

Know your parliament: *A call for active citizenry*

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South Africa held its first democratic elections on 27 April 1994. This was followed by the adoption of the Constitution of the Republic of South Africa, 1996 in 1996 after a consultation process that was led by the Constitutional Assembly over a period of two years following the democratic elections.

The Constitution is the supreme law of the Republic and any law or conduct inconsistent with it is invalid and all the obligations imposed by it must be fulfilled. Further, the Constitution recognises three arms of the state, namely:

- The executive which is made up of the President and the National Executive (Cabinet);
- Parliament which is the legislative arm; and
- The judiciary which consists of the courts, such as the Constitutional Court, Supreme Court of Appeal, High Courts, Magistrates' Courts and other courts established or recognised through an Act of Parliament

Chapter 4 of the Constitution deals with Parliament which is the focus of this article.

Composition of Parliament

Parliament consists of the National Assembly and the National Council of Provinces (NCOP) who participate in the legislative process as set out in the Constitution. The National Assembly is elected to represent the people under the Constitution and achieves this objective through choosing the President, providing a national forum for public consideration of issues, passing legislation and scrutinising and overseeing executive action.

The NCOP on the other hand represents the provinces to ensure that provincial interests are considered in the national sphere of government. This it does through participating in the national legislative process and providing a national forum for public consideration of issues affecting the provinces.

Powers and functions

The National Assembly is given powers through section 56 of the Constitution. These powers include the consideration, passing, amendment or rejection of legislation and ensuring that all executive organs of state in the national sphere of government are accountable to it, that is, maintaining oversight over the executive and any organ of state (including provincial and local government organs of state). The NCOP similarly considers, passes, amends or rejects any legislation submitted to it.

Parliament establishes parliamentary committees which serve as a tool for the exercise of oversight and monitoring of the executive. For example, each department has a portfolio committee responsible for oversight over that department. This includes the consideration of annual reports and the Auditor-General's (AG) report on the department. The portfolio committee will invite the department to a briefing on the audit outcomes and require management to respond to issues raised by the AG.

The portfolio committee particularly focuses on the service delivery aspects (performance information) of the annual report with specific focus on the organ of state meeting the set targets on the annual performance report against the approved budgets. The portfolio

committees will also perform fact-finding visits as part of their oversight and monitoring activities.

One of the key committees of Parliament is the Standing Committee on Public Accounts (SCOPA). This committee considers the annual reports of the AG focusing on the issues raised in the audit report and corporate governance issues on organs of state. Further, SCOPA focuses on the unauthorised, irregular and fruitless and wasteful expenditure (UIFW) incurred by the organs of state and serves as a key accountability mechanism on the state organs that incur UIFW.

In addition to the Parliamentary committees, parliament utilizes the below tools to exercise oversight:

- **Budget votes** where the Ministers present each departmental budget vote for the following year after the Minister of Finance has announced the national budget. Committees will hold hearings on each department's budget to exercise oversight over the departmental expenditure in line with the allocated budget.
- **Questions for executive reply** where the President, Deputy President and the Ministers are asked questions by members on Parliament on areas they are responsible for. The replies may be written or oral.
- **Notices of motion** where members of parliament bring a motion on any issue for debate by Parliament which assists in their oversight functions.

Getting involved

In exercising its powers, a key requirement by the Constitution is that Parliament must facilitate public involvement in its legislative and other processes and its committees. In addition, it must conduct its business in an open manner and hold sittings together with those of committees, in public.

SAICA believes that this is an important Constitutional requirement as it promotes public involvement into the business of Parliament. It allows the public to understand the business of Parliament and make their voices heard on matters affecting the Republic. For example, legislation to be promulgated by Parliament goes through a consultation process where public views are sourced and considered in the development of pieces of legislation.

Parliament provides various ways in which the public may get involved, which include:

- **Submissions** where a member of the public can submit views on a matter or piece of legislation for consideration by a committee of parliament. These submissions must be written and may be supplemented by oral submissions. Written submissions must be submitted within the required turnaround time as determined by Parliament.
- **Petitions** where a member of the public may petition Parliament on matters of concern for consideration by Parliament.
- **Calling an Member of Parliament (AM)** where a member of the public may call an MP on a matter of interest.
- **Attendance of meetings, debates and public hearings** of Parliament and its committees to stay informed on matters discussed in Parliament.
- **Participation** in the People's Assembly, the Taking Parliament to the People programme, the Women's Parliament and the Youth Parliament.

SAICA calls on it's members and the general public to take the opportunity to get involved in the business of Parliament and ensure that their views and opinions are heard in the formulation of legislation and the general direction of the Republic. This is a further call to become active citizens to drive the country agenda to become the change we want to see.

