parliament that are aligned to the roles and responsibilities of Members of Parliament in their various capacities.

The fifth term of Parliament was intentional in enhancing meaningful and active participation by the South African electorate and elected Members in the business of the Houses. In fact, at no other time in our parliamentary history have the law-making, public participation and oversight roles of Parliament been featured more prominently in the country's public discourse. The dynamism, vigorous contentions and challenges during the fifth Parliament illustrated the characteristics of a maturing democracy, which is necessary for reflection and progress. This led to greater public awareness of parliamentary work, growing demand for more effective Executive accountability and greater responsiveness to citizen's needs, which were salient features of the fifth Parliament. It is hoped that the lessons learnt during the fifth term and the matters handed over via this Legacy Report would serve as the impetus for continued growth and development in the sixth term of Parliament.

ANNEXURES

