

DRAFT

**Oversight &
Accountability
Model**

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Meaning of colour coding

Colour	Meaning
Black	Base text
Red	Areas requiring political debate for clarity

Section 1

Background and Mandate

South Africa is a Constitutional democracy in which the Constitution is the supreme law of the country, stipulating that the obligations imposed by it must be fulfilled.¹ The **overarching objectives** of South Africa's Constitutional dispensation are captured in the **Preamble** to the Constitution in which it is stated that:

*We (the people of South Africa) through our freely elected representatives, adopts this Constitution as the Supreme law of the republic **so as to** -*

Heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights;

Lay the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law;

Improve the quality of life of all citizens and free the potential of each person; and

Build a united and democratic South Africa able to take its rightful place as a sovereign state in the family of nations.

These objectives are reinforced by the **Founding Provisions** of the South African Constitution, which proclaims that South Africa is a sovereign, democratic state founded on the following **values**:

- (a) Human dignity, the achievement of equality and the advancement of human rights and freedoms.

- (b) Non-racialism and non-sexism.
- (c) Supremacy of the constitution and the rule of law.
- (d) Universal adult suffrage, a common voter's roll, regular elections and a multi-party system of democratic government, to ensure accountability, responsiveness and openness.

The South African Parliament plays a pivotal role in ensuring that the objectives and values postulated in our Constitution come to fruition. To this end the design of its mechanisms for exercising its constitutional mandate is of paramount importance. Much of Parliament's focus in the first decade of democracy was on ensuring the transformation of South Africa's legislative landscape in line with the Constitution. Due to this Parliament's oversight function received far less attention – a fact compounded by the reality that the Constitution deals with Parliament's Legislative authority in much greater detail, compared to its oversight role.

With the foreseen tempering down of Parliament's legislative workload and the increased challenge to ensure sound governance and effective service delivery by the Executive, the demand arose to improve Parliament's oversight capacity. To respond to this challenge Parliament established a Task Team on Oversight and Accountability (TT) comprised of Members of both Houses of Parliament. The TT organized itself into three Focus Groups, with the following mandates:

Projects Focus Group:

- Conduct Constitutional Landscaping
- Conduct audit of bodies performing public functions
- Analyzing the oversight role of Institutions Supporting democracy
- Review of rules on Oversight

Committees Focus Group:

- Draft guidelines for portfolio and select committees to allow for joint planning and oversight work
- Draft best practice guide in respect of oversight practices of committees
- Draft guidelines on joint planning on protocols for structured communication between the two Houses of Parliament
- Make recommendations for capacity development of Committees
- Recommend appropriate record-keeping systems and monitoring mechanisms in the Committee Section

Budget Processes Focus Group:

- Develop procedure for the amendment of Money Bills
- Draft legislation on the amendment of Money Bills

The findings of the work of the Focus Groups will culminate in a new oversight model for Parliament. This document presents a discussion on such a model, by integrating some of the findings garnered through the work of the Focus Groups. Furthermore, it provides a framework for discussion and recommendations on an integrated mechanism for oversight that would allow for the more effective co-ordination of oversight and allows for a longer-term perspective on oversight.