

Parliament and Oversight

PARLIAMENT AND OVERSIGHT

The true test of democracy is the extent to which Parliament can ensure that government remains answerable to the people. This is done by maintaining constant oversight (monitoring) of government's actions.

Parliament and its Committees have powers to summon any person or institution to give evidence or produce documents, and to report to them.

CONSTITUTIONAL MANDATE

- The Constitution states that Parliament has the power to conduct oversight of all organs of state, including those at provincial and local government level.

WHAT IS OVERSIGHT?

- Oversight is a function granted by the Constitution to Parliament to monitor and oversee government actions.
- When exercising oversight, Parliament focuses on the following areas:
 - implementation of laws
 - application of budgets
 - strict observance of laws of Parliament and the Constitution
 - effective management of government departments.

WHY IS PARLIAMENT'S OVERSIGHT ROLE IMPORTANT?

- By overseeing the actions of government, Parliament is able to ensure that service delivery takes place, so that all citizens can live a better quality life.

PARLIAMENT EXERCISES OVERSIGHT FOR THE FOLLOWING REASONS:

- to detect and prevent abuse
- to prevent illegal and unconstitutional conduct on the part of the government
- to protect the rights and liberties of citizens
- to hold the government answerable for how taxpayers' money is spent
- to make government operations more transparent and increase public trust in the government.

THE OVERSIGHT ROLE OF THE TWO HOUSES OF PARLIAMENT

- Parliament consists of two Houses, namely :
 - the **National Assembly** (NA), and
 - the **National Council of Provinces** (NCOP).
- Each has a specific oversight role to play.

- The Constitution states that the **National Assembly** is elected to represent the people and to ensure government by the people under the Constitution. It does this by:
 - ensuring that all executive organs of state at the national level of government are answerable to it, and
 - maintaining oversight over the exercise of national government authority, and the implementation of legislation.
- The **National Council of Provinces** represents the provinces to ensure that provincial interests are taken into account in the national sphere of government .
 - The NCOP's role is to exercise oversight over national aspects of provincial and local government.
 - The NCOP may require a Cabinet member, an official of the national government or a provincial government MEC to attend a meeting of the Council or a committee.

THE ROLE OF PARLIAMENTARY COMMITTEES

- Parliamentary committees are established as instruments of the Houses in terms of the Constitution to facilitate oversight and monitor the government.
- These committees are the "engine rooms" of Parliament's oversight and legislative work.

- Committees scrutinise legislation, oversee government action, and interact with the public.
- One of the most important aspects of the oversight function is the consideration by committees of annual reports of organs of State, and reports of the Auditor-General.
- Depending on the purpose of the oversight, the Committee will either request a briefing from the organ of State or visit it for fact-finding.

OVERSIGHT MECHANISMS

a) Budget Votes

- The Minister of Finance announces the budget projections for the next financial year, as well as the budget votes of each department.
- Parliament must approve the Budget.
- After the presentation of budget votes, each Committee has hearings with the respective government Department over which it exercises oversight.
- This serves to determine whether the Department has kept its undertakings of the previous year, and spent taxpayers' money appropriately.

b) Questions for executive reply

- Putting Questions to the government is one of the ways in which Parliament holds the government to account.

- Questions for oral or written reply can be put to the President, the Deputy President and Ministers on matters for which they take responsibility.
- Question time affords members of Parliament the opportunity to question members of the Government on matters of service delivery, on behalf of their political parties or the electorate.

c) Members' statements

- Using this process, Members of Parliament can make statements in the House, on any matter.

d) Notices of motion

- By giving a Notice of a Motion a member of any political party can bring up issues for debate in Parliament, thereby helping to fulfil their oversight responsibilities.

e) Plenary debates

- Plenary debates are another way to bring important information to the attention of the government regarding specific government programmes or legislation required to improve service delivery.

f) Constituency Work

- Constituency work affords Members of Parliament the greatest opportunity to conduct individual oversight.

- Constituency work provides the closest form of interaction between Members of Parliament and the public.
- Members have a duty to alert Parliament to any issues identified during such oversight interventions.

HOW YOU CAN GET INVOLVED

a) Making a submission

- Making a submission to a Committee of Parliament is one way of making your voice heard in Parliament.
- By making a submission, you have an opportunity to influence the opinion of Members of the Committee who are discussing a particular piece of draft legislation before it becomes a law.

b) Petition

- Every citizen has the right to petition Parliament, as provided for in the Constitution.
- Any person, group of people or organisation may petition Parliament.
- A petition is a formal request to an authority for action. It can assume the form of either a demand, a request for a favour, or the redress of a grievance.



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

Produced by the Public Education Office • Parliamentary Communication Services • INSPIRED BY PEOPLE
www.parliament.gov.za • P.O. Box 15, Cape Town, 8000 • Telephone: (021) 403 3341 • Facsimile: (021) 403 3303



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA



Parliament and Oversight