



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

**IMPLEMENTATION OF A RESOLUTION OF
THE NATIONAL ASSEMBLY ON ESTABLISHMENT OF
AN OFFICE ON INSTITUTIONS SUPPORTING
DEMOCRACY**



Progress Report 2010 - 2012



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

OFFICE ON INSTITUTIONS SUPPORTING DEMOCRACY (OISD)
NATIONAL ASSEMBLY

**IMPLEMENTATION OF A RESOLUTION OF
THE NATIONAL ASSEMBLY ON ESTABLISHMENT OF
AN OFFICE ON INSTITUTIONS SUPPORTING DEMOCRACY
(OISD)**

PROGRESS REPORT

VISION

To build an effective people's Parliament
that is responsive to the needs of the people and
that is driven by the ideal of realising a better quality of life for all
the people of South Africa.

MISSION

As the freely elected representatives of the people of South Africa,
our Mission is to represent, and to act as a voice of the people,
in fulfilling our Constitutional functions
of passing laws and overseeing executive action.

INSTITUTIONS SUPPORTING DEMOCRACY

1. Auditor-General
2. Commission for Gender Equality
3. Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities
4. Electoral Commission
5. Financial and Fiscal Commission
6. Independent Communications Authority of South Africa
7. National Youth Development Agency
8. Pan-South African Language Board
9. Public Protector
10. Public Service Commission
11. South African Human Rights Commission



FOREWORD

In 2006, the National Assembly (NA) appointed an Ad Hoc Committee to review institutions established by Chapter 9 of the Constitution. The Committee decided to include associated institutions in its review. The Committee submitted its Report to the NA in July 2007. Upon consideration of the Report in November 2008, the NA adopted the recommendation on the establishment of a Unit on Constitutional Institutions and Other Statutory Bodies to coordinate all interaction between the National Assembly and state institutions strengthening democracy.

The Unit was formally established in August 2010 and is called the Office on Institutions Supporting Democracy (OISD). The Office was established to provide support to achieve amongst others the following strategic objectives:

- To continuously improve the relationship between the National Assembly and the ISDs.
- To ensure improved efficiency and effectiveness of the ISDs and to increase their impact and influence within Parliament.
- To ensure that the National Assembly enhances the level of support to the ISDs in furthering their constitutional mandates.
- To ensure improved institutional governance within the ISDs by monitoring their governance issues.
- To contribute towards the alignment and coordination of oversight processes within Parliament in relation to ISDs.

The Office has since performed various functions in support of Presiding Officers, Portfolio Committees and ISDs. This support included the following:

- Providing advice on the legal procedures for the filling of vacancies for commissioners at the various institutions (for example the PSC, CGE and the IEC).
- Advice on the establishment of the Ad Hoc Committee to process the nominated candidates.
- Providing assistance in respect of the drafting of interview questions.
- Providing assistance in compiling reports for the Ad Hoc Committee for tabling.
- Facilitating requests from ISDs relating to financial and other support from Parliament.
- Facilitating interaction between Portfolio Committees and ISDs on legal and other matters, and advising PC Chairpersons on appropriate action.

- Conducting preliminary research investigations, if requested to do so, on behalf of PC Chairpersons.
- Facilitating cooperation between the ISDs and branches of government.
- Following up on adopted resolutions of the NA to ensure that they are fully observed.

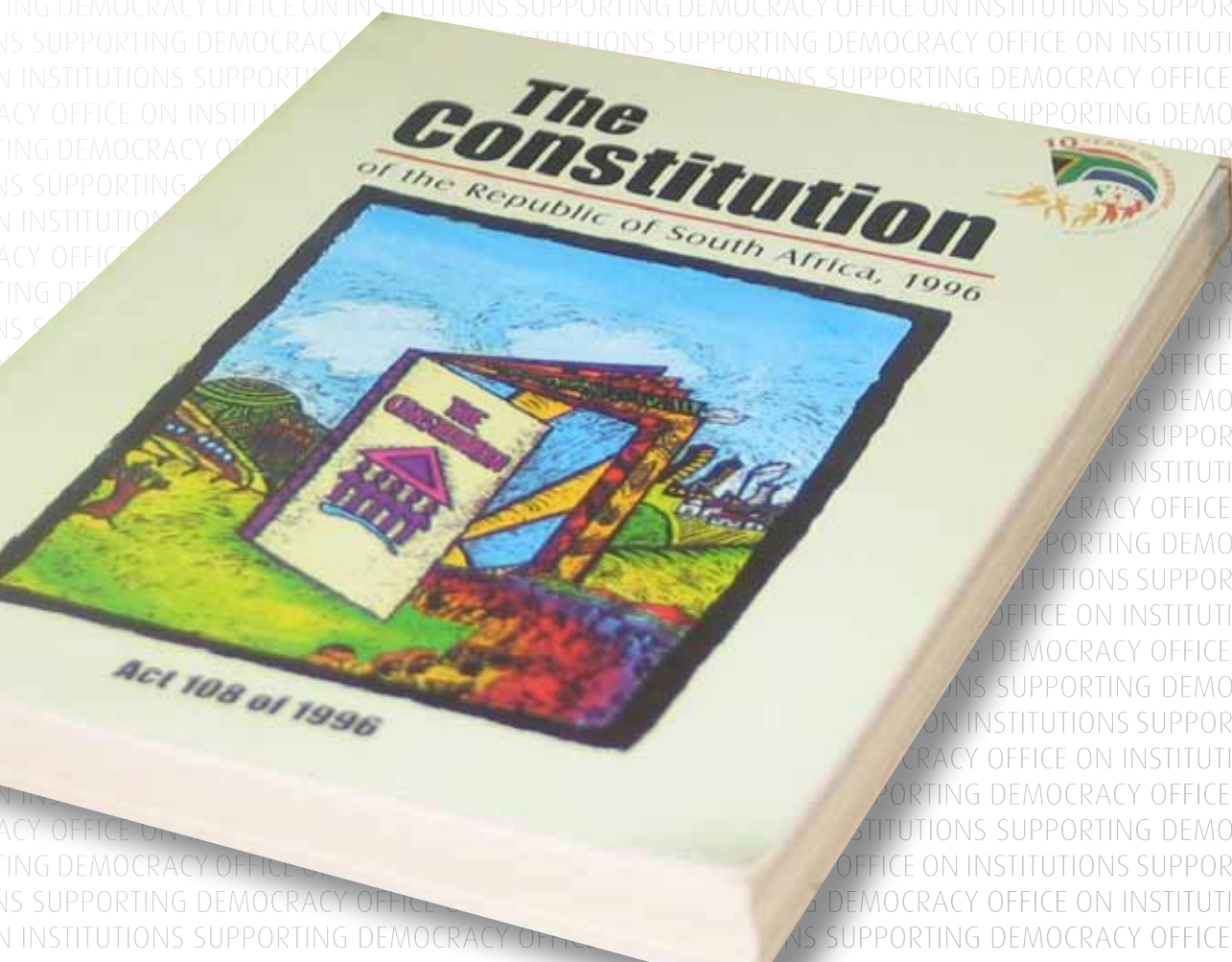
The OISD has also conducted an audit of Special Reports submitted by ISDs in the financial year 2011/ 2012. The purpose of the audit was to determine the number and status of Special Reports submitted to Parliament during the period under review; to identify challenges and weaknesses in the current system for the processing of Special Reports, if any; and to make recommendations aimed at improving the current system. The audit revealed that no specific process exists for the tabling of Special Reports in Parliament. Consultation will take place about the recommendations contained in the Audit Report, including the establishment of a uniform procedure for dealing with Special Reports.

The establishment of the OISD created both formal and informal channels of communication between Parliament and ISDs. The informal channels of Communication are particularly useful to ensure challenges experienced by ISDs are addressed before they become problems.

It is envisaged that the fulfilment of the Strategic Objectives of the OISD will enhance the performance of ISDs, thereby also strengthening constitutional democracy in South Africa.

NC Mfeketo, MP

Deputy Speaker of the National Assembly



The Constitution
of the Republic of South Africa, 1996

Act 108 of 1996

EXECUTIVE SUMMARY

This presents the first opportunity for the Office on Institutions Supporting Democracy (OISD) to submit a Progress Report on the implementation of a Resolution of the National Assembly of 21 November 2008 to establish a Unit on Constitutional Bodies.

The Resolution was the result of a recommendation contained in the Report of the Ad Hoc Committee on the Review of Chapter 9 and Associated Institutions. The rest of the Report was placed in abeyance for consideration by the Fourth Parliament. The OISD, as the Unit is now called, was created with the purpose to, amongst other things, coordinate all interactions between Parliament and Institutions Supporting Democracy (ISDs).

The Institutions Supporting Democracy are independent institutions created by the Constitution and enabling legislation to strengthen democracy in South Africa. They are subject only to the Constitution and the law, and annually report on their functions to the National Assembly. The eleven ISDs which form part of the OISD's mandate are:

- **Auditor-General of South Africa (AGSA)**
- **Commission for Gender Equality (CGE)**
- **Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (CRL Commission)**
- **Financial and Fiscal Commission (FFC)**
- **Independent Communications Authority of South Africa (ICASA)**
- **Electoral Commission (IEC)**
- **National Youth Development Agency (NYDA)**
- **Public Protector (PP)**
- **Pan South African Language Board (PanSALB)**
- **Public Service Commission (PSC)**
- **South African Human Rights Commission (SAHRC)**

In line with its objective to facilitate further consideration of the Ad Hoc Committee Report on the Review of Chapter 9 and Associated Institutions, the OISD initiated a consultative process to engage stakeholders with a view to ensuring that the process is transparent and inclusive. This included a Workshop on 5 September 2011 for ISDs to reflect on the findings and recommendations of the Ad Hoc Committee. The key recommendations of the Workshop are that:

- Legislation should be amended to provide for standardised procedures for the appointment of all ISDs' members and the elimination of the involvement of Cabinet Ministers in the recruitment process of ISDs. Parliament should be involved in the recruitment processes of all members of ISDs.
- There is a need to fast-track legislative amendments that will provide a clear demarcation of functions in respect of Chairpersons and CEOs, and clearly define accountability lines. Legislation should be amended to provide for standardised procedures for determining salaries and conditions of service for all ISDs. A Code of Conduct for Commissioners and Heads of Institutions should be developed.
- Budget allocations of ISDs should be moved from that of national Departments to the Budget Vote of Parliament. A revised funding model for all ISDs must be formulated.
- More interaction between relevant Portfolio Committees and the ISDs is essential. The OISD must work to bridge the gap between ISDs and Parliament.
- ISDs should further explore the possibility of sharing facilities at provincial level so as to improve the accessibility of the ISDs to all in South Africa.
- Any decision to proceed with amalgamation must be based on concrete empirical facts. To this effect, it was proposed that a Task Team consisting of the ISDs named for possible amalgamation be formed to track issues relating to the establishment of these institutions as separate entities in the first place, and to consider whether these objectives had been achieved to the extent that there would not be a need for separate institutions.

The Office also facilitated a Workshop on 27 September 2011 for key women formations, co-hosted by the Deputy Speaker and Ministry for Women, Children and Persons with Disabilities, to reflect on the findings of the Ad Hoc Review Committee, particularly as they relate to the chapter on the Commission on Gender Equality (CGE). The Workshop resolved that:

- The Report of the Ad Hoc Committee be re-tabled for consideration by the NA.
- The current consultative process being undertaken by the OISD must continue. Civil society interest groups should be invited to a Workshop to reflect on amalgamation.
- Further research must be conducted on the issue of amalgamation, to enable participants to make an informed decision.
- OISD should prepare a comprehensive presentation in respect of the implications of amalgamation.
- The filling of vacancies at CGE should be treated as a matter of great urgency.

During the period under review, the OISD met with the ISDs at a number of bilateral meetings, as well as a Workshop on the Review of Chapter 9 and Associated Institutions. Based on concerns that were expressed, it appeared that there were overlapping issues and that the majority of ISDs were experiencing similar challenges. These concerns may be grouped under the following headings: institutional governance; budgetary and finance matters; appointment procedures; amendment of enabling legislation; and the relationship of ISDs with Parliament. The Ad Hoc Committee Report addresses a number of these issues and made recommendations. It is envisaged that these recommendations will be considered by the National Assembly when the Report is re-tabled.

As part of its mandate to support both ISDs and the National Assembly, the OISD provided technical and legal support to a number of Portfolio Committees on matters pertaining to ISDs. This includes advice on the legal procedure for the filling of vacancies for commissioners at the various institutions, advice on the establishment of the Ad Hoc Committee to process the nominated candidates; assistance in drafting the Ad Hoc Committee reports for tabling; facilitating requests from ISDs relating to financial and other support from Parliament; and conducting preliminary investigations on behalf of PC Chairpersons.

Other activities the Office was involved in include speech writing and preparing research papers on matters relevant to ISDs.

The OISD held a Business Planning Workshop for the Office at the end of June 2012. The purpose of the workshop was to outline the key objectives and main tasks of the OISD for the next three years, whilst highlighting the most immediate focus areas. Common understanding was also developed of the governing principles underlying the establishment of ISDs as contained in section 181(1) of the Constitution.

Once consultation on the Business Plan has taken place with relevant role players within Parliament to discuss areas of overlapping work and related matters, a bigger workshop will be arranged with external stakeholders. The purpose of the workshop would be, amongst other things, to invite inputs into the business plan that would have been developed through internal processes.



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1 BACKGROUND

1.1 Establishment of the Office on Institutions Supporting Democracy

In 2006 the National Assembly (NA) appointed an Ad Hoc Committee to review the institutions established by Chapter 9 of the Constitution. After some research had been conducted the Committee considered it proper to include certain additional institutions with the same responsibility of supporting democracy in its review. The Ad Hoc Committee submitted its report to the NA in July 2007. On consideration of the Report in November 2008, the NA resolved to adopt one recommendation only, namely that of the establishment of a Unit on Constitutional Bodies to coordinate all interaction between the National Assembly and state institutions strengthening democracy. The NA resolved, amongst other things, that the location, mandate and structure of the Office would be decided by the Speaker, and that consideration should be given to the recommendation in the Report that the budgets of the ISDs be moved to become part of the Budget Vote of Parliament. The House placed the rest of the Report in abeyance for consideration by the Fourth Parliament.

The Unit was formally established in August 2010 and is called the Office on Institutions Supporting Democracy (OISD). It is located within the Office of the Speaker.

1.2 Launch of the OISD

On 8 September 2010 the Office of the Speaker invited the heads of ISDs to a launch of the OISD. The launch was attended by the Speaker, the Deputy Speaker, a number of Chairpersons and Members of relevant Portfolio Committees, the Secretary to Parliament, and the Chairpersons and CEOs of the ISDs.

At the launch a number of issues concerning ISDs and Parliament were discussed. The meeting agreed on the following:

- The OISD to provide technical assistance to the Presiding Officers in facilitating the consideration of the Ad Hoc Committee Report by the Fourth Parliament.
- The Ad Hoc Committee Report to be considered by the NA in the first quarter of 2011.
- The OISD to set up bilaterals with ISDs to discuss their concerns.
- ISDs must continue to follow the original protocols for communication. Letters and reports should continue to be addressed to the Speaker.
- Portfolio Committees are encouraged to strengthen their oversight function over ISDs and to work with the OISD to ensure optimal efficiency and efficacy.
- Regular meetings to take place between Parliament and ISDs.

1.3 Staffing of OISD

In September 2010, the provisional structure of the OISD was approved. The structure provides for six positions: Office Head, Senior Manager: Constitutional and Legal Services, Senior Manager: Policy, Strategy and Monitoring, a Manager responsible for Strategic Liaison and Co-ordination, an Administrative Controller and a Personal Assistant to the Head of the Office.

Positions were graded and the recruitment process commenced. The Head of the Office commenced work on 1 December 2010. Three additional staff members have since been appointed - the Office Administrator, Personal Assistant to the Head of the Office and the Manager responsible for Strategic Liaison and Co-ordination. The recruitment and selection of Senior Managers is underway.

Interns have been hired to assist, amongst others, with the processing of Special Reports.

1.4 Consultative Process

As part of the consultative process, the House Chairperson responsible for Committees convened a meeting of the relevant Portfolio Committees in June 2011 for a briefing by the OISD on progress made in respect of the establishment of the Office and to seek input on the proposed OISD Business Planning Workshop.

The meeting agreed that:

- There is a need for Parliament to forge stronger relationships with ISDs and to encourage these Institutions to be less adversarial and more co-operative.
- The OISD must be seen as an Office that seeks to enrich parliamentary processes, and not as usurping functions of existing parliamentary structures.
- It is important to ensure dialogue with the Members, in particular the Chairpersons of the respective Committees.
- Two Chairpersons be assigned to work with OISD on the proposed Business Planning Workshop for the OISD.
- The National Council of Provinces needs to be involved.

1.5 Business Planning Workshop

The OISD held a Business Planning Workshop for the Office at the end of June 2012. The purpose of the workshop was to outline the key objectives and main tasks of the OISD for the next three years, whilst highlighting the most immediate focus areas. Common understanding was also developed of the governing principles underlying the establishment of ISDs as contained in section 181(1) of the Constitution.

Once consultation on the Business Plan has taken place with relevant role players within Parliament to discuss areas of overlapping work and related matters, a bigger workshop will be arranged with external stakeholders. The purpose of the workshop would be, amongst other things, to invite inputs into the business plan that would have been developed through internal processes.

In order to develop the mandate of the Office, it is essential that political principals play a leading role because the Unit is a creation of the National Assembly. In this regard, the Head of the Unit is facilitating a process to convene the envisaged workshop that would incorporate the views of the Committee Chairpersons to which the ISDs report.

2 PROCESSING OF THE REPORT ON THE REVIEW OF CHAPTER 9 AND ASSOCIATED INSTITUTIONS FOR RE-TABLING

2.1 Background

The Third Parliament, in considering the Report of the Ad Hoc Committee on the Review of Chapter 9 and Associated Institutions (the Report) in November 2008, only adopted the recommendation to establish the Unit on Constitutional Bodies to coordinate all interaction between the National Assembly and state institutions strengthening democracy, and placed the rest of the Report in abeyance for consideration by the Fourth Parliament.

The OISD prepared a summarised version of the Report for the relevant stakeholders. The OISD also facilitated a consultative process to engage stakeholders in order to ensure that the process is transparent and inclusive.

2.2 Workshop with ISDs to reflect on the Ad Hoc Committee Report

As part of the consultation process, the OISD convened a workshop with all ISDs on 5 September 2011. The purpose of the workshop was to facilitate reflections and discussions amongst ISDs on the findings and recommendations of the Ad Hoc Committee, as contained in the final Report. The OISD recognised that while ISDs had been requested to provide information during the review process, they had never been given a formal opportunity to communicate their reflections on the findings and recommendations of the final Report.

The workshop resolved to submit its input towards re-tabling in an integrated way, as follows:

- Governance matters in terms of the Public Finance Management Act (PFMA).
- Relationship between ISDs and Parliament and accessibility of ISDs to the public.
- Proposed amalgamation of five human right institutions into a Single Human Rights Body.

2.2.1 Governance Matters in terms of the PFMA

This theme focused on appointment procedures, institutional governance and financial matters. It was agreed that:

- Legislation should be amended to provide for standardised procedures in respect of the appointment of all ISDs' Commissioners and Heads of Institutions and the non-involvement of Cabinet Ministers in the recruitment processes of ISDs. Parliament should, however, be involved in the recruitment processes of all the Commissioners and Heads of Institutions of the ISDs.
- There is a need to fast-track legislative amendments that will provide a clear demarcation of functions in respect of Chairpersons and CEOs, and clearly define accountability lines. Legislation should be introduced to provide for standardised procedures for determining salaries and conditions of service for all ISDs. A Code of Conduct for Commissioners and Heads of Institutions should also be developed.
- Budget allocations of ISDs should be moved from that of National Departments to the Budget Vote of Parliament. A revised funding model for all ISDs must be formulated.

2.2.2 Relationship between ISDs and Parliament and Accessibility

This theme focused on the relationship between the ISDs and Parliament and the accessibility of ISDs to the public. It was agreed that:

- More interaction between relevant Portfolio Committees and the ISDs is essential. The OISD must work to bridge the gap between the ISDs and Parliament.
- ISDs should further explore the possibility of sharing facilities at provincial level to improve the accessibility of ISDs to all people in South Africa.

2.2.3 Proposed Amalgamation of Five Human Rights Institutions

The ISDs were not unanimous in their opinion regarding the Ad Hoc Committee's suggestion to amalgamate five human rights institutions (SAHRC, CGE, PanSALB, CRL Commission and NYDA), and were of the view that a decision to proceed with amalgamation must be based on concrete empirical facts. To this effect, it was proposed that a Task Team be formed, consisting of the ISDs that were earmarked to be amalgamated, to investigate all issues relating to the establishment of these institutions as separate entities in the first place, and whether to consider these objectives have been achieved such that there is now no need for separate institutions. The workshop concluded that the NYDA should not form part of the institutions that might be amalgamated as its mandate has

changed. In the long term, amalgamation would require large scale legislative and constitutional amendment, which can only be justified after extensive research and feasibility studies had been conducted.

2.3 Workshop on Chapter 11 of Ad Hoc Committee Report

As part of further consultation on the Ad Hoc Committee Report, a consultative Workshop on Chapter 11 of the Report (Chapter on the Commission for Gender Equality) was co-hosted by the Office of the Deputy Speaker and the Ministry for Women, Children and Persons with Disabilities (MWCPD). The workshop participants were drawn from for key women formations. The purpose of the Workshop was to facilitate an opportunity to reflect on the findings of the Ad Hoc Review Committee, particularly as they relate to the chapter on the Commission on Gender Equality (CGE).

The Workshop resolved that:

- The Report of the Ad Hoc Committee should be re-tabled for consideration by the NA.
- The current consultative process being undertaken by the OISD must continue. Civil society interest groups should be invited to a Workshop to reflect on possible amalgamation.
- Further research must be conducted on the issue of amalgamation, to enable participants to make an informed decision.
- The OISD to prepare a comprehensive presentation in respect of the implications of amalgamation.
- The filling of vacancies at CGE should be treated as a matter of great urgency.

3 AUDITOR-GENERAL OF SOUTH AFRICA (AGSA)

3.1 Introduction

The Auditor-General of South Africa is the Supreme Audit Institution of South Africa and has a constitutional mandate and to strengthen our country's democracy by enabling oversight and accountability in the public sector through auditing, thereby building public confidence.

3.2 Relationship with Parliament

The Auditor-General accounts to the Standing Committee on Public Accounts.

The OISD met with the Auditor-General on 16 March 2011 to introduce the Office and to discuss matters of mutual interest. The OISD explained the mandate of the Office and its vision for the future. The AG's remarks revolved mainly around five issues, namely: collaboration among ISDs; independence of ISDs; funding of ISDs; audit outcomes; and accountability. The meeting concluded with a common understanding that the AG would make inputs into the preparations for the OISD Business Planning session.

As part of OISD's mandate to support both ISDs and Portfolio Committees, the OISD attended a number of meetings between Portfolio Committees and the Auditor-General. The purpose was to identify any issues that might arise as a result of the deliberations, which the OISD should monitor and follow up, in order to assist the Committee in their oversight function.

4 COMMISSION FOR GENDER EQUALITY (CGE)

4.1 Introduction

The CGE derives its mandate from section 187 of the Constitution, from the CGE Act and from the Promotion of Equality and Prevention of Unfair Discrimination Act. The Constitution empowers the CGE to promote respect for gender equality and to ensure the protection, development and attainment of gender equality.

4.2 Institutional Governance

The Office of the Speaker received complaints from CGE staff members relating to maladministration and improper conduct at CGE. The Offices of the Public Protector and Auditor-General were requested to investigate these allegations/complaints and submit reports on their findings and recommendations. The institutions conducted separate investigations and submitted their reports to Parliament in October 2010.

After receipt of the reports, an Ad Hoc Committee on CGE Forensic Investigations was established to consider the two reports of the AG and the PP, deliberate on them and advise the NA accordingly. The Ad Hoc Committee's report to the NA was tabled on 20 April 2011. The NA adopted the report on 23 June 2011, and resolved that:

- The CGE Act, Act 39 of 1996 be revised expeditiously to bring it in line with the Constitution and the PFMA.
- The NA urgently facilitates the process of filling the vacancies within the Commission. The appointment of the new Commissioners must be in line with the revised CGE Act.
- The NA considers the report of the Ad Hoc Committee.
- The CGE incorporates the recommendations of the AGSA and PP reports in its turnaround strategy. Progress reports should be submitted to the NA quarterly.
- A policy guiding relations between Commissioners and the CGE's Secretariat be clarified within three months of the report being considered and the policy submitted to the NA.
- The CGE ensures that vacant positions in management are filled without delay.
- The concerns of staff members at the CGE be referred to the Portfolio Committee on Women, Youth, Children and Persons with Disabilities for further consideration.
- The NA is updated on progress relating to the court case involving the former CGE chairperson.

The OISD communicated the resolutions as adopted by the NA to relevant stakeholders and is monitoring the implementation thereof.

In August 2011, the CGE Commissioners advised Parliament that they had resolved that all declaration forms (on disclosure of interest) should be forwarded to Parliament. The OISD investigated the matter and found that there was no statutory provision regulating the submission to Parliament of commissioners' declaration forms. However, in terms of the Constitution and the CGE Act, the Commission is accountable to the NA. The NA Registrar of Members' Interests advised the OISD that Commissioners be approached to give consent that their declaration forms as forwarded to Parliament be handled and made accessible to the public, as is the general practice in Parliament. The CGE Commissioners submitted a letter granting consent to this effect.

The OISD recommended that:

- The resolution by CGE commissioners to submit their declaration forms to Parliament (NA) be accepted as it is good practice which is in line with the values and principles of public administration.
- The Presiding Officers authorise the Registrar of Members' Interests to keep and administer the CGE Commissioners' declaration forms in accordance with Parliament's practise.

- The Presiding Officers address a letter to the Minister of Women, Children, Youth and People with Disabilities requesting her to consider the statutory regulation in respect of the disclosures during the amendment of the CGE Act.

Another concern raised by the CGE was that there are no clearly defined conditions of service for Commissioners. This needs to be addressed.

At the Workshop with ISDs in September 2011, the CGE also had an opportunity to raise concerns regarding institutional governance. It was agreed that:

- A revision of the CGE Act is required, to bring it in line with the Constitution and to clarify the relationship between the Chairperson and CEO in such a way that accountability and the performance management of the CEO is improved and the role of Chairperson clarified in leadership terms as opposed to the ceremonial context. Similar clarification is required in respect of the roles of other Commissioners too.
- Measures be designed to bring about uniformity in respect of remuneration and conditions of service.
- All mechanisms be put in place for the disclosure of interest, as agreed to with the CGE.

4.3 Budgetary and Finance Matters

The CGE reported that it was grossly underfunded and therefore not able to fully execute its mandate.

On the issue of budget location, the CGE is of the view that its budget should be moved from the Department of Women, Children and Persons with Disabilities and included under Parliament's Budget Vote. Recommendations to this effect had been made in the Report of the Ad Hoc Committee on the Review of Chapter 9 and Associated Institutions. The CGE was also of the opinion that its inferior Treasury grading needed to be addressed as a matter of urgency, as this impacted on resources allocated to it. Furthermore, that the system of presidential determination of Commissioners' salaries was not optimal.

The issue of funding for the forensic investigation that had been conducted at the CGE by the Auditor-General and Public Protector was raised as another urgent matter which required interrogation. The forensic investigation was not budgeted for by the CGE, but the Commission was required to fund the investigation. The Auditor-General was of the view that the CGE was responsible for expenses relating to the investigation and as a result forwarded all invoices for expenses incurred to the CGE for payment. This amounted to more than R1 million. The CGE sought the intervention of the OISD to facilitate a resolution in this regard. The OISD undertook to bring this matter to the attention of the Deputy Speaker.

4.4 Appointments

At the Workshop with ISDs in September 2011, the CGE reported the following in respect of the appointment procedures of Commissioners:

- The CGE supports recommendations around strengthening selection criteria and enhancing public involvement in appointment processes, and staggering appointments for greater continuity. The CGE also supports the recommendation that those appointed resign from any high level leadership positions in political parties, and that those who choose to stand in elections as candidates for political parties should also resign.
- The CGE is not in favour of the appointment of ISDs Chairpersons by Parliament, and suggested that this be left to Commissioners.
- They supported the sentiments that had been expressed regarding the non-appointment of CGE Commissioners for 14 months, and supported the recommendation that procedures provide for appointments to be made one month prior to the expiry of term of outgoing Commissioners.
- They noted with concern the delays by Parliament in filling vacancies among Commissioners, which resulted in questions regarding the validity of decisions of the institutions,

By the end of 2011 there was an urgent need to fill existing and upcoming vacancies at the Commission. In terms of the CGE Act, the Commission must have at least a Chairperson and seven Commissioners to form a quorum. The Minister for Women, Children and People with Disabilities addressed a letter to the Deputy Speaker indicating that it is practically impossible to amend the Act before the end of the terms of all the Commissioners (to meet the requirement of the House Resolution on filling of vacancies in line with Amended Act). The Minister further requested the Deputy Speaker to facilitate the filling of vacancies.

The OISD considered the process of filling vacancies at the CGE to determine whether, in terms of the CGE Act, the terms of office of the serving commissioners could be renewed and or extended. The OISD found that the extension of a term of office was not considered a viable option.

The OISD facilitated the establishment of an Ad Hoc Committee, as required by the Act, and on 17 November 2011 the Ad Hoc Committee on the filling of vacancies at the CGE was established. Its deadline to report to the NA was 21 February 2012. The Ad Hoc Committee received 175 nominations, and interviewed 14 candidates. The Ad Hoc Committee resolved that nine candidates be appointed as CGE Commissioners.

The Report of the Ad Hoc Committee was adopted by the NA on 21 February 2012, and forwarded to the President for consideration and appointment, in terms of the CGE Act.

4.5 Amendment of enabling legislation

There is a need to amend the CGE Act in order to remove obsolete sections, including references to the Interim Constitution and to bring it in line with the 1996 Constitution.

4.6 Relationship with Parliament

The OISD had an introductory meeting with the CGE in October 2010 to discuss matters arising from their Annual Report, as well as matters that needed Parliament's attention. The issues that were identified included institutional governance, budgetary and finance matters, appointments and relationship with Parliament. These matters are reflected under the relevant subheadings in this section.

A number of the issues raised by the CGE corresponded with findings and recommendations contained in the Report of the Ad Hoc Committee on the Review of Chapter 9 and Associated Institutions. It is envisaged that these recommendations would be considered when the Report serves before the National Assembly.

One of the concerns raised by the CGE was that the Special Reports that it submitted to Parliament from time to time were not adequately considered and that there was usually no feedback on them. At the Workshop with ISDs in September 2011, the CGE supported the recommendation that the capacity of Portfolio Committees be enhanced to enable them to engage with substantive reports of ISDs.

5 COMMISSION FOR THE PROMOTION AND PROTECTION OF THE RIGHTS OF CULTURAL, RELIGIOUS AND LINGUISTIC COMMUNITIES (CRL COMMISSION)

5.1 Introduction

The mandate of the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (CRL Commission) is to:

- Promote and develop peace, friendship, humanity, tolerance and a national unity among and within cultural, religious and linguistic communities on the basis of equality, non-discrimination and free association;
- Promote and protect cultural, religious and linguistic rights of these communities;
- Foster mutual respect among cultural, religious and linguistic communities;

- Promote the rights of communities in order to develop their historically diminished heritage; and
- Recommend the establishment or recognition of community councils.

5.2 Institutional Governance

At the Workshop with the ISDs, the CRL Commission recommended that the institutional governance arrangements of the Commission be revised. This should include the establishment of clear lines of accountability, and an appropriate system for the disclosure of interests by Commissioners.

5.3 Budgetary and Finance Matters

In a meeting between the OISD and the CRL Commission on 1 November 2010, it transpired that funding was a serious challenge and that the situation required urgent intervention. It was reported that there were not enough funds to execute the mandate of the institution. Basic salaries accounted for 80% of their budget expenditure. The Commission attributed the situation to many factors, amongst others, a substantial budget shortfall as granted by Treasury. The Commission received a budget allocation of R21 million, which was significantly less than the R36 million requested. The Commission reported that measures had been taken to reduce costs, including the following: meetings of commissioners had been reduced; the filling of vacant posts had been frozen, all temporary positions had been terminated, and outgoing phone lines had been suspended.

Against this background the OISD, through the Office of the Deputy Speaker, appealed to the Minister of Cooperative Governance and Traditional Affairs for urgent intervention to address the Commission's financial challenges. As a result of this request and intervention by the Department, the Commission received additional funding (R3 million) from the Department in December 2010, for the remaining quarter of the 2010/11 financial year.

In December 2011 the Commission reported that National Treasury had increased their baseline with R11 million for 2012/13, R8 million for 2013/14 and R9 million for 2014/15.

5.4 Appointments

At the Workshop with ISDs in September 2011, the following was reported regarding appointments:

- Parliament is not involved in the appointment of Commissioners. In terms of the Act, the Minister must invite nominations when vacancies occur, and appoint a selection panel to submit recommendations to the President. The President then selects a number of Commissioners from the list of nominees and appoints them.

- The involvement of the Minister may create the impression that the CRL is not independent. It was recommended that Commissioners be appointed by the President on recommendation of the NA; furthermore that the relevant Portfolio Committee invites nominations, draws up a shortlist and interviews candidates before recommending a list of names to the NA for approval. The role the Minister plays in appointments should be removed.
- Appointments should be staggered to provide continuity.
- The view was expressed that the Commission is too big and that this contributes to confusion about the roles of Commissioners, thus possibly contributing to wasteful expenditure. It was recommended that the Commission consists of no more than 11 members.

The CRL Commission needs to define the roles for Commissioners clearly in order to alleviate tension between Commissioners and the Secretariat. It was recommended that the CRL address the matter without delay.

5.5 Amendment of Enabling Legislation

The CRL Commission indicated that there is a need to amend some of the sections of the Commission Act, Act 19 of 2002.

5.6 Relationship with Parliament

On 22 October 2010, the OISD met with the CRL Commission to discuss matters arising from the Annual Report, as well as other matters that needed Parliament's attention. The Commission's main concern was the lack of funding, as discussed under the item 'Budgetary and Finance Matters' above.

The CRL Commission reports to the PC on Cooperative Governance and Traditional Affairs. At the Workshop with ISDs in September 2011, the CRL Commission noted the concerns raised by the Committee that the work of the CRL is not related to the interests and expertise of this Committee. The CRL expressed concern about the lack of interaction with National Parliament. It was agreed that the relationship between the CRL Commission and National Parliament needed to be strengthened.

6 ELECTORAL COMMISSION (IEC)

6.1 Introduction

The Electoral Commission of South Africa is a body created by the Constitution to promote and safeguard democracy in South Africa. Although publicly funded and accountable to the National Assembly, the Commission is independent of the government. Its immediate task is the impartial management of free and fair elections at all levels of government.

6.2 Institutional Governance

In its interactions with the IEC, the OISD had detailed discussions to reach a common understanding on, amongst other things, the correct title for the institution, the business of the IEC between elections, their resources and work done outside the country. The latter, as well as the issue as to whether the IEC must always assist when requested to do so, was identified as possible matters for the Executive to address by way of a policy decision, so as to ensure that the IEC's capacity and resources would not become overstretched.

At the Workshop with ISDs in September 2011, the IEC referred to the funding of political parties and the need to sustain public trust and confidence in the Commission as challenges experienced by the Commission. The increasing demands on the IEC to assist other regional and continental Election Management Bodies (EMBs) in preparation for during their elections, was also raised as a concern.

All the members of the Commission declared their interests annually. In addition, members declare conflicts of interest upfront in dealing with matters of procurement. The IEC continues to improve in its governance procedures regarding the roles of Commissioners and the CEO.

6.3 Budgetary and Finance Matters

The IEC reported that it was satisfied with its budget allocation to implement its mandate.

6.4 Appointments

The terms of office of Commissioners that would which end in October 2011 was raised as a concern. In mid-February 2011, the Chairperson of the IEC had written to advise the Speaker that the terms of office of four IEC Commissioners would expire in October 2011. The Office of the Speaker instructed the OISD to facilitate the process of filling the vacancies at the IEC.

Section 6(2) of the Electoral Commission Act of 1996 provides for the establishment of a Panel chaired by the Chief Justice to shortlist and interview, and thereafter to recommend the names of eight candidates to the National Assembly. The IEC reported that although it had no problems with the appointment procedures, the importance of allowing adequate time for the appointment process was emphasised. Secondly, it was suggested that the members who form part of the Panel should familiarise themselves with the work of the Commission in order to make appropriate nominations.

Concern was also expressed about the fact that that legislation did not provide for the staggered appointment of Commissioners. Four of the five Commissioners' terms of office would expire at the same time.

Attention was drawn to the fact that the Electoral Commission Act was silent with regard to the organ of state that would be responsible for funding the establishment of the Panel and related expenses. In the past, the Department of Home Affairs would fund the Panel. However, opposition parties had since complained that the funding of the Panel by a government department created an appearance of impropriety, considering that the IEC is an independent institution. The OISD prepared a submission to the Presiding Officers requesting that a policy determination be made regarding the funding of the Panel by Parliament. The request was approved and Parliament funded the Panel and its work.

The OISD facilitated the establishment of an Ad Hoc Committee tasked with the nomination of candidates to the IEC. The process was finalised and the House recommended the appointment of four candidates as IEC Commissioners.

The OISD coordinated a farewell function hosted by the Deputy Speaker for the departing IEC Commissioners. The function was held on 13 October 2011.

6.5 Amendment of Enabling Legislation

The IEC reported that provisions in the Electoral Act of 1996, the Municipal Electoral Act of 1998 and the Constitution needed to be reviewed in the light of practical and application problems.

The IEC emphasised the urgency with which the amendment of legislation regarding municipal elections were to be treated, as the Commission needed to know what the final amendments were in order to be ready for the municipal elections and have electoral staff trained accordingly.

6.6 Relationship with Parliament

On 22 October 2010 the OISD met with the IEC to discuss matters arising from their Annual Report, as well as other matters that required Parliament's attention.

Two important issues that the IEC wanted to bring to Parliament's attention involved the payment of employed staff who had worked prior to the elections and on Election Day and the IEC's

commitments in respect of the lease of small offices around the country. Other issues included institutional governance, budgetary and finance matters, appointments and the IEC's relationship with Parliament. These matters are covered under the relevant subheadings in this section. A number of these issues correspond with findings and identified and recommendations contained in the Report of the Ad Hoc Committee on the Review of Chapter 9 and Associated Institutions.

The IEC expressed support of the Ad Hoc Committee's proposal that joint meetings of the Portfolio Committees on Home Affairs and the Portfolio Committee on Justice and Constitutional Development be held. The Commission also supported the idea of having one oversight Committee for independent constitutional bodies. Regarding the relationship with other ISDs, it was reported that a forum for these institutions was being resuscitated under a new name, namely the Forum of Independent Constitutional Bodies.

7 FINANCIAL AND FISCAL COMMISSION (FFC)

7.1 Introduction

As provided for in the Constitution and other enabling legislation, the Financial and Fiscal Commission (FFC) makes recommendations on financial and fiscal matters to Parliament, provincial legislatures and any other authorities determined by national legislation, including:

- The equitable division of nationally raised revenue, horizontal and vertical;
- Conditional Grants;
- The Fiscal Framework; and
- The Medium Term Budget Policy Statement (MTBPS)

7.2 Institutional Governance

During interactions between the OISD and the FFC a number of issues relating to institutional governance within the Commission were discussed. Parliament was requested, amongst other things, to facilitate the development of a system that would be more efficient than that provided for in section 9(1) of the Financial and Fiscal Commission Act for the determination of the salaries, allowances and benefits of Commissioners. Implementation of the system provided for in section 9(1) of the Financial and Fiscal Commission Act had been inconsistent and cumbersome.

At the Workshop held in September 2011 the Commission indicated that it agreed with the Ad Hoc Committee's findings and recommendations regarding institutional governance. Since the review the FFC had adopted a Governance Code which addressed to a substantial degree the concerns that had been raised by the Ad Hoc Committee.

7.3 Budgetary and Finance Matters

The FFC reported that it did not regard the fact that it received its allocation of funds through National Treasury as a challenge, as the Commission always received the resources that it needed. According to the FFC it was only a perception that the Commission was not independent of Treasury. However, the fact that the FFC was not given an opportunity to engage National Treasury on its budget proposal was highlighted, as this resulted in its budget increases not keeping up with audit fees increases. There was agreement that the FFC's inability to engage National Treasury on its budget proposal should be looked into, as this potentially affected other ISDs as well.

The OISD met with the FFC on 9 June 2011 to discuss the FFC's high audit fees. This was one of the critical issues that were also discussed during the FFC's presentation of its Strategic Plan for 2011/2012 to the Standing Committee on Finance in May 2011.

One of the key issues on which discussion took place was the fact that the FFC was looking for a special dispensation to be exempted from being audited by the AGSA, as this would cut costs tremendously. Research done by the Commission had shown that a small organisation such as the FFC would pay less in audit fees if it were to be audited by an independent or external audit firm. It was agreed that the FFC would conduct further research to motivate being exempted from being audited by the AGSA in an attempt to curb high audit fees.

7.4 Appointments

At the introductory meeting with the OISD, the FFC raised a number of concerns regarding appointments. The FFC requested that:

- Parliament ensures that appointments to the Commission follow a similar process as that of other ISDs, with the proviso that provinces and organised local government should also have a say in the appointments.
- Parliament ensures that persons who are appointed by interest groups with whom they may have continuing loyalties act in the best interests of the Commission, once appointed.
- Parliament categorically states whether the appointment of Commissioners, particularly the Chairperson and Deputy Chairperson of the Commission, are part-time or full-time.
- Parliament ensures that the persons who are appointed as Commissioners have expertise in intergovernmental fiscal relations.

At the ISDs Workshop in September 2011, the FFC indicated that it agreed with the recommendation of the Ad Hoc Committee's that the NA and NCOP collectively make recommendations for the appointment of FFC Commissioners, having formally consulted organised local government. The Commission further recommended that Premiers be consulted at NCOP level by virtue of their positions as the heads of provincial executive delegations in that forum.

7.5 Amendment of Enabling Legislation

There is a need to amend the FFC Act in order to separate the positions of Chairperson and Chief Executive Officer.

The implementation of the recommendations of the Ad Hoc Committee pertaining to remuneration and conditions of service would require an amendment to Section 9 of the FFC Act.

In a report submitted to Parliament on 17 August 2010, the Former Chairperson of the FFC proposed that section 221 of the Constitution, dealing with the appointment and tenure of members, be amended. It was recommended that the processing of the Ad Hoc Committee Report be placed in abeyance until the OISD had received a letter from the FFC regarding the issues that had been raised. This was to give Commissioners who had not seen the document time to reflect on it before it was processed in Parliament. It was agreed that the FFC leadership would at a later stage make a submission to Parliament in this regard.

7.6 Relationship with Parliament

The OISD met with the FFC on 11 October 2010, to discuss issues arising from their 2009/10 Annual Report, as well as other issues that required Parliament's attention. Parliament was requested, amongst other things, to ensure that the Commission receives prompt and complete access to any information held by Government and other organs of state that it may reasonably require in the discharge of its duties; furthermore, that the ever rising costs of compliance with a variety of pieces of legislation be brought under control; lastly, that the exponential rise in internal and external audit fees be mitigated.

The FFC expressed the view that protocols should be developed to facilitate communication between the OISD and the Commission. Agreement was reached that communication protocols in respect of all ISDs would be developed by the OISD and that inputs would be sought from the ISDs.

As part of the OISD's mandate to support both Institutions Supporting Democracy and Portfolio Committees, the OISD attended a number of meetings between Portfolio Committees and the FFC. The purpose was to identify issues on which the OISD might need to follow up with a view to assisting the Committee in its oversight function.

8 INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA (ICASA)

8.1 Introduction

The primary function of ICASA (the Authority) is to provide for the regulation of electronic communications and postal services in the Republic in the public interest as per the Electronic Communications Act.

8.2 Institutional Governance

At the ISDs Workshop in September 2011 it was reported that ICASA has already implemented some of the recommendations made by the Ad Hoc Committee. For example, a conflict management policy had been established; technical advisors had been removed from the structure and an informal relationship had been established with the Independent Electoral Commission. The Authority had established a public awareness programme, which included surveys and regional consultations. A process of dispute resolution was also being used to minimise formal legal processes and the Authority was in the process of aligning its structure with the Electronic Communications Act.

An issue on which clarification was required was the Authority's status. At the time it was being treated as a hybrid of a Schedule 2 and Chapter 9 Institution. It was reported that the Minister of Communications had suggested that debate takes place on the status of ICASA.

8.3 Budgetary and Finance Matters

ICASA reported the following regarding its financial arrangements:

- The Authority's budget is inadequate. This adversely affected the performance of its operations, especially in view of its expanded mandate.
- The Budget must also support transformational imperatives.
- The Authority's expenses generally exceed its income. It generally spends its entire allocation. However, more than 60% of the allocation is utilised for operations and only 40% is geared towards its core function.
- The Authority should be permitted to retain a portion of the revenue it collects.
- The funding model should be concluded after further consultation.

The Authority would appreciate support for a self-funding model. The modalities thereof were being discussed with key role players. The Authority collects in excess of R2 billion and was only allocated R330 770 million in 2010 and R351 343 million in 2011, with a 60:40 split for operations as opposed to core functions.

8.4 Appointments

ICASA has suggested that the appointment of Councillors be reviewed to enhance the independence of the Authority as follows:

The President, on recommendation of the National Assembly, should appoint Councillors;

The qualifications of Councillors must be considered. At least a third must have technical competence;

The performance management system should be revised to exclude the Minister's role;

Salaries and benefits should be aligned to comply with section 219 (5) of the Constitution,

8.5 Amendment of Enabling Legislation

It was reported that the Department of Communication was in the process of amending the Electronic Communications Act and the ICASA Act.

8.6 Relationship with Parliament

One of the recommendations of the Ad Hoc Committee was that relations between the Authority and the Portfolio Committee on Communications should be strengthened. This was endorsed at the Workshop with ISDs that was held on 5 September 2011.

As part of its mandate to provide support to both Portfolio Committees and ISDs, the OISD attends meetings between the Portfolio Committee on Communications and ICASA. The purpose was to identify issues on which the OISD might need to follow up with a view to assisting the Committee in its oversight function.

The OISD monitored, for example, the consideration and adoption of ICASA's Performance Management System as presented by the Department of Communications and adopted by the National Assembly on 1 March 2012.

9 NATIONAL YOUTH DEVELOPMENT AGENCY (NYDA)

9.1 Introduction

The review by the Ad Hoc Committee on Chapter Nine and Associated Institutions was undertaken during a period in which the National Youth Commission (NYC) was preparing for a merger with the Umsobomvu Youth Fund (UYF) to establish the National Youth Development Agency (NYDA or 'the Agency'). The recommendations in the Report therefore still pertain to the National Youth Commission. At the ISDs Workshop in September 2011 the Agency explained how matters raised in the Report had impacted on the NYC and subsequently impacted on the NYDA.

9.2 Institutional Governance

During interactions with the NYDA a number of developments with regard to institutional governance were reported. Discussions revolved to a considerable extent around the establishment of the Agency as a result of the merger of the NYC and the UYF, and how this affected, for example, the structure and appointment of Board Members.

It was reported that a Youth Directorate had been established for the implementation of youth programmes. The NYDA has to provide a Youth Development Strategy in response to national priorities on a yearly basis. The main purpose is to provide guidelines to ensure that the Strategy is implemented by others.

9.3 Budgetary and Finance Matters

The NYC operated on a budget of approximately R30 million per annum, which was inadequate given the central role the NYC was expected to play in coordinating youth development matters. The same challenge was being experienced by the NYDA, as its baseline funding was premised on that of the former institutions i.e. the UYF and the NYC. Its resource allocation does not enable the NYDA to fulfill its legislative mandate.

The NYDA affirmed the recommendation of the AD Hoc Committee that public entities should have financial independence and be in a position to motivate for their own funding; furthermore, that funding should be allocated directly to the institution and not through various departments. Appropriate structures should be put in place by the National Treasury to assess the funding requirements of these entities.

9.4 Appointments

The tenure of Commissioners all commenced at the same time. The Agency was concerned that this approach would cripple institutional memory when new Board Members take office. The Agency recommended that the tenure of the Board and the CEO should not expire at the same time, so as to ensure continuity.

The term of office of all the NYDA Board Members ended on 30 April 2012. In terms of the NYDA Act, the President must appoint the Board Members, on the recommendation of Parliament. A Joint Ad Hoc Committee for the appointment of candidates to the National Youth Development Agency Board was established for this purpose.

9.5 Amendment of Enabling Legislation

In terms of the NYDA Act, the Agency must establish provincial structures. It was reported that amendments had been proposed to provide for a Provincial Chair and Deputy Chair, amongst other things. The NYDA was in the process of finalising proposals in this regard.

9.6 Relationship with Parliament

On 2 November 2010 the OISD met with the NYDA to establish a working relationship between the two offices and to discuss issues emanating from the NYDA Annual Report. A number of these issues are reflected in the preceding paragraphs under institutional governance, budgetary and finance matters, and appointments.

As reflected in the Ad Hoc Committee Report, the NYC was expected to report to the President once a year. In turn, the President then reported to the National Assembly. The NYC also reported to the Joint Monitoring Committee on Improvement of Quality of Life and Status of Children, Youth and Disabled Persons. The Agency reported that these reporting requirements were too relaxed and that it allowed for minimal room for oversight by the executive authority. The NYDA now reports on a quarterly basis to the Presidency and as when required on more specific matters. The NYDA also reports to the Portfolio Committee on Women, Youth, Children and People with Disabilities.

In terms of the NYDA Act, the Agency must annually submit a Report to the President, which the President must table in Parliament. The Agency raised the issue of which Committee it should report to. The Agency falls under the Office of the Presidency, but the Presidency has no Committee to report to. The Agency suggested that there should be a 'super oversight Committee' – a suggestion by the Presidency – to which the Agency will then report. In the interim the NYDA would continue to report to the PC on Women, Youth, Children and People with Disabilities.

The reporting relationship has presented challenges before. For example, the Portfolio Committee on Children, Women, Youth and People with Disabilities held the view that the NYDA should not report to it but to the new Committee to be established that would be empowered to oversee the

Presidency. Disagreement on matters such as these had in the past led to a walkout of portfolio committee members from opposition parties during one of the NYDA's reporting sessions.

It was further reported that the President had delegated the responsibility for overseeing the Agency to the Minister responsible for Monitoring and Evaluation. A concern was raised that this might be seen to compromise the Agency's independence.

10 THE PUBLIC PROTECTOR (PP)

10.1 Introduction

The Office of the Public Protector (OPP) was established for the purpose of ensuring government accountability and providing remedies for maladministration and the abuse of authority.

10.2 Institutional Governance

In terms of section 182(4) of the Constitution, the Public Protector must be accessible to the public. The Public Protector reported that it had been innovative in this regard, having attended at the time of the meeting amongst other things to 771 clinics, 217 information sessions, 102 radio interviews, 48 newspaper articles, 6 national events and the Public Protector's Good Governance Week. It was also reported that the size, function and location of the organs of state and public institutions made it impossible to render services remotely from limited centralised locations.

The OPP agrees with the observation that in practice issues with regard to the determination of remuneration in the Office has created difficulties. The Public Protector is not consulted as a public Office Bearer in accordance with the Independent Commission for the Remuneration of Public Office Bearers Act, Act 92 of 1997. The OPP supports external and internal uniformity concerning the determination of the remuneration and conditions of service, with particular relevance to the remuneration and conditions of service of the Deputy Public Protector. The National Assembly was requested by the PP to review the composition and structure of the PP with the view to restructuring it to create positions for additional Office Bearers.

The Public Protector made a submission to the Speaker, requesting the Portfolio Committee on Justice and Constitutional Development to review the Deputy Public Protector's conditions of service, and aligning that with hers. The OISD was requested to prepare advice on the submission of the Public Protector.

The OISD analysed the legislation governing the conditions of services of both the Public Protector and the Deputy Public Protector. As the terms and conditions are governed by determinations made by the National Assembly in 1995, and amended in 1996, 2002 and 2004, the OISD also prepared a document on the consolidated conditions of service of the PP.

The OISD made the following recommendations to the Portfolio Committee:

- That the review of the Deputy Public Protector's remuneration package be done independently of the PP's package, with the specific focus on the DPP's job profile.
- That the Committee uses the Public Protector Act as its review authority with minimal reference to other state organs (Courts and Judges)
- That the remuneration regime of the PP be reviewed for clarity.
- That the Committee uses the Public Protector Act as its review authority

As at 31 August 2012, the Portfolio Committee has not concluded its deliberations on the matter. However, once it does so, it is expected that a report will be submitted to the National Assembly for adoption.

10.3 Budgetary and Finance Matters

The OPP reported that it was seriously underfunded and requested the Office of the Speaker to assist it to secure additional funding so that it would be in a position to fully execute its mandate.

The OPP supports the recommendation for the removal of ISDs' budgets from government department's Budget Votes, as their current location impacts negatively on the independence of the institutions.

10.4 Appointments

At the ISDs Workshop in September 2011, the OPP reported that the call for uniformity in appointment processes, as far as the different mandates and legislation of the ISDs would allow, is an essential component in the quest to ensure that the ISD Heads and Office Bearers would function within the constitutional framework of independence and impartiality.

The process of appointment of the Public Protector is considered open and the appointment criteria are objective and transparent.

The term of office of the current Deputy Public Protector will come to an end on 30 November 2012. In terms of the Public Protector Act (Act No 23 of 1994), as amended, the President, on the recommendation of the National Assembly, must appoint a person as Deputy Public Protector for such period as the President may determine, but not exceeding seven years.

10.5 Amendment of Enabling Legislation

The Ad Hoc Committee recommended that enabling legislation be reviewed to clarify lines of authority. The OPP indicated that the Public Protector is the Executive Authority, and that internal protocol made provision for an executive committee; management committee; independent external audit committee; think tank committee and good governance and integrity committee.

Parliament was requested to assist with the process of amending the legal framework to ensure that the PP received its budgetary allocation through the National Assembly Budget Vote and not through that of the Department of Justice and Constitutional Development.

10.6 Relationship with Parliament

On 26 October 2010, the OISD met with the PP to discuss a range of issues including matters arising from their Annual Report, as well as other matters that required the attention of the Presiding Officers and Parliament. During this meeting Parliament was requested, amongst other things, to increase its support to the OPP to ensure its independence, dignity and effectiveness.

The OPP agreed with the concern expressed by the Ad Hoc Committee about the inadequacy of the arrangements in terms of which Parliament exercised its oversight of the ISDs. It was suggested that Parliament should play a more visible role and that a dedicated Standing Parliamentary Committee for ISDs was crucial.

As part of the OISD's mandate to support both the Institutions Supporting Democracy and Portfolio Committees, the OISD attended a number of meetings between the Public Protector and the Portfolio Committee on Justice and Constitutional Development. The purpose was to identify issues that may arise during the deliberations that needed to be followed up and monitored by the OISD, in order to assist the Committee in its oversight function. This included the annual reporting session of the Public Protector to the Portfolio Committee on October 2011 and a meeting to discuss the PP's draft rules relating to investigations and incidental matters on 27 February 2012.

11 PAN SOUTH AFRICAN LANGUAGE BOARD (PanSALB)

11.1 Introduction

The purpose of the Pan South African Language Board (PanSALB) is to promote multilingualism in South Africa by creating conditions for the development of and equal use of all official languages; fostering respect for and encouraging the use of other languages in the country; and encouraging the best use of the country's linguistic resources, in order to enable South Africans to free themselves from all forms of linguistic discrimination, domination and division and to enable them to exercise appropriate linguistic choices for their own well-being as well as for national development.

11.2 Institutional Governance

Allegations of dysfunctionality and financial mismanagement at PanSALB required the Board to appear before the Portfolio Committee on Arts and Culture on a number of occasions during 2011, as the Board is accountable to the NA. The OISD attended these meetings as part of its mandate to assist the Committee in its oversight function and to advise the Committee on legal matters pertaining to PanSALB. At the meetings a number of concerns emerged, including Board Members' performance evaluation; alleged abuse of power; lack of corporate governance; allegations against the finance manager; the multilingualism awards and escalating litigation costs and labour relations matters.

At a meeting on 21 September 2011 the Portfolio Committee agreed to give the Board thirty days to prepare a turnaround strategy relating to the functioning of PanSALB and present it to the Portfolio Committee. At a meeting held on 1 November 2011, PanSALB presented the turnaround strategy to the Portfolio Committee. The outcome of this meeting was that the PC Chairperson would consult with the Minister of Arts and Culture and request him to intervene.

The OISD presented recommendations to the Deputy Speaker. While PanSALB only reports to Parliament, the Minister of Arts and Culture is responsible for the administration of PanSALB and has wide powers including those of appointing and dissolving the Board. The OISD was of the view that Parliament could handle the situation on its own, instead of the Department of Arts and Culture, as the Department's main focus is the implementation of its programmes. An intervention by an independent body was advisable. The OISD therefore recommended that (i) a forensic investigation into the affairs of PanSALB be commissioned; (ii) the Deputy Speaker asks the Minister to commission it; and (iii) the Deputy Speaker advises the Minister to consider the services of the Special Investigating Unit (SIU).

As part of its mandate to provide support to Portfolio Committees, the OISD was further requested by the Portfolio Committee on Arts and Culture to provide the Committee with advice on how to proceed with the three legal cases between the Board and (former) employees that were before the Committee. After meeting with the Board on a number of occasions for clarity and to discuss certain technicalities, the OISD submitted its recommendations to the Portfolio Committee.

As one of the allegations against the Board was that the Deputy CEO (and former Acting CEO) was appointed without having the necessary qualifications, the OISD was requested to investigate and verify his qualifications. The verification process was conducted with the assistance of Parliament's Human Resources Section. A report on the matter had subsequently been submitted to the Portfolio Committee.

Interactions between the OISD and PanSALB revealed that there were also concerns about an overlap in mandate with the Commission for the Promotion and Protection of the Rights of Cultural, Religious, Linguistic Communities (CRL Commission). This matter had also been identified by the Ad Hoc Committee on the Review of Chapter 9 and Associated Institutions, and recommendations appear in the Report. It is envisaged that these recommendations will be considered when the Report serves before the NA for consideration.

11.3 Budgetary and Finance Matters

In its management report for the year ending 31 March 2010 the Auditor-General stated that the increase in the grant that PanSALB would receive over the following three years was not in line with inflation rates and general increases in respect of goods and services. The AGSA found that PanSALB might experience a growing problem in the nearby future. Through interactions with the Board it became apparent that the Board was indeed experiencing a financial crisis, and would not be able to meet its financial obligations at the end of the 2011/12 financial year. While PanSALB had requested R173 million for the financial year, it received only R47.5 million, in comparison with R50.2 million in the previous financial year.

PanSALB operates out of nine Provincial Offices, 13 National Language Bodies (NLBs), 9 Provincial Language Committees (PLCs), and 11 National Lexicography Units (NLUs). Their financial resources are spread between these structures. Out of the 2011/12 budget, 40% (R24 million) was disbursed to salaries, 30% (R13 million) was paid to NLUs for the development of dictionaries and the remaining 30% (R15 million) was divided between the PLCs, NLBs and administration.

PanSALB attributed their financial challenges to the fact that the institution was not afforded an adequate opportunity to motivate its budgetary requirements before Parliament or its relevant committees, and that this problem was embedded in its founding legislation.

The Board had submitted a letter to the President requesting urgent intervention to address the funding crisis. The OISD received a copy of the letter and relayed this information to the Deputy Speaker and Chairperson of the PC on Arts and Culture.

11.4 Appointments

PanSALB reported that appointment procedures are problematic as the CEO is required to appoint staff in consultation with the Minister of Arts and Culture. It is their view that the PanSALB Act of 1995, as amended in 1999, compromises section 181 of the Constitution as it confers powers upon the Minister of Arts and Culture to appoint the Board, and not Parliament. It also grants the Minister the power to terminate the membership of any person appointed in terms of this Act.

It was further reported that the requirement to appoint a new Chairperson and Deputy Chairperson annually, in terms of the PanSALB Act, created instability in the Board.

The reassessment of current and newly established posts at the Board required job grading. Although the Board approved the reassessment, the plan could not be implemented due to insufficient funding.

11.5 Amendment of Enabling Legislation

There is a need to review the PanSALB Act. The 1995 Act was amended in 1999, but the Board has

a number of concerns with the Amendment Act. This matter was raised with the relevant Portfolio Committee and with the Minister of Arts and Culture.

The Ad Hoc Committee on the Review of Chapter 9 and Associated Institutions also highlighted a serious discrepancy between the relevant provisions of the Constitution and the provisions of the PanSALB Act regarding the main objectives of the Board. Amendments must be effected through the Minister of Arts and Culture.

PanSALB has raised the lack of a Language Act as a concern, and made proposals for a new Language Act. The OISD was asked to investigate this issue. It was found that the Department of Arts and Culture has been instructed by the Constitutional Court judgment *Lourens v Republic of South Africa and Others, 2009* to implement a Language Act.

As at 7 September 2012 the Use of Official Languages Bill was on the Order Paper of the National Council of Provinces for consideration by the House.

11.6 Relationship with Parliament

The OISD had an introductory meeting with PanSALB on 22 October 2010 to discuss matters arising from its 2009/2010 Annual Report, as well as other matters that needed Parliament's attention.

Issues raised included institutional governance, budgetary and finance matters, appointments and relationship with Parliament and are covered under the relevant sub-headings in this section.

A number of the issues that were raised correspond with findings and recommendations contained in the Report of the Ad Hoc Committee on the Review of Chapter 9 and Associated Institutions.

12 PUBLIC SERVICE COMMISSION (PSC)

12.1 Introduction

The Public Service Commission has been established, amongst other things, to promote the values and principles set out in section 195 of the Constitution throughout the public service, to investigate, monitor and evaluate the organisation and administration, and the personnel practices within the public service; to propose measures to ensure effective and efficient performance within the public service; and to give direction aimed at ensuring that personnel procedures relating to recruitment, transfers, promotions and dismissals comply with the values and principles set out in section 195 of the Constitution.

12.2 Institutional Governance

The Head of the OISD was invited by the PSC to attend and address a closed Plenary Session of the PSC Commissioners on 23 May 2011 in Cape Town. One of the issues identified was the unsatisfactory conditions of service for the PSC Commissioners. Commissioners stated, amongst other things, that they did not have medical aid and their salaries were fixed with no salary progression. These matters had been raised with relevant stakeholders on numerous occasions. It was agreed that the Commissioners would develop a document to capture all the issues relating to the conditions of service that had been discussed and submit it to the OISD. The OISD would in turn, approach the relevant stakeholders with the view to facilitating resolutions regarding the issues raised by the Commissioners.

One of the recommendations of the Ad Hoc Committee was that Commissioners should disclose directorships and similar interests in PanSALB's annual report and that directorships and/or partnerships held by commissioners and senior officials must be disclosed and published in the annual report. Other declarations should be kept in a register that is easily accessible to the public. The PSC's response to these recommendations was that the Financial Disclosure Framework for Public Service Commissioners applies to Commissioners and provides for the completion of a Financial Disclosure Form at the end of each financial year. The PSC does not provide information emanating from these forms in its Annual Report, as the form states that information may only be provided to another party if she/he can prove that his/her rights have been adversely affected or in the event of suspected criminal offences or misconduct

12.3 Budgetary and Finance Matters

The budget of the PSC has in the last few years been transferred from a separate Budget Vote to the Budget Vote of the Department of Public Service and Administration. The PSC reported that this arrangement was not satisfactory to the PSC. The Commission was concerned that it might lead to incorrect perceptions regarding the independence of the PSC.

This concern cuts across all the ISDs and corresponds with the finding of the Ad Hoc Committee on the Review of Chapter 9 and Associated Institutions in this regard, and the recommendation that the Budgets Vote of all the ISDs should form part of the Budget Vote of Parliament.

12.4 Appointments

It was reported that the number of vacant posts for Commissioners at the PSC was hampering the work of the Commission. It transpired that there were three vacancies for Commissioners at the head office and three at the North West, Gauteng and Western Cape provinces. Some of these posts have been vacant since 2008. The term of office of the Chairperson ended on 31 January 2011.

The OISD initiated a process to facilitate the filling of these vacancies. Letters were written to the Presidency as well as to the Premiers' offices in the relevant provinces. As a result of this intervention, the Presidency requested the NA through the Speaker to initiate the process of filling the vacancies,

as is required by the law. The Portfolio Committee proceeded accordingly, and on 23 June 2011 the NA approved the recommendation for three Commissioners for appointment by the President.

On 5 April 2010, the OISD wrote to the Director-General in the Presidency to advise him that the term of office of the PSC Chairperson would expire on 31 January 2012. The OISD further requested him to facilitate a process for the President to designate one of the Commissioners as Chairperson, as contemplated by section 5(1) of the PSC Act. Mr Ben Mthembu has since been appointed as PSC Chairperson.

The PSC agrees with the Ad Hoc Committee's recommendation of a staggered approach to the selection and appointment of Commissioners so as to avoid institutional memory loss.

12.5 Amendment of Enabling Legislation

The implementation of the recommendation of the Ad Hoc Committee regarding the Financial Disclosure Framework will require an amendment to the Public Service Regulations, as the recommendation of the Committee also pertains to senior officials.

12.6 Relationship with Parliament

On 2 November 2010, the OISD met with the PSC to discuss matters arising from their Annual Report, and other matters that needed Parliament's attention.

These issues included institutional governance, budgetary and finance matters, appointments and relationship with Parliament and are covered under the relevant sub-headings in this section. A number of the issues raised that were raised correspond with findings and recommendations contained in the Report of the Ad Hoc Committee on the Review of Chapter 9 and Associated Institutions.

The issue of Special Reports submitted to Parliament by the PSC was also discussed. The OISD officials reported that an audit of all reports submitted by the ISDs was currently underway. The purpose of the audit was to ensure that all Special Reports submitted by the ISDs were considered by Parliament. The OISD hired interns to assist with the auditing of Special Reports. The ISDs have been requested to assist in the process by identifying Special Reports before the current Parliament that had not been considered.

At the Workshop with ISDs in September 2011, the PSC reported that the Commission had agreed that the outcome of the Commission's interactions with Parliament and the provincial legislatures was unsatisfactory. This is largely ascribed to the fact that its recommendations and advice are not enforced by the Executive and that there is no clear instrument at the level of Parliament to enforce the PSC's recommendations.

The PSC felt, however, that since the release of the Ad Hoc Committee Report, Parliament has become more robust in engaging with the PSC's Special Reports. This is largely as a result of the PSC's interactions with the Chair-of-Chairs and the Portfolio Committee on Public Service and Administration.

13 SOUTH AFRICAN HUMAN RIGHTS COMMISSION (SAHRC)

13.1 Institutional Governance

The conditions of service for Commissioners were identified as an urgent matter needing Parliament's attention. It was suggested that the OISD and the Speaker's Office could assist, monitor and facilitate this matter in order that it is resolved and finalised.

13.2 Budgetary and Finance Matters

The SAHRC on a number of occasions requested Parliament for assistance in ensuring that its work in respect of the Promotion of Access to Information Act (PAIA) is adequately funded. Assistance from the OISD was sought in this regard.

13.3 Amendment of Enabling Legislation

The Human Rights Act, 1994, is outdated. This legislation was originally consistent with the provisions of the 1993 Constitution, which differ in important respects from those contained in the 1996 Constitution. There is therefore a need to amend the enabling legislation. It is recommended that the HRC Act should provide for the regulation of pecuniary and other interests of Commissioners and senior officials

13.4 Relationship with Parliament

The CEO of the SAHRC had made a written submission to the OISD to identify a number of concerns emanating from the 2009/10 Annual Report and that needed the urgent attention of the Presiding Officers. The issues relating to institutional governance and budgetary and finance matters are discussed under the relevant subheadings in this section.

- **PEPUDA Regulations:** The SAHRC has made repeated calls for the processing and finalisation of the regulations to implement the Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA). This has not occurred. Assistance from the OISD would be appreciated in this regard.
- **Non-Compliance with PAIA:** The SAHRC Annual Report highlights public bodies that have not complied with section 32 of PAIA. The Commission is of the opinion that Parliament ought to exercise its oversight role by calling these government departments to explain their lack of non-compliance with PAIA. It was suggested that this could be done by the PC on Justice and Constitutional Development calling all these government departments to account; or alternatively by individual Portfolio Committees calling the relevant government

department to report on this matter specifically. PAIA compliance could also become institutionalised within Portfolio Committees, should oversight in this regard become part of their programme each year when relevant government departments present their Annual Reports. The SAHRC suggested that the OISD could assist in ensuring that the above suggestions are followed through.

- **Compliance with international human rights obligations:** The SAHRC would welcome exploring with the OISD and the PC on International Relations and Co-operation ways in which Parliament's role could be strengthened in exercising oversight over South Africa's compliance and non-compliance with its international human rights obligations. The SAHRC Annual Report sets out those major international instruments where South African has failed to meet its reporting obligations. On 17 March 2011, the Office of the Speaker received a letter from the SAHRC regarding the ratification of the International Covenant on Economic, Social and Cultural Rights (ICESCR). In the letter, the Chairperson appealed to the Speaker to urgently intervene in expediting the ratification of the ICESCR. The OISD wrote to the Director-General in the Presidency on behalf of the Speaker, to request that Office to facilitate the process that will expedite the ratification of the treaty by our country. The OISD also wrote to the Department of International Relations and Co-operation to request assistance in the process.
- **SAHRC Special Reports:** A need was identified for engagements to develop clear guidelines on interactions with the OISD when future reports are tabled in Parliament, including the coordination of meetings with the relevant Portfolio Committees.
- **Interactions with Portfolio Committees:** The SAHRC wishes to discuss the current oversight tools that are being used in greater depth with the relevant parliamentary officials and assess whether there is a role that SAHRC could play to contribute towards that.
- **Interaction with MPs:** Challenges have been experienced by the SAHRC in ensuring that invitations to MPs to SAHRC events are processed through the Committees, so that MPs attend these events. It was suggested that induction training on the SAHRC be instituted for new MPs, so that they would all be adequately aware of the Commission's role and functions.
- **Convening the quarterly Chapter 9 Forum meetings:** The convening of quarterly meetings with the Chapter 9 Forum was suggested in order to ensure that such meetings take place regularly and that the logistical arrangements are made through Parliament. This proposal would have to be explored and discussed with all the ISDs.

Subsequent to the above submission, the Chairperson of the SAHRC wrote to the Speaker in June 2011 to raise a concern regarding what he described as the slow pace of progress in operationalising the OISD. In a meeting between the Deputy Speaker met with the Chairperson of the SAHRC on 11 August 2011 matters raised by the Chairperson were addressed.

At the ISDs Workshop on 5 September 2011, the SAHRC delegation raised a number of concerns, and also referred to the slow pace in operationalising the OISD. As the workshop had been convened to

discuss the Ad Hoc Committee report, there was no opportunity to respond to the issues raised by the SAHRC in its presentation. However, the OISD met with the SAHRC on 19 September 2011 to discuss some of these concerns. Discussions took place on the conditions of service of Commissioners, the need to amend the SAHRC Act and the slow pace of operationalisation of the OISD. The Head of the OISD made a commitment to assist the SAHRC with the process of getting the amendment of the SAHRC Act started and with regard to conditions of service. The SAHRC for its part was to provide the OISD with a record of past efforts of the SAHRC in this regard.

14 OTHER ACTIVITIES

14.1 Auditing of ISD Special Reports

Institutions Supporting Democracy (ISDs) are required by law to annually report to the National Assembly (NA) on their activities and on the performance of their functions. The ISDs may also investigate matters falling within their mandate of their own accord and submit reports to the NA on their findings and recommendations. Such reports are referred to as Special Reports, and are submitted at no specific intervals.

It is the OISD's understanding that the process for dealing with Special Reports is as follows:

1. Special Reports are submitted by ISDs to the Office of the Speaker for tabling.
2. The Office of the Speaker submits the Reports to the NA Table, for tabling and referral.
3. Reports are referred to the relevant Portfolio Committees, either for consideration or for consideration and reporting. Only if a Report is referred 'for consideration and report', is there an obligation on the Committee to provide feedback to the NA, although they are free to do so even if it is only referred 'for consideration'.
4. Once a report is adopted by the Committee, it is referred to the NA for consideration. Once the NA adopts a Report, the recommendations therein become Resolutions for implementation.

Work is being done to improve on the current process.

14.1.1 Auditing Process

At a meeting convened by the Speaker on 8 September 2010, some Chairpersons of ISDs indicated that they never received feedback with regard to Special Reports, which created an impression that these reports were not being considered. The OISD subsequently communicated with each ISD requesting them to provide a list of Special Reports submitted to Parliament which in their view were not considered or adequately addressed. Only the Auditor-General responded to this request.

The OISD subsequently decided to perform an audit of the Special Reports submitted by ISDs in 2010. It revealed that 45 Special Reports had been submitted to Parliament by five of the 11 ISDs, as follows:

• Commission for Gender Equality (CGE)	:	13
• Auditor-General of South Africa (AGSA)	:	12
• Public Service Commission (PSC)	:	12
• Public Protector (PP)	:	7
• South African Human Rights Commission (SAHRC)	:	1
Total	:	45

The OISD has also completed an audit of Special Reports submitted in 2011/2012 financial year. Proposals will be made towards improving on the current system of handling Special Reports based on this report.

14.2 Speech Writing

The OISD assisted in drafting a number of speeches delivered on different occasions by the Deputy Speaker.

a) *Opening of PP Office in Mthatha*

The OISD assisted with the preparation of the speech delivered by the Deputy Speaker at the opening of the Regional Office of the Public Protector in Mthatha on 1 October 2010. In the speech the critical role of institutions such as that of the Public Protector's Office in the attainment of the ideals of a democratic society was emphasised.

b) *IEC Commissioners' Farewell*

The OISD and the Office of the Speaker hosted a farewell function for the four retiring Electoral Commissioners on 13 October 2011. The OISD assisted with the preparation of the speech delivered by the Deputy Speaker at this function.

c) *PP Good Governance Conference*

The Head of the Unit was invited to address the Good Governance Conference that was hosted by the Office of the Public Protector on 17-18 October 2011. The topic of her address was the role of the OISD in strengthening public accountability. The Office assisted with the preparation of the speech.

d) *Speech for Deputy Speaker to the Governance and Monitoring Cluster*

The OISD prepared a speech for the Deputy Speaker to the Governance and Monitoring Cluster on the Chapter 9 and Associated Institutions, delivered on 23 February 2012. The speech addressed progress with the establishment of the OISD, challenges faced by the ISDs and expectations of the Study Groups.

14.3 Research Papers

The OISD has conducted research and compiled research papers on a number of topics pertaining to the core mandate of the Office. These research papers include:

a) *Procedures for Filling of Vacancies at ISDs*

The Ad Hoc Committee on the Review of Chapter 9 and Associated Institutions in its 2007 Report noted with concern that there were significant differences in the appointment procedures for the Commissioners/Board Members and Chairpersons of different ISDs. The OISD prepared a research paper comparing the procedures at the various ISDs, considering both the relevant legislative provisions, and precedent.

b) *Comparative Study of Offices Similar to OISD in Foreign Jurisdictions*

The OISD was established with the intention, amongst other things, of bridging the gap between Institutions Supporting Democracy (ISDs) and Parliament. In essence, the role of the OISD is to facilitate and promote healthy inter-relationships between the ISDs and Parliament and, in so doing, deepen the substance of our democratic processes and mechanisms. New as such an Office may be within the South African Parliamentary system, this practice is not unique, as Offices with related functions exist in other jurisdictions. These jurisdictions include Albania, Canada, the United Kingdom, New Zealand, Lebanon and Kenya. This paper considered the mandates of these Offices in various jurisdictions to determine what lessons the OISD could draw from their experience.

c) *'Strengthening Constitutional Democracy' by Institutions Supporting Democracy*

When considering ISDs, the focus is generally placed either on the independence and impartiality of ISDs, or on their accountability to Parliament. Very little emphasis is placed on the first provision of section 181(1) which provides for institutions to 'strengthen' constitutional democracy. This document considered the provision 'strengthening constitutional democracy', by firstly considering the background of the establishment of the ISDs. It also considers the collective strength of the ISDs, and discusses measures aimed at galvanising and nurturing the collective strength of ISDs. The document finally considers the relationship of ISDs with civil society organisations (CSOs) and non-governmental organisations (NGOs).

d) South Africa's National Gender Machinery Framework

A concern has been raised that the current Gender Machinery in South Africa is fragmented as a result of the proliferation of institutions comprising the Gender Machinery. The purpose of this paper was to discuss the function and mandates of the institutions comprising of the National Gender Machinery, with specific reference to the Commission on Gender Equality.

e) The Establishment of a Single Human Rights Body

One of the recommendations of the Ad Hoc Committee on the Review of Chapter 9 and Associated Institutions calls for the establishment of a Single Human Rights Body, through an amalgamation of five Human Rights Institutions.

The OISD prepared a paper on the establishment of a Single Human Rights Body in which it argued that the protection and promotion of the rights of such constituencies can be achieved better in a streamlined, well structured and resourced Single Human Rights Body characterised by good corporate governance. The paper considered the advantages involved in the establishment of a Single Human Rights Body, as well as the envisaged challenges. To address the challenges, the OISD make a number of recommendations.

14.4 Communication

Several different forms of communication have been utilised by the OISD as part of introducing and furthering the work of the Office.

Following the roundtable discussions with Institutions Supporting Democracy on 8 September 2010, an information brochure was compiled and distributed to stakeholders. The brochure outlines the welcoming address by the Speaker and Deputy Speaker. It also contains a summary of the issues raised by participants, and reflections on the way forward.

A sub-page has been created on Parliament's webpage for the OISD. This webpage is accessible to members of the public. The page outlines detail on the establishment of the Office and other information and lists the Institutions Supporting Democracy. There is also a hyperlink to each of the speeches prepared by the OISD. The webpage is available at http://www.parliament.gov.za/live/content.php?Category_ID=320.

In Session, the Parliamentary Newsletter in its June 2011 edition published an article on the OISD after an interview with the Head of the Unit. The article makes reference, amongst other things, to the need for the establishment of the Office and some of the main findings and recommendations contained in the Report of the Ad Hoc Committee. It further explained the mandate of the Office covered some of the preliminary work the Office had at that stage done.

15 CONCLUSION

The OISD will continue to render assistance and provide support to the Presiding Officers of Parliament, Portfolio Committees, relevant stakeholders and the ISDs to ensure that these Institutions are able to effectively execute their mandate of strengthening constitutional democracy in South Africa.

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