

## **Debate on Budget Vote 2: Parliament**

### **Introduction**

In his address last Thursday on the occasion of the opening of Parliament and in the reply to the debate earlier this morning President Ramaphosa stated amongst other “the importance of building a capable, ethical developmental state”.

He also stated that “In 1994, we achieved a democratic breakthrough that many believed was impossible. As this Parliament, we must hold firm”.

With the Executive, we have a shared but different responsibility to harness our collective efforts and skills to address the triple challenge of poverty, inequality and unemployment.

As Parliament we as the legislative arm of the state must build on the work done previously to improve our efforts to represent the people, ensure Executive accountability and process quality legislation in pursuit of a developmental state as espoused by the President.

Parliaments’ distinct oversight role must ensure that Departmental Programs reflect measureable programs, timeframes and budget allocations that is geared towards the attainment of the targets set out in the NDP, SDG’s and Agenda 2063.

In particular emphasis must be on the action to adapt and mitigate against the destruction associated with Climate Change occurrences that proportionately affects poorer areas more.

The Sixth Parliament identified a list of strategic priorities. These were:

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

The 7<sup>th</sup> Parliaments' strategic plan must build on this and particular attention must be paid to areas that affects the core business i.e. committees.

Committees are often referred as the engine rooms of Parliament; however low budget allocations, high vacancy rates in senior management, insufficient office space, lack of committee venues, etc. impact negatively on the output of committees.

Parliament cannot fulfill its constitutional obligations as a separate, independent arm of the state when these challenges persist.

The Report of the State Capture Commission noted certain deficiencies in parliamentary oversight and proposed measures to address these.

This includes the full implementation of the Oversight & Accountability Model, in particular the committee system and the monitoring and tracking of House resolutions.

Some measures concerned the Rules of this House; the Rules Committee has made headway in this regard various proposals currently being considered to improve Executive oversight.

The various portfolio committees of the 6<sup>th</sup> Parliament were seized with issues specific to their mandates and the Rules Committee received quarterly reports on the progress made on specific recommendations of the Commission.

Hon Members, oversight is, over and above political agendas, an constitutional imperative.

To build on our successes and facilitate continuity, committees in the 6<sup>th</sup> Parliament adopted legacy reports for the 7<sup>th</sup> Parliament.

It's of utmost importance for committees to familiarize themselves with these reports because it gives an accurate account of the achievements and outstanding matters Members were dealing with.

A careful scrutiny of these reports will avoid duplication and serve as a good grounding for all Members on matters pertaining to

In our pursuit of oversight and accountability, Parliament is supported by a number of independent public institutions.

Reports from these entities provide invaluable information to members such as research reports, oversight findings & recommendations as well as reports on audit outcomes.

## **Constitutional Court Judgements**

On Tuesday, 30 May 2023 the Constitutional Court handed down judgment in an application brought by certain individuals, as well as the organisations and communities they represent.

The applicants applied directly to the Constitutional Court for an order declaring that the National Assembly, the National Council of Provinces (NCOP) and the provincial legislatures failed to fulfil their constitutional obligations to facilitate reasonable public involvement in the passing of the Traditional and Khoi-San Leadership Act 3 of 2019.

Honorable Members,

“Although Parliament has a discretion to determine the manner in which to fulfil its obligation to facilitate public participation, the process followed must be reasonable”.

This is the standard for public involvement established by the Constitutional Court in its previous judgments.

In considering whether Parliament and the provincial legislatures fell short of their constitutional obligation, the Court had regard to the following factors:

- the significance of the Act and its impact on traditional communities;
- the standard Parliament had set itself; and
- the lack of urgency to pass the Bill.

“On an assessment of the public participation process followed by Parliament, the Court held that Parliament and the provincial legislatures overwhelmingly failed to fulfil their constitutional obligations to facilitate a reasonable public participation process.”

At both the National Assembly and provincial legislature levels, the deficiencies in the hearings were endemic.

Assessed together, the deficiencies that occurred at the different stages of the public participation process are numerous and material. The Constitutional Court held that, collectively, these deficiencies demonstrate a wide-ranging and substantial failure to facilitate public participation.

The Constitutional Court held that Parliament and the provincial legislatures’ failure to comply with their constitutional obligation to facilitate public participation renders the Act unconstitutional and invalid.

This judgement comes after Parliament and the Legislative Sector collectively spend approximately more than R 20 million on public participation processes associated with the above-mentioned Bill.

Glaringly, poor and insufficient record-keeping in the administration made it impossible for Parliamentary Legal Services to file comprehensive papers and supporting documents with the Court.

The declaration of invalidity was suspended for a period of 24 months to allow Parliament an opportunity to re-enact the TKLB in a manner consistent with the Constitution or to pass another statute in a manner consistent with the Constitution.

## **HOW DO WE ADDRESS THESE WEAKNESSES IN PARLIAMENT AND THE LEGISLATIVE SECTOR**

- 1. The quality of Public Participation.** The necessary interventions are considered and the Speaker has designated public participation to my office to ensure direct political oversight.  
The remedial measures is aimed to address the systemic weaknesses in the committee system as pointed out by the Constitutional Court judgement.
2. It is also geared to ensure professional administrative support and execution of public participation processes that strive towards quality and excellence in the work of Parliament.
3. An activist Parliament must be responsive to the needs of the people; to achieve this the institution must strengthen measures ensuring greater accountability and oversight over the Executive.

4. This 7<sup>th</sup> Parliament must meticulously focus on an Oversight Priority Model to ensure we harness our oversight resources over key portfolios that can yield positive dividends towards realising our national priorities.
5. Our oversight needs to move towards data driven oversight and for committees to rely on independently verifiable information to hold the executive to account.

The Annual Performance targets must include:

- Committee dashboards to track departmental performance;
- Monitoring and tracking of House resolutions and Executive responses;
- Country dashboards to show progress towards NDP targets;
- Oversight Stakeholder framework to improve engagements with key institutions that supports the oversight work of committees – Ch 9 institutions, think-tanks, roundtables, subject experts, research institutions;
- Data modelling and scenarios to inform impactful oversight;
- We need to shift our oversight work from activity based to focus on longitudinal outcomes and move to an outcomes based oversight; and
- Improve committee planning, reporting with monitoring and evaluation as a basis

6. In order to give effect to this, we also need to look at the staffing of committees and whether we have the necessary skills and competencies to support our members in committees.
7. The administration should embark on a skills audit of all committee support staff so that we can address some of the concerns raised in the State Capture Commission report.
8. In addition there is a need for us to look at new skills required such as data and financial analysts to improve the way committees exercise their oversight.
9. Co-operation with the Legislative Sector and International Forums

## **Conclusion**

Many South Africans remain beset by poverty, with limited opportunities for a better life. Economic growth has been slow. Crime and violence are commonplace.

The Nigerian author, Ben Okri said: “Human live has equal value”.

Our collective efforts as Parliament must be geared towards improving the lives of our people, especially the poor and economically marginalized to ensure that no-one is left behind.



As a Parliament, we must acknowledge our achievements and our legacy, but we must also ask ourselves what else can be done? Indeed, we must do more.

Let us use this moment, this opportunity, to rebuild our House so that we are better capacitated to help our communities.

In conclusion I must express a special thanks to the Speaker for her guidance and support in getting things off the ground and I look forward to an enriching working relationship with the Deputy Speaker and House Chairpersons.