

THE NEW SOUTH AFRICAN  
PARLIAMENTARY COMMITTEE SYSTEM:  
ITS ROLE AND EFFECTIVENESS

BY



UNIVERSITY of the  
WESTERN CAPE

A research report submitted to the School of Government, Faculty of Economic and Management Sciences, University of the Western Cape, in partial fulfilment of the requirements for the Degree of Magister Public Administrationis.

MAY 1998



## DEDICATION

To my late father, Henry Stanley Fisher. Thanks dad, I have never forgotten your support.

To my wife, Sylvia, son Darren, and the rest of my support base.



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## DECLARATION

I declare that this research report is my own, unaided work. It is being submitted for the Degree of Magister Public Administrationis at the University of the Western Cape.

I further testify that it has not been submitted for any other degree at UWC or at any other university or institution of higher learning.

Hilton Fisher

22 May 1998

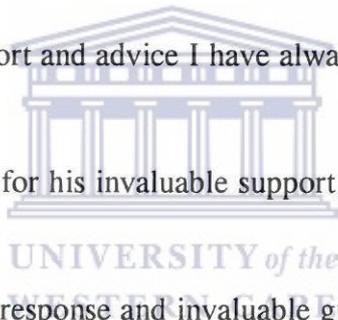


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# CHAPTER 1

## INTRODUCTION

### BACKGROUND

This study will focus on the Parliament of the Republic of South Africa with particular reference to the role and effectiveness of the new parliamentary committee. The committee system has been re-modelled. The historical roots and functions of committees will be traced so as to indicate to what extent their roles and functions have changed.

Specific consideration will be given to the role of the committee system within the broader context of transformation in South Africa. The search for a system of government that is effective, accountable and transparent is in its teething stages. There needs to be a delicate balance between transformation and service delivery in order to effect a constitutionally - entrenched system of parliamentary democracy and administrative justice. The transformation of parliament is "work in progress" and the process will be guided by legislative as well as by operational changes.

### SCOPE OF THE STUDY

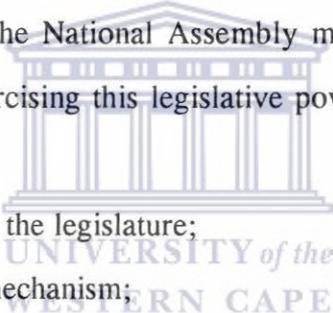
This research report focuses specifically on the role of National Assembly committees. National Council of Provinces (NCOP) committees are relatively new, while National Assembly committees have been operational since April 1994. The National Assembly

committees, therefore, allow for more extensive analysis, especially in terms of monitoring their performance over an extended period.

### **THE PURPOSE AND IMPORTANCE OF COMMITTEES IN PARLIAMENT**

A parliamentary committee is a group of people appointed by the House from amongst its number to perform a specific function which the House has entrusted to it for a specified period and to report back to the House on those issues. (Neluvhola, 1997:1)

The National Assembly is elected to "represent the people and to ensure government by the people under the Constitution". (Republic of South Africa, 1996:27) The national legislative authority is vested in Parliament, which is bound only by the Constitution. In terms of the provisions of the Constitution the National Assembly may consider, pass, amend or reject any legislation before it. In exercising this legislative power, the National Assembly or any of its committees must -

- 
- promote public involvement in the legislature;
  - act as an executive oversight mechanism;
  - pass laws and effect policy;
  - ensure effective internal and provincial organisational arrangements;
  - ensure effective financial management, control and accountability. (UWC, 1997:16)

Executive oversight entails holding government accountable to the electorate. This oversight role is performed by parliamentary committees, which are an extension of the National Assembly as they have to report to the selfsame House.

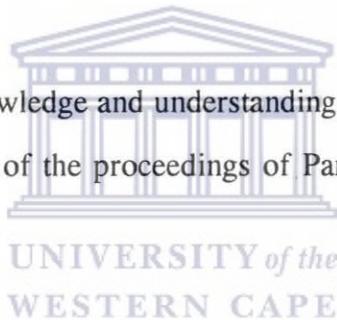
## **CONTEXT OF THE STUDY**

The committee system in South Africa will be compared to the British Westminster and the American Congressional systems. (Chapter 3) This is to determine how these systems differ and how they are similar and to indicate to what extent the South African committee system is a hybrid of these two. This chapter will also consider the Separation of Powers doctrine.

This will be done in order to indicate that the transformatory nature of South African committees has led to the assimilation of a number of the features of these afore-mentioned systems, whether by design or natural evolutionary processes.

## **PURPOSE AND AIMS OF THE STUDY**

This study seeks to improve knowledge and understanding about an institution in transition. It serves to heighten understanding of the proceedings of Parliament, particularly those relating to committees.



The main aim of the study is to ascertain to what extent Members of Parliament can hold the executive and the administration to account. The much-vaunted ideals of transparency, accountability, efficiency and effectiveness need to be palpable in order for them to permeate to the lower levels of government - especially at the implementation stage - and its tangible effects need to be experienced by those people who are depending on and expecting delivery.

The role of the committee system will be highlighted in order to show that it is a workable route to follow to increase the output (delivery) of Parliament and government in general. A

committee system plays an important role in significantly enhancing service delivery.

Significant changes have taken place within Parliament. The committee system seems to have become more innovative. Prior to 1994, the generation of legislation was the exclusive domain of the executive arm of government. Such legislation may have been "debated" in what ostensibly were standing committees. These debates were always conducted in secret.

### **QUESTIONS FOR RESEARCH**

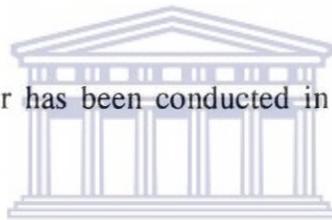
Macleod (1975:22) notes that there are five principles of parliamentary control. These are: influence, advice, criticism, scrutiny and publicity. The South African Parliament is no different. The principles of transparency, accountability and effectiveness, embraced by South Africa's new Constitution, reflect those principles of parliamentary control to which Macleod refers. South African committees have been established to enhance delivery, to promote efficiency, to encourage the participation of civil society, to oversee the executive and to be sites for policy-making. The South African Parliament has learnt certain lessons that are compatible with the afore-mentioned principles. Committees scrutinize (and reflect on) the old system and they scrutinize and reflect on the new government departments. They wield considerable influence and make decisions based on the advice (input) of all the interested and affected parties. They are criticised and they criticise and all this draws much attention in the form of publicity and they publicise their reports. These roles are congruent with the transformatory nature of the South African Parliament. South African committees, thus appear to play a significant role in trying to achieve the goals of transparency and accessibility.

This research paper considers the following questions:

1. Is the committee phase a period of reflection on issues such as the provisions contained in legislation, departmental budgets and other pertinent issues?
2. Why are committees needed?
3. Are committees monitoring the effects of legislation that has been put to effect?
4. Are committees an extension of the House?
5. Are South African committees effective in terms of their oversight role, in promoting accessibility and in the arena of policy advice and influence?
6. Is the committee system being managed effectively, with specific reference to the number of committees and the scheduling of meetings?

## **METHODOLOGY**

Most of the work for this paper has been conducted in Cape Town, the seat of the South African Parliament.



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Not much has been written about the South African committee system. There appear to be two reasons for this. Firstly, it was forbidden to write - let alone talk - about the dealings of the committee system that existed before 1994. Secondly, the new committee system is still in its developmental stage. This leaves very little secondary material to refer to. The secondary material that will, however, be used is what has been written about the British Westminster and American Congressional systems.

Cloete (1985:36), contains two paragraphs about the previous committee system. These two paragraphs are extremely vague with regard to the role and functions of the committee

system in the old dispensation. This article is evidence of the fact that very little was known about the committee system that existed before 1994.

The *Tydskrif vir Hedendagse Romeins-Hollandse Reg* (Journal of Contemporary Roman-Dutch Law) (Vol. 49, No.1, February 1986) features an article by E.F.J. Malherbe, *Komitees van die Driekamerparlement* (Committees of the Tri-Cameral Parliament). The article views committees as being "indispensable consensus-forming mechanisms" in a multi-cameral Parliament, representing different interest groups. Despite this afore-mentioned role, committees seem to have been effective in planning policies that excluded the vast majority of South Africans from the political mainstream.

The Institute for a Democratic South Africa (IDASA) has published a series of articles about the South African committee system. These articles appear in *The Parliamentary Whip* from between 8 March 1996 to 1 November 1997. The contents range from the funding of committees to their democratic function. Corder describes committees as "the key to democracy" (*Parliamentary Whip*, 22 March 1996). Corder also uses the much publicised case of the Health Committee versus the Minister of Health *vis-à-vis* the funding of *Sarafina II*. The *Sarafina II* debacle is also featured in the *Parliamentary Whip*, 21 June 1996. Marianne Merten (*Parliamentary Whip*, 30 August 1996) analyses a number of problems encountered by the a parliamentary committee system. Richard Calland (1996), in an unpublished article entitled, *All Dressed Up and Nowhere To Go? The Rapid Transition of the South African Parliamentary System*, gives a brief overview of the historical roots and roles of committees. Calland mentions that the committee system has been "transformed from a part-time, cynical rubber-stamp, into a full-time, vibrant place of work." The article deals with committees in terms of three analytical approaches. These are: the institutional, legal;

the constraints; and their future role.

Kotze (1996:111-115) compiled and edited the papers that were delivered at a conference on Parliamentary Dynamics that was held in Cape Town. He also analyses the comparative lessons learnt from African countries such as Nigeria, Zambia and Zimbabwe with regard to opposition politics and the role committees have played in this regard. Macozoma (1996:111) discusses the South African committees in his paper. He perceives committees as giving effect to the ANC's Reconstruction and Development Program.

Bekker (1996:123-124) stresses that smaller parties are being excluded from the committee process because of their limited capacity to attend the multitude of committee meetings. He recommends that the number of committees be "rationalised" in order to make the system more effective and inclusive.

Jacobsz (1996:117-122) examines the committee system in terms of its "increased effectiveness of Parliament" by playing a vital role in the democratic process. Calland (1996:124-135) and others also analyse the role committees play in the drafting of legislation and their papers also form part of Kotze's book.

Reports and government publications have been used as additional sources of information. Other primary sources include *Notes on Select Committee Procedure: Public Matters and Bills: 1983*. This will serve to corroborate the facts about the historical development of the committee system. *The Preliminary Rules of the National Council of Provinces* (February 1997) is an important source of information with regard to the role of NCOP committees. This is an exciting development within the evolution of the committee system. *Standing Rules*

*for the National Assembly and for Joint Business and Proceedings* (February 1995), is an important primary source in terms of the powers of committees and the rules governing them (September 1995). These are important because the Senate has played a major part in the process of governance since its inception in 1994. *The Guide for Committee Clerks* outlines the duties of the committee clerk in terms of their contribution to the smooth running of committee proceedings.

Newspaper articles are important sources of information. Although they are often biased and subjective, they reflect the topical issues of the day. This research paper will consider what has been written by many of the country's leading newspapers. These include articles that have appeared in newspapers since committee issues came to the fore after the 1994 elections. The publications include *The Eastern Province Herald*, *Die Volksblad*, *Beeld*, *Die Burger*, *The Sunday Times*, *The Natal Witness*, *The Cape Times*, *Business Day*, *The Star*, *The Argus*, *The Citizen* and *The Sowetan*.

Two main sources of research have been used. Firstly, journal articles form an integral part of this research project. Secondly, interviews are an important source of information. These interviews have taken place within the confines of the parliamentary complex between March 1997 and March 1998. There are a number of Members of Parliament who have served in the previous dispensation and it was vital to ascertain their views on the former as opposed to the current system.

Mr Willem Fourie, the head of the committee section, which provides the logistics to committee proceedings, has been interviewed. Aubrey Mokoena, the Chairperson of Committees, has been questioned about the dynamics surrounding the committee system.

Some of the support staff have also been interviewed. These include committee clerks, secretaries, management staff and catering staff - to establish to what extent they have experienced problems and to what extent they have refined their support systems. I have interviewed the following people: Mike Ellis (DP-MP), Sakkie Pretorius (NP-MP), Louis Green (ACDP-MP), Patricia De Lille (PAC-MP), Victoria Mokgalong (ANC-MP), Gadidja Abdulatief (Committee Clerk), Jillian Naidoo (Committee Clerk), Edzi Ramaite (Committee Clerk), Mark Philander (Manager Committee Section), Sakkie Belot (ANC-MP), Willem Fourie (head of the committee section) and Aubrey Mokoena (ANC-MP).

## THESIS

The parliamentary committee system in South Africa is an indispensable component of the Constitution ensuing from this emerging democracy. Despite its previously flawed nature, since 1994, committees have been seen to be a significant tool in the effective functioning of Parliament. Still, though, committees do seem to espouse some problems.

A preliminary examination of the new committee system reveals its inherent strengths and weaknesses. However, committees seem to have made significant headway since April 1994. They have learnt by trial and error, even though policy with regard to them, has not always had the desired results.

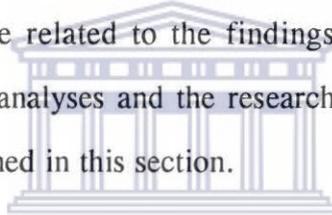
It is against this back-drop that this paper, proposes to investigate:

- committees' seemingly indispensable nature,
- their effectiveness,

- why they are needed and
- their strengths and weaknesses.

### **STRUCTURE OF THE RESEARCH REPORT**

In addition to this introductory chapter, this research paper is organised into 4 main chapters. Chapter 2 assesses the need for a committee system in the South African Parliament. Chapter 3 briefly considers the comparative lessons drawn from a committee-system-in-the-making. Comparative lessons have been drawn from the British Westminster and the American Congressional systems. This chapter includes an analysis of the *Separation of Powers* doctrine. Chapter 4 concentrates mainly on research findings pertaining to the development of the South African committee system: its role, functions, shortcomings and strengths. The findings of this chapter will be related to the findings of chapter 3. Chapter 5 provides recommendations based on the analyses and the research findings. Concluding remarks and recommendations will be contained in this section.



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This introductory chapter has tried to plot the salient issues to be discussed in this paper. Parliamentary committees need to be innovative so that they are able to forge a future for themselves in the South African polity. Their future revolves around service delivery, enhancing efficiency, creating a forum for the contribution of civil society in policy-making and ensuring executive and administrative accountability.

Having highlighted various principles and how they have been researched it is important to assess why South Africa needs a committee system. This is the purpose of the following chapter.

## CHAPTER 2

# THE NEED FOR A COMMITTEE SYSTEM IN SOUTH AFRICA

### INTRODUCTION

The nature of the polity in South Africa dictates that an institution which has direct input in Parliament be established to enable civil society to have direct input in legislation. This institution will, therefore, have a monitoring and an advisory function. The cumbersome nature of the National Assembly necessitates that proposed legislation be devolved to smaller groups for refinement. This smaller group or committee, reports its findings and recommendations to the National Assembly.

The new democratic culture in South African governance has prompted the government to find ways to enable civil society to have meaningful access to the legislative process. An effective committee system is one way in which this can be achieved.

A committee is a "small group of selected members to whom the House has delegated some of its duties and on whom it has devolved some of its power". (Coombes, 1985:118) Committees have also been described as "little legislatures" (Cohn, 1991:449) and as "watch dogs on a leash" (Cremin, 1992:308), depending on the system in which they function and the powers devolved to them.

The question that remains is whether there is a need for committees in South Africa.

Coombes (1985:118) notes that "committee systems of parliamentary assemblies reflect the prevailing patterns of parliamentary life." The prevailing pattern in the South African polity is one of broad consensus, one of various political issues, one of transformation, one of accountability, one of service delivery, one of oversight, one that is all inclusive and one that is democratic. The new committee system, therefore, plays an important role in entrenching this prevailing pattern. If the prevailing pattern is as important as it seems then committees, by implication, play an important role.

It can be argued that the new system of governance introduced in 1994 heralded a new dawn in the relationship between the executive, the legislature and civil society. Judge (1992:97) refers to the "triangle of influence" which is in its infant stage in South Africa. The triangle of influence in South Africa manifests itself in the relationship between the executive branch of government, the legislature and civil society. These three components form an integral unit in trying to forge a system of governance that is effective and realistic. A new system of governance was to develop as from 1994. The new committee system in South Africa had no model to emulate. In this respect individual committees were "defining their roles in divergent ways". (Calland, 1996:13) There was no tailor-made system. A committee system that satisfies the myriad of needs of a divergent society had to be developed and honed.

The most striking element of the prevailing pattern in South Africa is the development of the newly-established levels of democracy. Democracy has an influence on the manner in which the triangle of influence comes to fruition. Corder (March 1996:4) asserts that committees are the "key to democracy".

Indications are that the main reasons why committees are needed are to:

- carry out oversight over the executive;
- streamline procedure;
- promote accessibility;
- advise on policy matters and policy influence.

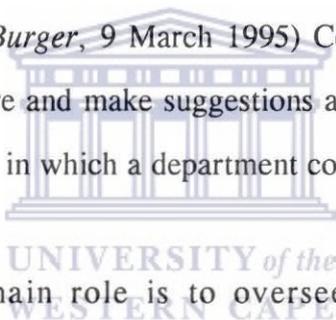
These roles are briefly documented below:

### **Oversight Role**

There is a portfolio committee for each state department. The oversight role of such committees entails shadowing the department (eg. health, justice) on all aspects of the portfolio in question, viz. legislation and their budget, amongst others. Committees are given extensive powers in terms of the final Constitution and the Standing Rules of the National Assembly. Section 56 of the Constitution accords committees the power to summon any person to give evidence, require any person or institution to report before it and to receive petitions and/or representations. The Constitution (1996: Section 57(b)) further states that the rules and orders of the National Assembly must provide for, amongst others, the composition, powers, functions and duration of committees.

The Standing Rules of the National Assembly (June 1995) make provision for committees to deal with Bills referred to them. They consider money Bills, monitor, investigate, enquire into and make recommendations relating to any aspect of the legislative program. Committees have been accorded extensive powers with regard to the analysis of the budgets of the departments they shadow. Sayer (*The Argus*, 3 March 1995) reports that committees

have been given "new powers to debate parts of the national budget which fall under their portfolios". This new oversight role came at a time when the finance committee was trying to concentrate its efforts on macro-economic issues rather than on departmental aspects. Portfolio committees, given this new responsibility, could begin to involve ordinary people in the budgetary process. Ordinary people could be involved, by means of their affiliation, to interest groups which may have the capacity and expertise to prepare submissions to a particular committee. It is, however, difficult for individuals to make meaningful contributions as far as budgetary processes go, as the vast majority of South Africans lack the expertise and capacity to do so. The various line-function departments would not only be accountable to ordinary citizens, but also to the committee which is the link between the legislature and civil society. A committee will consequently have the power to summon representatives from a government department to give an account of the "value they got from each rand of its budget". (*Die Burger*, 9 March 1995) Committees are able to enquire as to what a department's priorities are and make suggestions accordingly. Committees, therefore, have a greater say in the manner in which a department conducts its financial matters.



Although the committees' main role is to oversee government departments and administrations, organs of civil society are not devoid of oversight. Non-governmental organisations are especially important in this respect. A lot of foreign assistance is pumped into these NGOs and it is expected of them to distribute these resources effectively. If this is not done, then committees can hold such NGOs to account in order to protect the interests of civil society.

Committees' function as overseers of the executive and of government departments is crucial for effective service delivery. This oversight role of committees is to ensure that government

departments and the executive (i.e. the ministers) are accountable for their actions as public representatives. This oversight role also extends to ensuring that legislation proposed by departments is in line with what is needed. Strong-willed ministers sometimes undermine the principle of checks and balances inherent in the parliamentary committee system by trying to force controversial legislation through Parliament without it having gone through the committee stage. (Jacobs, 1997:3)

The following case study shows that the oversight role of committees is a necessary exercise. Oversight will, however, only be effective if subjective issues such as party affiliation and loyalty to the party, could be set aside. The Health Committee is a case in point.

#### **CASE: Health Committee vs Department of Health**

The furore over the *Sarafina 2* debacle brings into focus the role of the health committee. The committee had raised several questions over the Health Department's funding of the AIDS musical, *Sarafina 2*. The committee, in terms of its powers, summoned the Minister of Health (the political head of the Department and a member of the executive) and the Director-General (the administrative head of the department) to appear before it. When the Minister appeared before the committee, it was evident that the ANC members of the committee were reluctant to probe her on the issue. Calland (1996:11) reports that "an hour and a half passed before an ANC member asked a question". The *Whip* (25 March 1996) reports that "it was evident that the role of the ANC members of the committee had been compromised" by executive interference. Apparently the ANC members of the committee "had been spoken to" by senior ANC leaders. The very issues of democracy and transparency, that the committee had to defend, were also being compromised in the

ostensible interests of party discipline and loyalty.

It is ironic that the chairperson of the health committee, Manto Shabalala, insisted that the role of the committee is to "scrutinise all health legislation (and policy) coming from the Health Department and to play a watchdog role in its implementation". (*Whip*, 21 June 1996) Another essential function of the committee is to "serve as an access point" for all role players to have input into policy matters. (Tsabalala, 1995:24) It does, however, seem as though the ANC used its powerful majority to dilute any effect the committee might have had on the outcome of this issue.

On the one hand, the appearance of the Minister before the committee was an unprecedented occasion as the Minister had to justify, before a "multiparty collection of democratically elected representatives, press and interested members of the public", why public money had been spent in this seemingly haphazard fashion. (*Whip*, 25 March 1996) Committee members seemed to be reliant on often unreliable press reports to form the basis of their questioning. Resources available to members are often inadequate or members' inability to find these, eg. reports, served as further constraints in this case. The outcome is that the committee failed to produce definitive findings. They either did not want to use their powers or were reluctant or unable to use them effectively.

### **Parliamentary Procedure Streamlined**

A further reason why committees are needed is that they streamline parliamentary procedure.

"If debate in the chamber is not directed at changing

the opinions of other parliamentarians about a piece of legislation, but largely at making a statement to the public, and if the chambers are too large, too party-politicised, and too theatrical for useful discussions of legislative detail, a useful division of legislative labour may be achieved by the use of parliamentary committees." (Lovell, 1994:55)

The House, that is the National Assembly, still predominates. A Bill cannot become an Act unless it has gone through Parliamentary scrutiny and has been approved by both committees and both Houses. Committees are extension of the House and they suggest amendments to the proposed legislation (bill) which have to be accepted by both Houses of Parliament. Committees perform an important scrutinising function, they are not as rigid and procedural as the chamber, but importantly, "they do not have power over the things that matter to governments - i.e the passage of legislation and voting on taxation and expenditure". (Giddings, 1994:669) Jacobsz (1995:118) postulates that committees are "the servant of the House, but without any executive authority". Committees can make extensive changes to Bills, but the House's decision is final.

Committees are able to streamline House procedures because they are small. The size of the National Assembly - 400 - for example, does not augur well for meaningful debate and discussion in the House. Doidge (1997:4) writes that a committee "enables ten rich debates to take place at any one time instead of the limitation of one long debate in the House". Committees have, therefore, become the arena for political "battle" with formal presentations being left to the House. (Ibid)

Committees are not only small and mobile, they are also relatively informal as they stimulate interaction - they are generally not as daunting a prospect as the House, thereby giving backbenchers, from various political parties and interest groups, the opportunity to make original inputs.

Committees conduct hearings and invite interested parties to make submissions. This is not possible with the cumbersome and procedurally-bound House. Committees are, therefore, small, mobile, procedurally flexible, multiparty in nature and they generally enjoy more time than the daily program of the House would allow.

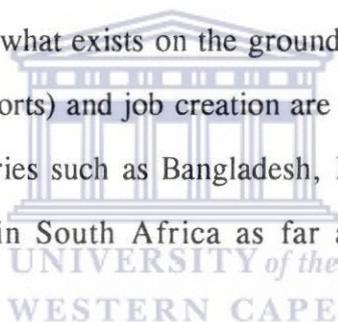
### **Inclusivity/Accessibility**

The new government bases its democracy on the principles of transparency, accessibility and accountability. Parliamentary committees are potentially an important access point for inputs by ordinary individuals, interest groups and various other components of civil society. Accessibility and accountability can only be successful once the principle of transparency has taken hold.

Macozya (1996:111) asserts that Parliament has had to "organise its work in such a way that both elected representatives and the citizenry are enabled to be involved in a legislative process that fosters participation, accountability and transparency". This, in practice, means that committees should create conditions for individuals to attend meetings. Committees, in accordance with the Rules of the National Assembly, have at times had to pay for individuals to attend such meetings. Individuals can also make written submissions.

Pressure groups and businesses are, in many cases, able to send representatives to committee meetings at their own expense and they are also able to lobby their points of view amongst committee members. This could have an influence on the outcome of legislation. The imbalances in lobbying capacity is a weakness in the current committee system. This stems from the tangible imbalances in capacity and resources between the various components of civil society. For effective democracy to flourish additional assistance must be provided to enable all concerned citizens to have a voice.

Committees, being as flexible and mobile as they are, sometimes go on fact-finding missions to remote parts of the country and abroad and in so doing, they make contact with people in their natural surroundings. The Committee on Trade and Industry, for example, organised a "study and briefing visit to the provinces". (Jacobs, 1997:1-2) The trip revealed that "a gap exists between expectations and what exists on the ground" as far as international issues such as trade policy (imports and exports) and job creation are concerned. The committee has also sent delegations to Asian countries such as Bangladesh, Malaysia and Singapore who share similar experiences to those in South Africa as far as small business development is concerned. (Ibid)



Committees try to encourage citizens to participate in the legislative process, thereby trying to foster public confidence in Parliament, parliamentarians and the legislative process. (Doidge, 1997:5-6) If Parliament has a positive public profile, then it promotes its own legitimacy. Notices of public hearings are routinely placed in newspapers with a national circulation. (see *Appendix A*) These notices, however, only reach those who are literate and who have access to newspapers. Radio and television are not used extensively enough for this purpose - especially radio since it reaches the widest audience of all media. This is possibly

because committees do not have the financial resources to advertise that extensively. This is a constraint because, in theory, committees are supposed to make provision for all interest groups.

Enhancing service delivery is probably the most vital role of the committee system. It is able to do so by giving effect to the principles of "open democracy" that involves accessibility and transparency.

Committees have, therefore, set as one of their goals to make sure that there is an open channel of communication between civil society and the legislature. The main aim in this regard is to listen to and ascertain what the needs of the electorate are and to legislate accordingly. Theoretically, this seems to be a sound aim, but it has not always been so in practice. Firstly, not all components of civil society are even aware of the existence of a committee system. Not many people know of the extent to which committees are prepared to listen to, receive and consider submissions. Secondly, there is a mindset especially amongst previously disadvantaged people, that Parliament is an exclusive domain where they dare not tread. This mindset inhibits people from believing that they can have an impact on the legislative process. Thirdly, Ellis (DP-MP) comments that in many cases not enough time is set aside for submissions to be made. Respondents sometimes only have two or three minutes to make important submissions. He cites the example of hearings on two controversial Health Committee Bills, viz. The Medical, Dental and Supplementary Health Services Amendment Bill and The Pharmacy Amendment Bill. The Minister of Health withdrew both these Bills, not because she had a change of heart, but at the behest of the Health Committee. The Health Committee felt that the hearing stage of the Bills was totally inadequate as far as time allocation for submissions was concerned. The Committee felt that they needed more time to

listen to and consider the submissions by the interested parties. (*Interview*, 19 March 1998) Making too little time available to respondents undermines the process of inclusivity to the extent that they may feel that their submissions are not important enough to warrant more attention.

Furthermore, not much is being done to *educate* people about the existence of committees, their role and the legislative process. The Public Education Department (PED) of Parliament does not have the capacity to embark on such extensive education drives. This will be dealt with later in this report. All these factors inhibit committees from giving full expression to the role for which they were constituted.

### **Policy Advice and Influence**

Committees strive to be the true location for policy-making. It is at the committee stage that Bills are read and discussed thoroughly, with formalities being left to the House. Because committees are small they are manoeuvrable. They are extensions of the House and consequently have powers conferred upon them by the House. These powers enable them to amend Bills so that they are congruent with the needs of the target community. This multi-party forum researches, thrashes out, suggests and amends policy. Civil society also makes inputs at this stage, particularly through public hearings and written submissions which can influence policy direction. This clearly indicates that committees can provide an important hub around which policy direction is determined.

This chapter has shown that there is a need for committees in the South African democratic dispensation. Committees act as the conduit through which civil society can access the

legislative process. It has also been shown that committees provide an oversight function in terms of line-function departments. This oversight role also entails analysing the spending priorities of departments and providing advice in this regard. Committees are micro, manoeuvrable, multi-party entities that could consider matters more effectively than the cumbersome National Assembly that comprises 400 members. Portfolio committees, thus, perform their functions in terms of the rules of the National Assembly.

The South African committee system appears to have assimilated features of both the British Westminster and the American Congressional committee systems. Chapter four will analyse these systems to show to what extent the South African system is a hybrid, if at all.

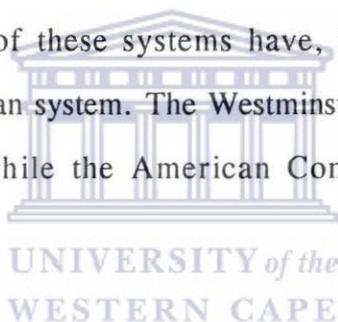


# CHAPTER 3

## COMPARATIVE LESSONS: BRITISH WESTMINSTER AND AMERICAN CONGRESSIONAL COMMITTEE SYSTEMS

### INTRODUCTION

There is no one model on which South Africa can base its new, developing committee system. It is in this context that South Africa has to develop and hone a system that is suited to its own conditions and political and social milieu. South Africa has, however, drawn a number of comparative lessons from both the American and the British committee systems and certain features of both of these systems have, knowingly or unknowingly, been assimilated into the South African system. The Westminster committee system is based on a parliamentary dispensation while the American Congressional committee system is constitutionally based.



The analysis of these two systems is designed to ascertain which features of the South African system are similar to the American and British systems and which are different.

An analysis of the American Congressional committee system will be incomplete without a reference to the *Separation of Powers* doctrine. This chapter will consider this doctrine in the context of its assimilation into the South African system. The doctrine is based upon the notion of the division of power between the legislature, the executive and the judiciary.

## THE BRITISH WESTMINSTER COMMITTEE SYSTEM

### **Literature Review**

The Westminster committee system has generally been viewed as being a success. Cremin (1992:308), for example, describes committees as "reasonably effective scrutineers" but he sees them as "watchdogs on a leash". This means they are effective in terms of their scrutiny function but ineffective as far as the enforcement of recommendations is concerned.

Cremin reviews the structure of committees, the selection criteria and the allocation of portfolios in accordance with the various ministries. Cremin emulates the very concerns with which a developing South African committee system is faced. The question of proportional representation in committees, the question of the number of committees and the all-important question of the powers of committees.

Goff (1993:65) compares the British committee system to that of New Zealand. He asserts that the committees, "broadly mirroring ministerial portfolios are given the responsibility and powers to examine the expenditure, administration and policy of principal government departments and associated public bodies". This is indicative that committees have to hold Ministers to account. Goff mentions that the British committee system is experiencing a number of problems. These are: their inability or reluctance to analyse cost effectiveness; the lack of information from the government and lack of expertise; inadequate resources; and limited research capacity (166). These, as we will see, are strikingly similar to the South African situation.

Taylor (1979:115-116) observes that "the work of the House of Commons could, more fittingly, be done by committees". The British committee system was not viewed with favour in the 1960s but this situation has changed as the number and influence of committees have grown. There are four kinds of committees in existence. They are Standing Committees, Select Committees, Joint Committees and Private Bill Committees (Taylor, 1979:119-133).

A cursory glance at the South African committee system reveals similarities between it and the Westminster committee system that Taylor describes. The South African committee system has the following committees: Portfolio or Standing Committees, Select Committees, Joint Committees and Internal or House Committees that deal with in-house arrangements.

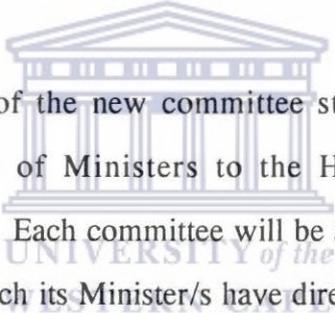
#### **The Westminster Committee System: An overview**

The British Westminster system has an "unwritten Constitution, with no judicial review and there are few formal controls on the executive between elections". (Searing, 1992:122) The British Constitution "consists largely of conventions constructed when established rules were better established and had a firmer grip over politicians than they do today". (Ibid:387)

Judge (1992:91) observes: "The essence of the problem...is that the balance of advantage between Parliament and government in the day to day working of the Constitution is weighted in favour of the government to a degree which arouses widespread anxiety and is inimical to the proper working of our parliamentary democracy". A 'new balance', therefore, had to be struck in order for the House to exercise control and 'stewardship' over the Ministers and the expanding bureaucracy. It is for this reason that the Westminster committee system, in its present form, was established in 1979. Prior to 1979 select committees were

unable to exercise the power that is concomitant with the effective scrutiny of the executive. Between 1960 and 1978 committees had been "rather *ad hoc*" with no or very little power.

During the 1960s ideas of reform were in the air in Britain. The possibility of a stronger select committee system was introduced with the "Crossman Reforms" of 1966. (Englefield, 1984:xvii) The 1979 reforms were by far the most radical, with the establishment of a full system of fourteen select committees, each covering the responsibility of a principal government department. (Ibid) These committees were appointed to "examine the expenditure, administration and the policy of the principal government departments ... and associated public bodies ..." (Ibid)



The objective of the new committee structure will be to strengthen the accountability of Ministers to the House for the discharge of their responsibilities. Each committee will be able to examine the whole range of activity for which its Minister/s have direct responsibility. Committees must be able to look at the activities of some public bodies that exercise authority of their own and over which Ministers do not have the same direct authority as they have in their own Departments. (House of Commons, 1995:3-4)

One can, therefore, see that Westminster committees were established for their oversight role hence there is a committee shadowing every government department. Apart from their oversight role, Westminster committees do not seem to have as much constitutional clout as do their South African and American Congressional counterparts.

## **Powers of Westminster Committees**

Since the 1979 reforms, departmental select committees have the power to;

- (a) send for persons, papers and records, to sit notwithstanding any adjournment of the House, to adjourn from place to place, and to report from time to time; and
- (b) to appoint specialist advisers either to supply information which is not readily available or to elucidate matters of complexity within the committee's order of reference.

When the new committees were established in 1979 the Procedure Committee suggested considerably more powers for committees - these included the ensured attendance of witnesses, especially of Ministers. This was not granted as they, i.e. the government, "do not submit with enthusiasm to the constraints of accountability...governments are little disposed to volunteer information that may expose them to criticism." (Giddings, 1994:677)



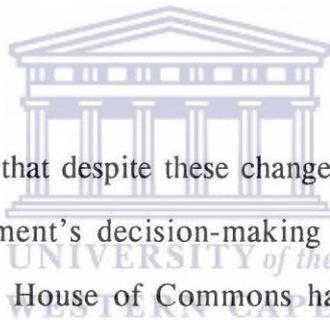
## **Effectiveness of Westminster Committees**

Evidence gathered by the chairpersons of departmental committees identified the following criteria by which to assess the effectiveness of Westminster committees:

- accountability of Ministers and departmental officials
- the publication of information
- the impact upon the Commons (House) and the public
- influence upon the government's actions. (Judge, 1992:93)

There seems to have been mixed reaction as to the extent of the effectiveness of Westminster

committees. On the one hand Judge asserts that the post-1979 committees achieved more "systematic, comprehensive and rigorous scrutiny of executive actions than was previously the case". (Judge, 1992:92) The enhanced awareness of departments made for more effective and efficient departmental delivery. Committees created an environment in which members of Parliament could be less partisan and they had to base their decisions on the evidence before them. Backbenchers were invariably given the opportunity to make meaningful contributions. Members were encouraged to think independently. Pressure groups were seen to be a positive influence on a committee's activities. (Judge, 1992:97) Committees have generally been able to heighten awareness with regard to placing crucial issues on the agenda of the House or, to accelerate their progress. Committee reports impact positively on the proceedings of the House where meaningful debate, exchanges and questioning can influence policy direction. In this way government can more readily be called upon to justify its actions.



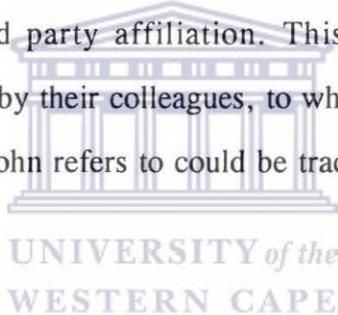
Goff, on the other hand asserts that despite these changes, committees have not managed to make inroads into the government's decision-making processes. The balance of power between the executive and the House of Commons has essentially remained unaltered. Committees' scrutiny is normally *post hoc* and their reports are published too late to exercise any influence on policies and actions. Committees have not been able to analyse spending priorities. Members seem to "lack interest as well as expertise in this area." For committees to function effectively, they do not only need the powers, but also the information that enables them to make informed decisions. It is "not only the circumscription of powers but also the ethos and mentality of the British executive that limits the effectiveness of select committees". If the executive continues to govern secretively, then committees' ability to make meaningful contributions is limited. Finally, committee reports have no "mandatory

effect" and there is inadequate opportunity to debate these in the House. This means that it is not obligatory for the House to discuss a committee report. (Goff, 1993:166)

## THE AMERICAN CONGRESSIONAL COMMITTEE SYSTEM

### **Literature Review**

Cohn (1991:449) gives a brief description of the emergence of the American committee system. One of the main ideas that emerges from this description, is that committees have gone through a long process of evolution - essentially adapting to changing circumstances. In his view, committees are extremely influential in the Congressional system. They are, as Cohn (1991:449) suggests, "little legislatures". Initially, chairpersons were appointed on grounds of their seniority and party affiliation. This principle has been changed and chairpersons are now appointed by their colleagues, to whom they are ultimately responsible. The evolutionary process that Cohn refers to could be traced in the South African committee system.



Even though the South African committee system is, comparatively speaking, a very recent development, there is evidence of evolution. An example of evolution can be found in how South African committees are being funded. The ever-increasing funding indicates to a change in mindset as to their importance and role. If this was not the case then increased funding would not have been made available for committee activities.

Cohn also makes mention that Congressional committees are vehicles by which civil society can contribute directly to legislation. South African committees should also act as the conduit

through which inputs are made by civil society. Unlike with the American system, however, many South Africans still need to be empowered to make such meaningful contributions to legislation.

Cohn (1991:440-457) identifies the following kinds of committees: Standing Committees - those with permanently authorised staff and broad legislative mandates; Select or Special Committees - those that are temporary in that they are authorised to operate for a specific period or until their mandate has been completed (investigative rather than legislative role); and Joint Committees - whose membership is drawn from both Houses of Congress and are usually investigative or housekeeping in nature.

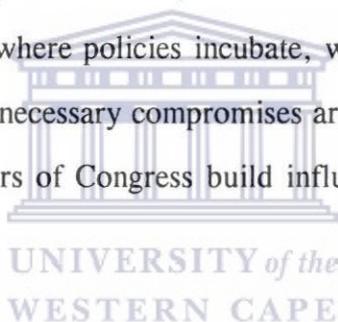
Keefe and Ogul (1991:193) describe the American committee system in much the same detail as Cohn, but takes it a bit further by describing the importance of committee (public) hearings. The (public) hearings aspect of committees in South Africa is fundamental to committees' success and to the constitutional principle of "facilitating public involvement in the legislative process". (RSA, 1996:35) There have, however, been teething problems in this regard, especially in terms of building the capacity of individuals to make such submissions and in terms of arranging the logistics for such inputs.

Johnson, *et al* (1992:453), focus on the committee staff, their roles and powers within the Congressional make-up. Committee support staff are important in any legislature. They are an important resource without which committees will be rendered ineffective. Since South African committees is a recent development, committee staff had to be recruited and trained to perform this specialised support function.

There are numerous publications that deal with the American Congressional committee system. Since the emphasis of this paper is not the American Congressional committee system, it is not necessary to go into too much detail. What is important, however, is that the role of the committee system in the United States of America (USA) can be put into perspective, with a view to fostering an understanding of the new South African committee system.

### **The Congressional Committee System: An Overview**

Cohn (1991:451) observes that Congressional committees became a "major factor in the legislative process by evolution, not by constitutional design". Committees are the backbone of Congress. Cohn (1991:449), furthermore, notes that the bulk of the legislative work is done "where expertise resides, where policies incubate, where most legislative proposals are written or refined, where many necessary compromises are made, where the public can make its views known, where members of Congress build influence and reputations" - i.e. in the committees.



Ogul and Keefe (1989:145) assert that "national and state constitutions vest supreme law-making power in the legislative branch of government". Ogul and Keefe (Ibid), quoting Woodrow Wilson, indicate:

"[that] the House sits not for serious discussion, but to sanction the conclusions of its committees as rapidly as possible. It legislates in its committee-rooms, not by the deliberation of majorities, but by the resolutions of specially-commissioned minorities; so that it is not far from

the truth to say that Congress in session is Congress on public exhibition, whilst Congress in its committee rooms is Congress at work..... committees [therefore] do not only perform legislative, but also the deliberative functions of the House..... the little public debate that arises under the stringent and urgent rules of the House is formal rather than effective....as it is discussion that takes place in committees that gives form to legislation".

### **Powers of Congressional Committees**

Congressional committees have immense power. They hold hearings, conduct investigations and oversee government programs. They initiate bills, approve and report legislation to the House. They can kill Bills through inaction or defeat. (Ibid)

The powers and influence of Congressional committees have fluctuated over time. It seems as though committees have carved a niche for themselves that would be difficult to eradicate. Committees have, at times, become so influential that they have been referred to as "little legislatures" and their chairpersons are "petty barons". (Ibid)

Prior to the 1970s, chairpersons were appointed on the basis of seniority in the party, and majority party status. The early 1970s witnessed an intake of younger Congressional members who did not have much influence. They sought to undermine the seniority system and this led to numerous changes in the powers of committee chairpersons. Subsequent to this "revolt" chairpersons came to be elected by their caucus. This meant that chairpersons

were now accountable to their colleagues and this restricted their powers drastically. While chairpersons' powers had been curtailed, committees have retained all their powers and more.

### **The Importance of Congressional Committees**

It is impossible for the House to consider all the legislative proposals that are introduced. Committees have proved to be important in this regard. They screen all legislative proposals, something that the House will not be able to do.

Another reason for their importance is that they are able to deal with complex legislation. Legislation is almost invariably technical in detail, with political and legal jargon dominating its pages. This demands a measure of expertise, which the committee is able to provide. Committees, therefore, provide for a large measure of specialisation. Specialisation stems from serving in a committee that makes important decisions about issues that affect the politician's constituency directly. Johnson, *et al* (1994:451) observe that "a seat on the right committee equals the chance to help important electoral supporters". They also note that "no one member is permitted to pile up multiple committee memberships because of a scarcity of seats." (Ibid) This ultimately forces members to choose a committee and they consequently specialise in the issues that are peculiar to that committee.

### **Functions of Congressional Committees**

The functions of committees resemble those of the legislature itself. Committees have a **law-making** function which involves studying, sifting, sorting, drafting and reporting legislation

referred to them. In their "**delivery**" capacity committees concentrate on matters of presidential nominations, treaties and executive agreements. As **investigative bodies** committees hold hearings, invite and summon witnesses to testify and to be interrogated, call for records, inquire into the operations of executive agencies and policies, and issue reports. As **consultants**, i.e. providers of advice and service to other parliamentary departments, committees meet and confer with administration officials and in their capacity of **liaison**, committees provide the link between the executive and through hearings and other meetings, they provide the bridge between public opinion - a point of access to private individuals and interest groups.

For Congressional committees to function effectively they need vast resources. The following provides an indication as to resources available to them:

... in 1990 committees had approximately 3100 staff members who do more than just keep records, they participate in [joint] committee meetings, they do policy research, they organise hearings, they arrange for witnesses, prepare questions for members to ask and they draft policy. (Johnson, *et al*, 1994:453)

THE FOLLOWING TABLE REPRESENTS AN ASSESSMENT OF WESTMINSTER  
AND CONGRESSIONAL COMMITTEES

<u>WESTMINSTER COMMITTEES</u>	<u>CONGRESSIONAL COMMITTEES</u>
<i>Committees have no decision-making powers.</i>	<i>Committees are extremely powerful</i>
<i>Committees have no power to compel Ministers to attend meetings.</i>	
<i>Committees do not deal directly with government Legislation.</i>	<i>Committees' legislative proposals are usually adopted by the House.</i>
<i>Committees, while hightening awareness of issues, are generally weak.</i>	
<i>Committees lack adequate resources to function effectively.</i>	<i>Committees have substantial resources at their disposal.</i>
<i>Committee reports are generally ignored.</i>	<i>Committee reports are tabled and discussed in the Houses.</i>
<i>Committee chairpersons are not being remunerated.</i>	<i>Committee chairpersons are remunerated and they are extremely influential</i>
<i>Committees are not able to access information freely.</i>	<i>Committees are able to access information freely</i>
<i>Committees do generally not conduct hearings and investigations</i>	<i>Committees conduct hearings and investigations</i>

## THE SEPARATION OF POWERS DOCTRINE

The separation of powers doctrine is important in the South African context given that South Africa has just emerged from a situation of virtual anarchy, i.e. the *apartheid* system. The political context in South Africa needs to be redressed, in the search for a balanced system of government that is devoid of anarchy. The new democratic culture in South Africa has necessitated the development of a system of administrative and political checks and balances. This system of checks and balances finds its roots in the separation of powers doctrine.

### **Theoretical analysis**

The separation of powers doctrine is based on the constitutional theory of John Locke and later, Montesquieu. Montesquieu distinguished between the three basic functions of state authority, namely the legislative, executive and judicial functions - with each of these functions operating in an independent but complementary fashion, each having different office bearers. (van der Vyver, 1993:178) Montesquieu sets forth the doctrine of *checks and balances* explicitly when he notes that "princes, nobles and people should all have a part in the constitution; then these three powers will keep each other reciprocally in check". (Russell, 1993:494-495)

The modern-day application of this doctrine stresses the checks and balances aspect by dispersing power among many hands. It has as its main thrust the prevention of absolutism and "arbitrary government" in search of a "balanced" government. (Johnson, et al, 1994:457) It is generally accepted that the application of the divide between the executive (cabinet) and the legislature (Parliament) - especially - is no simple matter. A true separation of powers

between the executive and the legislature is impossible. The separation of powers prevents the concentration of power in a single government agency.

The constitutional system of the United States of America is possibly the closest to the ideal that should govern the distribution of political power in terms of the separation of powers doctrine. Not only is there a strict separation of powers between the legislative, judicial and executive components, but there is also a strict separation of personnel. In accordance with the doctrine, the President and cabinet members do not belong to any of the Houses of Congress and they are not permitted to be judges. Congress members do not serve on the executive nor in the judiciary and judges are disqualified from serving in any legislative and executive bodies. (van der Vyver, 1993:180)

The British system distinguishes between the legislative, judicial and executive components of government in theory, but in practice they are closer than in the American system. There is no distinct separation of personnel, as the doctrine dictates. The monarch presides over all three branches of state authority, members of the cabinet are required to become members of either the Houses of Commons or Lords, the Lord Chancellor is the chairperson of the House of Lords (legislature) and of the Appeal court (judiciary) and is a member of the executive. Even though there is a distinction between the components of the state, there is no "equilibrium or balance in the power of control entrusted to the different repositories of state authority". (Bullock, *et al*, 1988:770)

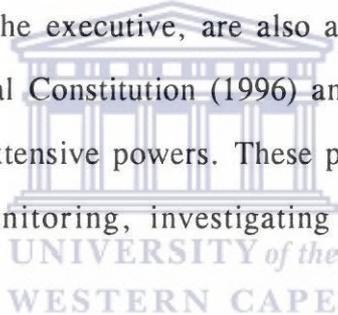
The separation of powers doctrine is important in the South African context in that it provides the basis for a strong separation of responsibilities between the legislature, the executive and the judiciary. Whilst, in the South African context, the legislature and the

executive have strong links, i.e. Ministers are members of the legislature, the judiciary lays claim to absolute independence. (Republic of South Africa, 1996:89)

### **THE NATURE OF THE SOUTH AFRICAN HYBRID**

In South Africa the Constitution is supreme and Parliament (the legislature) is the supreme legislative body. The legislature has had to find a method of scrutinising executive and departmental actions. Committees, seemingly, were this method.

Motala (1995:507) notes that the South African constitutional dispensation reflects the "weaker version" of the separation of powers in that there is no separation of personnel. There is also a "fusion" of roles as the President is elected by the legislature while the Ministers, who form part of the executive, are also an integral part of the legislature. (Ibid:512) In terms of the final Constitution (1996) and rules 52 and 53 of the National Assembly, committees have extensive powers. These powers range from considering and amending legislation, to monitoring, investigating and summoning documents and individuals.



South African committees' powers are more extensive than those of the Westminster model and less extensive than those of the American Congressional model. Both the South African and the Westminster systems are developing - they are at different stages of development. The South African system, however, has made more progress in its short existence in terms of the impact they can make on legislation. Whereas the South African system has acquired some of its features from the Congressional system - conducting hearings, summoning individuals and documents, the system also shares some of the prevailing weaknesses of the

Westminster system - a lack of resources, members lack expertise, lack of information. All three systems play the oversight, scrutiny and reporting role, but the limitations and strengths in each system vary.

Chairpersons of South African committees are *de facto* reasonably influential but their *de jure* position requires them to consult "with a designated member of each party" on pertinent issues. (Orange Paper, 50)

Congressional committee chairpersons are very influential. They can kill or prioritise Bills referred to their committee by either refusing to schedule them for debate or by fast-tracking them through the committee phase.

Westminster chairpersons are not accorded the same powers as their Congressional counterparts. The fact that Westminster committee chairpersons are not remunerated for chairing a committee could negatively affect their influence and commitment. On the other hand, being a committee chairperson could be a personal achievement in that it could set the incumbent up for higher political office.

As far as the judiciary is concerned, the American system is by far the best example of *separation* of executive and legislative powers. Politicians are not permitted to serve in the judiciary and vice versa. The fact that there is no such division in the Westminster model effectively wipes out any possibility of a separation of powers between the legislature and the judiciary. The Constitution of the Republic of South Africa stipulates that "the courts are independent and are subject only to the Constitution and the law ..." (Section 165(2)) On the one hand it could be argued that because the Chief Justice of South Africa is a political

appointment, the position could be compromised. The Chief Justice is appointed by the President of the Republic of South Africa after consultation with the Judicial Service Commission and political parties. (Constitution of the Republic of South Africa, 1996, (Section 174(3)) The President of the Republic of South Africa, however, makes the final decision. On the other hand, the Chief Justice is not part of the executive nor of the legislature. The Constitution of the Republic of South Africa does not make specific reference to members of the judiciary being part of the legislature or of the executive. This is theoretically possible, but practically unrealistic in the South African situation, as it is in direct contradiction of the constitutional principle of the independence of the judiciary.

Features from both, the Westminster and the Congressional committee systems are, therefore, evident in the South African legislative dispensation.

An example of the South African judiciary's independence was displayed recently in the case between a member of Parliament and the Speaker (in her capacity as head of the National Assembly). Patricia De Lille (Pan Africanist Congress MP) was suspended from Parliament for 15 days for allegations made by her in the House. Despite retracting the statement at the time, the 15-day suspension was still enforced. De Lille decided to take the matter to the High Court which passed judgement in her favour. The judge declared that South Africa was no longer a parliamentary state. It is a constitutional state and Parliament has to conform to the Constitution. (*The Sunday Independent*, 17 May 1998) This judgement has been referred to the Constitutional Court for its decision.

The South African Parliament's committee system lies at the cross-roads of this hybrid....it is a system that is some way beyond the Westminster model

in terms of both legal/constitutional powers and the prevailing political instinct, but is still a long way short of the powers and authority of the Congressional committee system. (Calland, 1996:2)

This chapter has considered the British Westminster committee system and the American Congressional committee system. It has also considered the *Separation of Powers* doctrine. The purpose of these considerations was to determine to what extent the South African committee system was similar or to what extent it was different from these afore-mentioned systems. The conclusion is that the South African committee system contains a number of similarities and a number of differences. Having considered the Congressional and Westminster committee systems, this research report will now proceed to an analysis of the South African committee system.



# CHAPTER 4

## THE SOUTH AFRICAN COMMITTEE SYSTEM: AN ANALYSIS

### INTRODUCTION

Having considered the British Westminster and the American Congressional committee systems, this report will analyse and contextualise the South African committee system.

South African committees theoretically have the necessary constitutional and legal clout to perform their designated functions. There are, however, other influences that either support or weaken the power and influence of committees. One of these influences is loyalty to the party and party colleagues. Historically, South African parliamentary committees "were important only for the part they played in the rubber-stamping of legislation" tabled by the Nationalist Party-dominated government. (Calland, 1996:3)

Malherbe (1986:1) observes that committees of the Tricameral Parliament were "...important consensus-forming mechanisms that are indispensable in a multicameral Parliament representing different interest groups". Malherbe (Ibid), furthermore, states that there was a need for greater autonomy, initiative, powers and responsibilities in these committees. These were not forthcoming. Factors such as the all-white Cabinet and the President's Council acted as additional checks on South African committees. Despite the fact that committees had little constitutional and legal clout, these checks were built into the system prior to 1994. It seems as though the government of the day did not want committees to "challenge" its authority.

The committee system in the South African Parliament was established in 1983. (Jacobsz, 1996:119) If British committees are "watchdogs on a leash", then these South African committees were on a leash and without teeth. The nature, powers and functions of committees have altered drastically since then. An important point to note is the fact that the post-1994 committee system could not draw any constructive lessons from its precursor as it was closed to both the public and the press. Jacobs and Calland (1997:4) assert that -

... committees operated in secret to rubber-stamp legislation for the old regime; they did not make reports, they did not hear public submissions, they did not conduct study trips, monitor government departments, nor did they put forward laws themselves.

## **THE NATURE AND ROLE OF THE NEW COMMITTEE SYSTEM IN SOUTH AFRICA**



### **The Establishment of a New Parliamentary Committee System**

It is important that a brief historical perspective of South African committees is provided in order to indicate why a new committee system was needed. Much of the information contained in this section has been obtained from the *Parliamentary Whip* and in interviews with Members of Parliament who served in both the previous Parliament and who are serving in the current dispensation.

Immediately prior to the 1994 general election in South Africa there were 13 parliamentary

committees. As has been noted, they were mere rubber-stamping bodies. The negotiated (interim) Constitution made provision not only for a new Parliament, but also for the establishment of its committees. Section 58 of the Interim Constitution creates the space for Parliament to "make rules and orders in connection with the conduct of its business and proceedings...[including] the establishment, constitution, powers and functions, procedures and duration of committees of Parliament." (RSA, 1993)

Sections 56-58 of the final Constitution make provision for the establishment, powers, functions, composition and accessibility of parliamentary committees. (RSA, 1996) *The Rules of the National Assembly* complement the Constitution in that they provide further detail with regard to matters such as the appointment of chairpersons, procedure and other functional issues.

There are currently 27 Portfolio committees; one shadowing each of the 26 departments and the other dealing with private members' legislative proposals and petitions. There are 4 Internal or House committees - Internal Arrangements, Library of Parliament, Parliamentary Catering and Rules. There also are 7 *ad hoc* committees of the National Assembly. Such committees are temporary in nature and their number fluctuates from time to time according to circumstances. In addition to the Portfolio committees, there are also 10 Select (NCOP) committees and 10 *ad hoc* committees of the NCOP. (see *Appendixes B & C*) There are 4 joint committees, viz. Finance, Defence, Intelligence and Public Accounts. These joint committees consist of members of both Houses and they discuss issues of national importance that are referred to them.

## The Composition of National Assembly (Portfolio) Committees

The National Assembly rules stipulate that committees shall be comprised of "no fewer than 10 and no more than 40" members. The average membership per committee is 25. Committee appointments are made by party whips after which they are ratified by the Speaker of the National Assembly. Each political party has its own system of determining which member will serve in which committee. Depending on the disposition of the party, i.e. its size and the level of expertise of its members - whips try as far as possible to place members in their field of preference or proficiency.

The idea of a member **specialising** in a particular field (committee) is central to his/her membership of a particular committee. The larger parties do not seem to have problems in this respect - it is, therefore, easier for members of the African National Congress (ANC) and the National Party (NP) to specialise than it is for the members of the Democratic Party (DP), the Freedom Front (FF), the Inkatha Freedom Party (IFP), the Pan Africanist Congress (PAC) and the African Christian Democratic Party (ACDP). These latter parties have few members of Parliament in relation to the large number of committees. Their members then have to attend many more committee meetings, even those of which they do not possess the necessary expertise.

A survey conducted by the *PIMS Record* reveals that 38 ANC members and 20 NP members serve on only one committee. (*Whip*, 18 October 1996) The most number of committees that one particular member serves on, in the case of both the ANC and the NP, are 6. This is the exception rather than the rule. For the rest of the parties, most of the members serve on an average of 9 committees. In the PAC one particular member "serves" on 16 committees and

in the ACDP one member "serves" on 13 committees. (Ibid)

Bekker (IFP-MP) notes that "it is fairly impossible for a member to serve on three committees. The ideal situation is one where a member of Parliament serves on one particular committee and specialises in the domain of that particular committee". (1996:124) Ellis (DP-MP) points out that there is only one spokesperson per party in any committee. (Interview, 19 March 1998) The National Assembly rules confirm that "each party in this House shall be entitled to be represented by at least one member on each portfolio committee". (Rule 55) The rules also make provision for alternate members to be appointed. (Rule 56(5)) Alternates have full committee rights when primary members are unable to attend committee proceedings. Prior to the withdrawal of the National Party from the Government of National Unity (GNU), (committee membership is determined proportionally - this is still the *status quo* in this respect) *consensus* was the watchword. It was particularly difficult for opposition parties which had Cabinet membership to criticise government. Subsequent to the withdrawal of the National Party, opposition politics could take its natural course. The consensus-seeking role of committees still exists, but more so than ever, the party-political line is being pursued by committee members and the over-sight role of committees can consequently come to fruition.

### **The Appointment of Committee Chairpersons**

The appointment of committee chairpersons is a contentious issue. Parties that control the chairpersonship of the more influential committees in Parliament can make a greater impact in the furthering of their own ideologies and agendas.

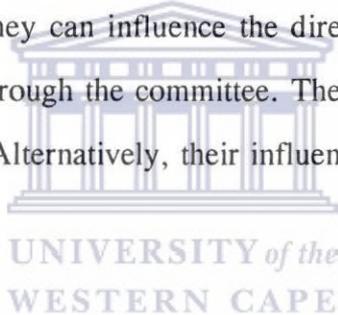
One could have expected that the appointment of committee chairpersons, as with the Cabinet, would be based on proportionality. This is, however, not the case. Calland (1996:2-4) suggests that the National Party, while negotiating for a plural executive, omitted to extend the concept of power-sharing to the legislature. "In the light of their [committees'] now relative importance in the legislature, it has been suggested that the National Party [and other smaller parties] failed to foresee the importance of committees in the new parliamentary dispensation and that they should have insisted on a sharing of the committee chairpersonships". The Interim [and later the Final] Constitution does not provide details with regard to the number of chairpersonships per party.

The National Party met with resistance when they subsequently demanded a greater number of chairpersonships that were being offered to them by the ANC. The ANC offered the National Party the deputy chairpersonship of the Public Accounts Committee as well as the chairpersonships of a number of internal parliamentary committees. Members serving on these committees (also referred to as House or Domestic committees) are usually senior members of the various parties. These committees are appointed by the House to fulfill specific functions in relation to the smooth-running of the administration of Parliament. These committees are, however, not directly involved in the daily, functional and delivery-oriented issues that matter to Portfolio committees. Chairpersons of these committees have an important in-House function, but their involvement in the functional areas is limited.

By contrast the IFP was offered the chairpersonship of the Public Enterprises Committee, the PAC was offered the Transport Committee, the DP was offered the Public Accounts Committee and the FF was offered the Defense Committee. (*The Argus*, 23 August 1994)

The IFP, by way of Dr Buthelezi, entered the fray by arguing for proportionality - "the appointment of chairpersons [according] to the number of votes received [by parties]" (*The Citizen*, 23 August 1994) The ANC's response was that neither the National Party nor any other political party was an equal partner in the then GNU and they could, therefore, not demand proportional representation in this respect and since the Constitution did not make any specific provision for the appointment of chairpersons, Parliament [the legislature] was "free to devise its own procedures to regulate its affairs". (Ibid)

The ANC's intention to keep the chairpersonships of the more influential committees from the National Party appears to be logical. Given the new role of committees in the legislative process, it would have been virtual political suicide to give influential committee chairpersonships to the National Party. Committee chairpersons are influential in terms of their ideological disposition. They can influence the direction that the meeting takes. They can stall the progress of Bills through the committee. They can, however, not kill a Bill that was referred to the committee. Alternatively, their influence can hasten the progress of a Bill through the committee phase.



It seems as though the National Party realised too late that they had lost out in this sphere of legislative control. This is possibly because committees were not as influential in the pre-1994 era and they [the National Party] could not have imagined that the situation would have been any different under the new dispensation. The fact that the ANC offered chairpersonships of some of the more influential committees to the minority parties, did not really mean that they were relinquishing control, it simply meant that they would have to use their majority status to full effect in these committees.

## Committees, Extension of the House

According to sections 56 - 58 of the final Constitution (RSA,1996) committees are an extension of the House. They are accorded the powers and functions deemed necessary for them to perform their duties. As has already been noted, an effective committee system enhances service delivery by assisting the legislature and the Departments in striking the right balance when passing legislation.

Committees are entrusted with legislative issues that the cumbersome House would ordinarily not be able to deal with in a practical and expedient manner. In this sense committees are an extension of the House. The more business that is referred to committees the more positive the influence on the formal proceedings of the House. At another level, committees extend to beyond the bounds of Parliament to encompass the views and aspirations of civil society. This interaction between elected representatives and the electorate is vital in taking Parliament to the people and making them feel part of the decision-making process.

South Africa's rural population is vast and large concentrations of people are either illiterate or semi-literate. They need to feel empowered. Committees have the ability to extend that hand of empowerment to ordinary people. Rassool (*Whip*, 1996:7) notes that committees are the main vehicle for making the "South African polity accessible to ordinary people".

A case in point is when the Select Committee on the RDP and Labour visited Mount Frere in the Eastern Cape to acquire first-hand knowledge (information) of conditions at "grassroots level". They had to abandon their vehicles and walk for long distances. They had to cross a river in a make-shift ferry. This was an important exercise for committee members

in that they could assess for themselves the needs of the people. Subsequent to their visit, the committee contacted the Departments of Housing, Transport and Public Works to bring the plight of the people "to the government's attention". (*Whip*, 1 November 1996)

Because of financial and time constraints fact-finding visits to the provinces do not happen frequently enough. Another problem that committees face in this regard is that it is expensive and, therefore, difficult for committees to make follow-up visits in order to assess whether the Departments are delivering the required services.

### **The Public Education Department (PED)**

The PED has a public outreach program that is supposed to *sell* Parliament to the public. Parliament and, by extension, the committees and the committee section have historically been closed to outside scrutiny. This is an image that still exists amongst many people. The PED has to use its mandate to alter this situation. Even though PED staff members may be qualified to do what they are doing, their lack of practical knowledge of the committee section (or any other specialised section) is an inhibiting factor. During periods of recess practitioners, i.e. the committee clerks, should accompany PED staff members on their outings to community organisations in order for them to supply first-hand information to people.

### **Committee Section Liaison Office**

People need to be informed about the new **liaison office** that the committee section has set up. This office was set up in 1995 to deal with any enquiries from the press, the public and/or

interested parties. It is intended that when this office is fully operational that all committee reports and other committee-related documentation be accessible here. (*Interview, Mark Philander, 26 March 1997*) This office is, however, not operational as yet. For this office to function effectively, a dedicated staff complement of approximately 5 who are able to do filing, archive management, library duties and administration is needed. There, however, is no plan to create such an establishment. This is one area that needs more attention and resources to be able to foster its setting up and maintenance. Despite the broader context of the transformation of Parliament, there seems to be a reluctance at management level to fund and promote such a facility. Apart from enhancing the image of the committee section and committees, such a facility will undoubtedly help to enhance the image of Parliament.

### **Electronic Broadcasts of Committee Proceedings**

There is unanimity among the people interviewed that the electronic media should allocate more broadcasting time to committee proceedings. Most parliamentary committee rooms are fitted with television cameras and all of them have audio facilities. One cannot expect that all committee proceedings be broadcast, but time should be set aside for edited versions of committee proceedings especially on topics of popular importance. There should also be regular advertisements of committee meetings' schedules. This will serve to inform people when and where these meetings are taking place and consequently give them the opportunity of attending such meetings.

There are currently two parliamentary programs being screened on national television. The daily weekday programme happens between 14:00 and 16:00. This program is not screened during recess periods because it only features House sittings and debates. If committees are the arenas for political battle, the engine room of Parliament, with formalities being reserved

for the House, then at least one hour of this daily programming should be reserved for committee proceedings.

There are currently no radio broadcasts of committee and parliamentary proceedings. Many people who do not have access to televisions would be able to access Parliament via such radio broadcasts. Because radio broadcasting is less expensive than television broadcasting, and because radio is by far the most widespread medium used by the largest number of people, one would like to argue for a dedicated national parliamentary radio channel that would broadcast various aspects of Parliament in the different official languages. This kind of media coverage will go a long way to inform people that the committee stage is an integral part of House proceedings. The ground work is being done in committees. Bills sometime leave committees vastly altered than when they came from the government department. If committees can alter Bills and propose Bills then they are indeed an extension of the House.

Although it may not always be possible, most committee meetings and public hearings should take place during session. This will enhance the belief that committees are an extension of the House. Committee sittings complement House sittings. Too many committee sittings outside of session would mean that members are removed from their constituencies for lengthy periods. A balance needs to be struck between parliamentary and constituency duties.

### **The Number of Committees**

Immediately prior to April 1994 there were 13 committees. These 13 committees were serviced by 11 committee clerks. (*Whip*, 30 August 1996) After the election committees proliferated to such an extent that these 11 clerks had to service 27 portfolio committees, 14

select committees, 6 joint committees and 6 *ad hoc* committees. To be able to deal with the dramatic increase in the number of committees, 40 additional committee clerks were appointed. (Ibid) The sudden surge in the number of committees may have been construed as being unnecessary and wasteful. Others may argue that the additional expense was justified because committees were seen to be an important link in the processing of legislation. This is especially so, given the important role that the new parliamentary committees were to fulfil in the legislative process.

The Democratic Party, the African Christian Democratic Party and the Pan Africanist Congress have suggested that the number of committees should be reduced in order that human, physical and other resources be put to optimal use. If the number of committees were to be reduced, it would result in fewer meetings. Support staff and other resources would more readily be available for these committee meetings. The scheduling of meetings could be co-ordinated more effectively so that clashes and other logistical problems could be reduced, or even eradicated. If there were fewer committees and assuming there were fewer meetings, members would have more time at their disposal to prepare for optimum participation in committee proceedings.

The opposition and other smaller parties have their members stretched to capacity to cope with the large volume of committee meetings. Clashes in meeting times are inevitable. This seemingly defeats the purpose of the actual implementation of the committee system, i.e. to get the opposition and backbenchers involved in constructive policy matters.

However, a reduction in the number of committees would mean that one committee will have to shadow more than one department, unless the number of government departments is reduced

as proposed in the recent report of the Public Review Commission. One way in which the number of departments might be reduced is to merge them. (House of Commons, 1995:1) Ellis (DP-MP) points out that the DP has always argued for the number of government departments to be reduced. This will impact on the number of committees - their number would be reduced. (*Interview*, 19 March 1998) It is hoped that by reducing the number of committees, the number of meetings will be reduced. Human resources, i.e., clerks and administrative assistants would have more time to prepare for such meetings. Members would also have more time to prepare for such meetings. Physical resources such as venues and technical support would not be as stretched as they currently are. Reducing the number of committees will alleviate the pressure of scheduling. Members of the minority parties will be able to attend more meetings more regularly, instead of having to be selective as they now are. (*Interview*, L. Green, 19 March 1998)

Belot (ANC-MP) is, however, mindful of the fact that reducing the number of portfolio committees is not necessarily the answer to current scheduling woes and to adequately accommodating the minority parties in the system. By reducing the number of committees - and departments - the workload is not being reduced. The need for delivering services at the same capacity still exists. Belot further observes that by reducing the number of portfolio committees and trying to maintain the same service delivery capacity, one is only creating room for more *ad hoc* and sub-committees. Committee clerks will have to service these committees and scheduling woes would not necessarily be lessened. (*Interview*, 3 March 1998)

### **Scheduling of Committee Meetings**

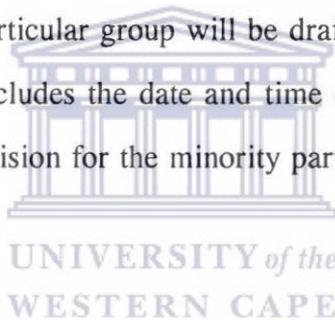
The daily monitoring of the committees is done by Aubrey Makoena, the Chairperson of Committees and the support staff from the committee section. The operational aspect of the committee system is fraught with problems which have resulted from the increase in committee activity since the inception of the new government in 1994.

Scheduling and other logistical problems could be exacerbated with increasing amounts of legislation and demands being made on the current system. The current system can barely deal with portfolio committees as they stand. *Ad hoc* and sub-committee meetings will also have to be accommodated in the system.

The Chief Whip of the National Party embarked on an exercise in 1998 in order to ascertain the extent to which clashes in meeting times occur. He selected two sitting days randomly (see *Appendix E*) and set about tabulating details, under the following headings - date, time, committee [to attend], NP member, vacation and remarks - information with regard to committee meetings that National Party members had to attend. On 3 November 1997 National Party MP, Mr Watson, (referred to as Watty in appendix E) was scheduled to attend 5 committee meetings of which the meeting times were 09:15, 09:30, 09:30, 10:00 and 12:30. Scheduling on this day was problematic for Mr Watson, as meeting times clashed and he was consequently not able to attend all the meetings. Even if he had tried to attend all the meetings by spending a few minutes at each, he would never have been able to give his full attention to all the matters that had been discussed. By just considering this one example, one can see that it is very difficult for one member to belong to more than 1 or 2 committees at a time, depending on the work load and the topics covered. This means that there should be

flexibility of schedules.

Mokoena (ANC-MP) - the Chairperson of Committees - says that the way committee meetings are currently being scheduled, will change. Committees will be categorised into two groups - Group A and Group B. Members will be expected to select 1 committee from each group in order to avoid clashes. (*Interview*, 9 March 1998) Most members are, however, currently serving on more than two committees and consequently have commitments that cannot be shelved. Mokoena believes that "human choices should fit into the system instead of the system adjusting to human choices". (*Ibid*) This system does not propose a reduction in the number of committees, but rather that members are dedicated to between 1 and 3 committees that would continue to perform their constitutional functions. A timetable for committee meetings within a particular group will be drafted and circulated to members on a weekly basis. This timetable includes the date and time on which meetings will take place. This system does not make provision for the minority parties. It is an attempt by the majority party to improve scheduling.



If committee chairpersons wish to schedule a meeting, then such a request must be sent to the Chairperson of Committees, via the Committee Section which administers the logistics - booking of venues, catering - accordingly. (*Orange Paper*, No 2, 16 April 1998) The Orange Paper is an in-house parliamentary paper initiated by the ANC in order to keep MPs informed of the scheduling arrangements for committee activities.

Committee chairpersons who wish to deviate from the weekly programme for one or another reason may do so by applying to the Chairperson of Committees. Such a meeting will not fall within the ambit of Groups A and B. A further "Miscellaneous" group will be created to

cater for such special requirements. *Ad hoc* and sub-committees will also fall in this category.

The *Orange Paper* states that "no unauthorised meetings [should] take place in the National Assembly" (Ibid). All meetings will be controlled and monitored centrally, i.e. by the office of the Chairperson of Committees, in conjunction with the Committee Section.

### **Accommodating the Minority Parties in the Committee System**

Two schools of thought exist with regard to accommodating minority parties in the committee system.

The first of these could be referred to as the *conciliatory approach*. This line of thought emanates from the more compromising members of the larger parties (majority party and the official opposition). It argues for the creation of mechanisms to accommodate minority parties in terms of enabling them to attend more, if not all committee meetings.

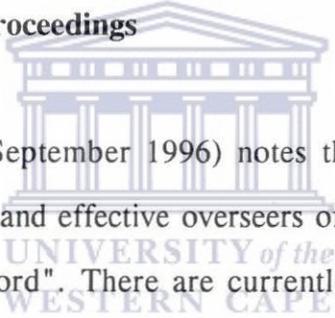
This approach takes into consideration that minority parties also have constituencies which they serve and for them to serve these optimally, they need to be accommodated more readily in the committee system.

The second approach is the more *hard-line approach*. It has two important features. The first of these is that the majority party [and to a lesser extent the official opposition] do not perceive minority parties as "partners" and consequently they do not find it necessary to make concessions at the scheduling or at any other stage. The second feature of this hard-line approach emanates from how the minority parties view their own role. Ellis (DP-MP) asserts that it is their "own fault" that they did not manage to muster adequate voter support and they

can consequently not expect concessions of this nature. (*Interview*, 19 March 1998)

Whichever view one subscribes to, it will always be difficult to accommodate minority parties in a schedule that is demanding even for the larger parties. It seems inevitable that minority parties will fall foul of a system that makes provision for them, but does not necessarily "accommodate" them. This conclusion is encapsulated by Mokoena when he notes that there is "no pragmatic model of scheduling of committee meetings [that deal with complaints of this nature from minority parties] as the problem is largely of statistical party representation". (*Orange Paper No. 2*, 16 April 1998)

### **Public Record of Committee Proceedings**



An editorial in the *Whip* (13 September 1996) notes that if committees are to be "true locations of public participation and effective overseers of the executive...[then] there needs to be some form of public record". There are currently no verbatim Hansard reports of committee proceedings and minute-taking is inadequate. (*Ibid*) If the bulk of the work is done at the committee stage then the expense of creating such an infrastructure should be justified. Such a public record will not only serve the interests of civil society, it will also serve the interests of the minority parties.

Hansard could, however, be abused in that members could refer to them without having to attend meetings. Another problem is that recordings of work done in the *field*, could become a problem in respect of logistics.

The nature and role of the committee system in South Africa has a direct bearing on whether the committee system is effective or otherwise. The committee system's delivery capacity is directly related to its institutional conventions (practices). These institutional conventions have been discussed in the preceding section and it now becomes necessary to determine whether these are effective or not.

### THE EFFICACY OF THE COMMITTEE SYSTEM IN SOUTH AFRICA

Whilst there is no doubt that committees play an important role in the legislature, there are many lingering questions with regard to their support systems. For committees to be effective they need a professional and efficient back-up service provider. Committees can be seen to be effective or otherwise when judged against their performance in terms of the key functions of Parliament. (see page 10) These key functions are based on the *Report of the Provincial Legislatures Needs Assessment Study*. (UWC, 1997) Committees comprise of members of the legislature. Legislatures have key functions and committees form an integral part of performing these key functions. Their efficacy, therefore, needs to be determined in terms of these.

The first of these is to **promote public involvement** in the legislature. Committees have had mixed results as far as this is concerned. Committees have been very successful in managing to attract inputs from organised groups such as business, labour, religious and environmental groups. Such groups are normally well-resourced and they have the expertise at their disposal in order for them to make well-balanced inputs into legislation. Attracting the inputs of individuals has, however, not been so successful. Many individuals may not have the resources and the capacity to make submissions to a committee. Ellis cites the example of the

inputs made by the well-resourced Medical and Dental Council of South Africa and the inputs made by illiterate women in the remote areas of Kwa-Zulu Natal on a visit by the Health Committee, with regard to the hearings on the Termination of Pregnancy Bill. (*Interview*, 19 March 1998) Committees do not have the resources to visit all interested parties. Also, not many people know of the existence of committees.

The second of the key functions of Parliament (legislature) is to act as an **executive oversight mechanism**. Some committees have had success in this area. These committees tend to have "strong and articulate" chairpersons. An example of such a chairperson is Johny de Lange, who is chairperson of the Portfolio Committee on Justice. The committee, for example, had a great influence in making bail conditions for criminals more stringent. (*Whip*, 7 June 1996) "Weak" chairpersons tend to allow room for the executive to side-step the checks and balances (committees) that have been built into the system. An example of this is when the Minister of Welfare succeeded in "extending the controversial Correctional Services Amendment Act (pertaining to the detention of juveniles) for another year" by proclamation, without it having been discussed by the committee. (*Whip*, 9 May 1997) The legislature is supposed to play a watchdog role, given its extensive powers in the committees, but there is a tendency toward passing legislation according Ministers greater discretionary power. This effectively removes and/or limits the scrutiny and oversight functions of the legislature. (*Finance Week*, August 21-27 1997:34)

As far as **passing laws and effective policy and ensuring effective organisational arrangements** are concerned, committees have generally been successful. Committee reports on Bills tabled indicate that much consideration had gone into possible amendments suggested by them.

Committees have since been granted the powers to make inputs into departmental budgets. This is a fundamental role in that they can recommend how a department should structure its budget and where they should prioritise. Committees can, however, only make recommendations in this respect. Furthermore, committees cannot initiate money-related Bills. The Minister of Finance is the only person who is authorised to do so.

For committees to be effective, they need to have a well-developed support base. Physical and human resources form an integral part of this support mechanism.

### **SUPPORT MECHANISM**

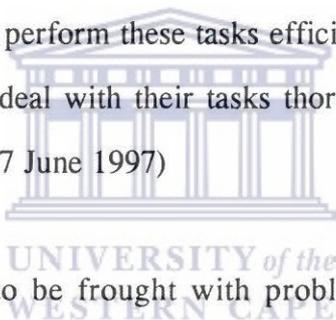
Based on the hypothesis, for committees to be successful, their support mechanisms need to be sound and well-resourced. The support mechanisms and the service-delivery functions of committees form an inseparable bond. Without the one the other is ineffective. The support mechanism provides the logistical and administrative back-up that committees need.

### **The Committee Section**

The Committee Section forms part of what could be referred to as parliamentary support services. The section forms an integral part of delivering a particular service to members and, in so doing, it delivers a service to the country and its people. The Committee Section exists in order to expedite matters relating to the path of legislation through Parliament - i.e. from its inception through to it being published in the *Government Gazette*. A number of parliamentary departments will deal with the legislation during this process.

The committee section provides all the administrative, procedural and secretarial support services for parliamentary committees. These services do not extend to the House committees such as the Rules, Internal Arrangements, Extended Public and Appropriation committees, for which the Table Secretaries are responsible. These latter committees deal with the establishment of rules, procedures and finances to which the parliamentary committees have to adhere. They are, consequently, aloof from the Portfolio and Select committees.

The committee section is there to assist chairpersons and all members of all parliamentary committees in respect of administrative and procedural aspects, and to perform these tasks efficiently and impartially, thus enabling committees to deal with their tasks thoroughly and expeditiously. (*Orange Paper No. 1, 17 June 1997*)



The committee section seems to be fraught with problems which stem from the drastic increase in the number of committees, the change in their nature, their role and their purpose. Because there was no committee system in South Africa that could be emulated by the new system, the resultant paradigm shift from the old system led to the section not being able to cope adequately. There were too few staff members to cope with the sudden surge in committee activity immediately after the 1994 election. These staff members were for the first time faced with a vibrant, open and democratic committee system. The shift from old to new was drastic, sudden and overwhelming, especially with the new oversight and monitoring role of committees.

In January 1990 the committee section's staff complement was increased from 24 to 85,

(*Whip*, 9 May 1997) with many of the senior members being recruited from other sections within Parliament. The bulk of the committee clerks were, however, recruited from outside of Parliament. Despite this recruitment drive problems were not alleviated immediately. All the junior clerks who were appointed were inexperienced, some being fresh from university. The inexperience stems from the fact that none of the new recruits would have been able to gain similar experience elsewhere.

Staff had to be trained in such aspects as minute-taking, writing reports and in general parliamentary rules and procedure. Furthermore, theory does not provide the practical experience that is required to perform the tasks (see *Appendix F*) of their trade effectively.

Another interesting and necessary aspect of the committee section is its commitment to staff development and training. This aspect is highlighted by taking note of the number of workshops that are offered to the staff members. The committee section has to be dynamic in order for it to adapt to the changing needs of the politicians. It must, however, be made compulsory that each staff member attends such workshops, as this is not currently the case. It may not be possible for all committee clerks to attend all the workshops because committees are meeting all the time. Those committee clerks who are not able to attend a particular workshop should formally be informed of the contents by a colleague or by the supervisor. Computer training is the only training currently taking place. This training is funded by the European Union and it is geared to preparing staff members for an upgrade of the computer network of Parliament.

A further aspect of staff development and training is the section's commitment to learning from other legislatures. A three-person-delegation was recently sent to the United Kingdom

(UK), where they spent three weeks in the British House of Commons. Their experiences have been captured in a report that was circulated to each staff member in the committee section. These reports need to be evaluated at special meetings because it is evident that not all the members of staff read them. Only when this is done will the section benefit from the international experiences of their colleagues. A delegation also visited the Canadian Parliament for approximately two weeks in April 1997.

There is a commitment on the part of the committee section to support those staff members who wish to pursue formal studies. This happens in the form of negotiating time off to attend lectures and for the purposes of writing examinations. This happens with the proviso that it does not adversely affect the staff member's work performance. Parliament generally provides financial assistance to those staff members who are pursuing courses that would be beneficial to Parliament. This includes secondary and tertiary education.

Outside organisations also offer their expertise on an ongoing basis. One of these organisations is the National Democratic Institute (NDI), which has expressed a willingness to provide training to committee staff members. The NDI requested that they be allowed to do a needs assessment by approaching individual staff members. This request was acceded to in the interests of staff development and training.

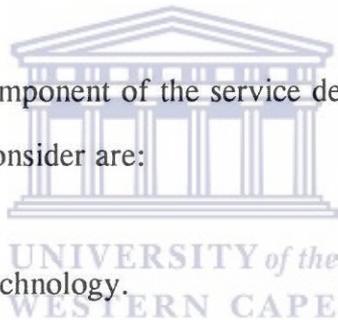
These afore-mentioned features are extremely positive developments, given the context in which the committee section is operating. As most of the committee section's staff members are recent appointments, and since the committee section has changed so dramatically, it is as necessary for the new staff members to develop, as it is for the old staff members to adapt to the changing needs of Parliament.

Two years after the new recruits have taken office the Section seems to be running more smoothly as far as an understanding of their expected duties are concerned. Committee clerks (old and new) have had sufficient experience to know what is expected of them. Interviews with members of Parliament, Ellis (19 March 1998), Pretorius (16 March 1998), Green (19 March 1998), De Lille (4 March 1998) and Mokgalong (5 March 1998) reveal that there were inherent problems in the Committee Section, stemming from the relative inexperienced nature of the staff, but these have essentially been overcome. Those problems will not be discussed further, as it is not the brief of this report.

## Resources

Resources form an important component of the service delivery function of committees. The resources that this section will consider are:

- financial;
- information and information technology.



The first of the resources without which committees are unable to operate effectively, is **financial**. Ellis (DP-MP) observes that there will never be enough financial resources, no matter how much is budgeted for. (*Interview*, 19 March 1998) No matter how much money is made available to committees, what is important is how effectively the money is spent.

Shortly after the establishment of the new committee system in 1994, Committee Chairpersons were not sure as to how to access funds for committee activities. This either led to the committee not doing anything or doing very little. No guidelines existed as to how money should be allocated to committees. This procedure was done on an *ad hoc* basis. The

result was that most committees underspent. In 1994/95 R206000 of the budgeted R465000 was spent and in 1995/96 R1 235000 of the budgeted R3-million was spent. (*Whip*, 30 August 1996) The 1996/97 financial year witnessed an overall committee spending of almost R8,4 million. (see *Appendix G*) The afore-mentioned amounts translate into the following average spending per committee per annum:

1994/95 - R20 000

1995/96 - R45 740

1996/97 - R307 514

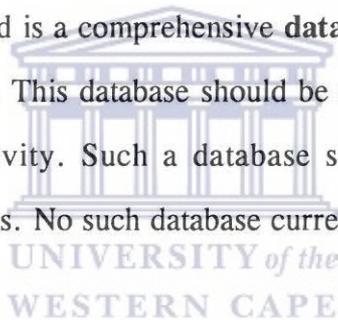
The increase in the average spending of committees is not necessarily an indicator of their effectiveness, it is however an indicator that committees are making an effort to use the money at their disposal in an attempt to provide the results for which they were established.

The financial management of committees is centralised in the office of the Chairperson of Committees. The average increase in expenditure from 1995-96 financial year to 1996-97 financial year reveals that mechanisms for the use of available money have been established and that Committee Chairpersons are apparently more prepared to apply the money available to them. The increase in money spent by committees also indicates an increase in committee activity.

The second of the resources deals with the availability of **information**. Without adequate information committees would be rendered useless. "When committees first began to expand their work in 1994, there were no researchers and secretaries (clerks) to serve either the chairperson or the committee itself". (Calland, June 1996:9) Many of the chairpersons relied on their contact with non-governmental organisations (NGOs) for their research capacity. (Ibid)

Parliament appointed researchers in 1997. Prior to that, however, when committees were fortunate enough to acquire private funding, they could appoint researchers on contractual basis. Researchers are important in that they provide the committee with the necessary information required to make informed policy decisions. It is, however, such that researchers and committee clerks sometimes become the "possession" of the chairperson of the committee that they are serving. Researchers also run the danger of becoming mere administrative clerks instead of serving the purpose for which they were appointed. There are currently only seven researchers serving the 27 portfolio committees and the 10 select committees.

The third of the resources needed is a comprehensive **database** in order to store all-important statistical and other information. This database should be able to act as a quick reference for all involved in committee activity. Such a database should also facilitate intersectoral collaboration between committees. No such database currently exists.



Related to a comprehensive database, is the development of **Internet sites** and **E-mail** facilities. The improvement of the technological systems will take Parliament to those who are not able to visit regularly. Such systems would, furthermore, enhance not only the image of Parliament, but also its credibility and sincerity towards the principle of transparency. This is especially so since Telkom is introducing the concept of *Public Internet Terminals* at post offices country-wide. (Sunday Times, 30 March 1997)

Also, in this regard, committee clerks type their reports on an outdated computer program, *Xywrite III Plus*. Some may argue that all that is needed is the word processor, while others will argue that this is limiting in terms of progress and the transferring of information to all

South Africans. What is, however, important is that there are moves afoot to introduce a new computer program into Parliament and the various committees. A number of instrumental offices are already using *Windows*. The dissemination of information is important and any information that is generated within Parliament needs to be disseminated regularly and accurately. The European Union (EU) has pledged money toward the upgrading of Parliament's computer network. The EU, however, stipulates that Parliament must advertise for tenders on an international basis. This process is time-consuming and no progress has been made to date.

## **Conclusion**

Based on the preceding discussion, it can be argued that the committee system has made quite significant progress in its achievements in the past two years. The committee system in South Africa is by no means the perfect system. Neither is it fully transformed. It still has a number of hurdles to overcome. It is still developing and a number of features still have to be refined. The preceding discussion has also identified several strengths and weaknesses of the new committee system in South Africa. As has previously been intimated, it is a system-in-the-making, therefore, the chapter on recommendations and conclusions will deal with suggestions for the future development of the system.

# CHAPTER 5

## CONCLUSIONS AND RECOMMENDATIONS

### INTRODUCTION

This research report has essentially argued in favour of a strong committee system in South Africa. It has tried to place the new, developing committee system in South Africa within an international context. Committees, be they Westminster, Congressional or South African have become virtually indispensable, functional and innovative components of an institutional legislative form in a democratic system of governance. Committees and indeed, the committee system, have not been exempted from the processes of transformation sweeping through the institutions of governance in South Africa.

In analysing the South African committee system this research report has identified a number of positive achievements in the operation of the system. However, it has also identified a number of challenges and constraints. This chapter summarises them by way of conclusions and proposes a number of recommendations for overcoming them. This chapter, therefore, distinguishes between the strengths and weaknesses of the committee system and then proceeds to make recommendations for building upon the strengths and for overcoming the weaknesses.

### CONCLUSIONS

The evolution of South African parliamentary committees has happened in a manner that has seen the continued existence of the House as an institutional form. Despite the very many

changes that have occurred, the principal features remain: the National Assembly remains the main forum for decision, debate and review; the mode of behaviour in the House is still that of "cohesive, adversarial parties", with formalities remaining essentially unchanged; a single majority party Government remains the norm and the Executive still predominates. (Giddings, 1994:683) Committees have strengths and weaknesses, constraints and ardour and it is within this context that they have to establish mechanisms in order for them to deliver efficient and effective service in terms of the objectives for which they were established.

### **Strengths**

Committees have been **innovative**. They are breaking new ground, not only in establishing a committee ethic, but also in establishing a legacy. Their innovative nature is borne out in their role as proposers of legislation, as scrutineers of legislation, in their departmental and executive oversight role and in their link between the legislature and civil society. They are innovative in that they can summon people to appear before them. The chairperson, and by implication the committee, has extensive legal and constitutional clout at its disposal. Committees are innovative in that they "empower the population concerning their rights and institutions". Committees aim to take Parliament to the communities. (Macozya, 1996: 111-112)

The committee system has as its thrust to *modernise*. There are new challenges, new approaches and new directions. The politicians have set the trend in this modernising process. They have to map the political path to which the cumbersome bureaucracy needs to adhere. *Educating* the bureaucracy about this new direction is a fundamental component of modernising the structures of government.

The **delivery-oriented nature** of committees is dissimilar to that of the line-function departments. Their delivery is geared to creating the legislative/policy framework within which departments should function. Extensive research is done at the committee phase and its multi-party nature creates the basis for compromise. The delivery-oriented nature of committees is borne out in that they can initiate legislation where they find that a need exists. Committees could alter a Bill drastically if they find that it does not satisfy the purpose for which it was created.

**Efficiency-enhancing role:** The legislative process, i.e. the passage of a Bill through Parliament before it is enacted is an arduous process. The committee stage of a Bill can be a drawn-out one. In most cases, however, committees try to dispense with Bills that have been referred to them, as speedily as is possible. Committees enhance efficiency by their informal nature. This allows more work to be done at a faster pace than is possible in the House. The brainstorming of issues occurs in committees, whereas the tabling of committee reports are formally dealt with in the House. Committees are invariably less cumbersome than the House. They enhance efficiency by being able to go on field trips to gather first-hand information about issues. Committees' oversight role aims to promote efficiency in the departmental delivery of services.

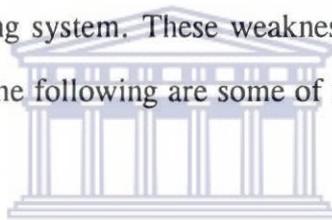
Committees have the **legal and constitutional clout** to summon Ministers and any other person or persons to appear before it. This enables them to suggest informed amendments to Bills. In this sense committees are an extension of the House. They act on behalf of the House, to which they report. The House, because of its size, accords to the various Portfolio Committees the power to investigate on its behalf.

**Committees hold public hearings** in order to ensure that there is a link between the legislature and civil society. Ordinary members of society can make written or verbal presentations at such hearings, while organised groups make use of this vehicle to present their positions on issues that are related to their field of concern.

These strengths serve as positive points of departure upon which there should be built in order to improve on the inherent weaknesses of the South African committee system. The following represents a number of the weaknesses that have been identified.

### **Weaknesses**

It can be expected that the committee system in South Africa will have its weaknesses, especially since it is a developing system. These weaknesses, however, need to be identified so that they can be addressed. The following are some of the weaknesses in the South African committee system:



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**Financial constraints:** Although there has been a substantial increase in the amounts of money allocated to committees, this still remains inadequate, based on the fact that committees do not have adequate physical and human resources. Inadequate information technology systems and an absence of administrative staff serving committees are two such examples. Private funding of committees is sparse, but such funding is normally limited to dedicated projects of particular committees. Financial constraints on the committees' support mechanism, i.e. the Committee Section, also affect the effective delivery of services. Financial constraints affect almost every other aspect of service delivery.

**Information technology:** Information technology systems are completely inadequate. Whilst a dedicated parliamentary library service provides secondary and other print material, there is no form of quick reference for Members of Parliament and for researchers. In this respect, there is no database and very few people in Parliament have access to the Internet and to E-mail facilities.

**Researchers:** There are too few researchers that provide the committees with vital information with regard to their area of interest. Researchers also run the risk of becoming administrative assistants to the chairperson of a particular committee instead of providing this vital research service to all the members serving on the committee. Researchers should, for example, be out in the *field* collecting data. This is not necessarily the case as researchers, in many cases end up performing administrative duties such as making photostat copies, mailing and doing accounts, simply because no administrative assistants have been appointed to the various committees.

**Scheduling of committee meetings:** Whilst there have been attempts to improve the scheduling of committee meetings, these have not taken cognisance of the fact that members are already committed to committees and these commitments first have to be settled before they can be allocated to another committee. The new scheduling system as proposed by the Chairperson of Committees in the *Orange Paper* will, therefore, not solve the current scheduling problem. This system may be more successful after the election of 1999, when committees start their activities afresh. It is difficult to implement the new system of scheduling while the old system is still in place and while committees have ongoing commitments to satisfy. A new system will be effective once all current committee assignments are completed and members are re-allocated to committees. This can only be

done once the current term of office has expired and new committees are appointed after the next election.

**No public record of committee proceedings:** Since minutes of committee meetings are inadequate, there is virtually no public record of what transpired at committee meetings. To publish Hansard of committee meetings staff would have to be employed and for this to happen, financial resources need to be made available. Because so many committee meetings take place at any one time, logistical problems of unmanageable proportions would result. It would be even more difficult to have Hansard records of proceedings of a committee that has gone on a field trip. A possible solution could be audio recordings of proceedings on such field trips. Audio recorders are portable, reasonably inexpensive and effective. Enhanced minute-taking skills by committee secretaries could complement such audio recordings.

**Knowledge of the committee system and the capacity to make submissions:** Not all components of civil society are aware of the existence of a parliamentary committee system. Whilst organised groups such as labour, religious groups, business and professional bodies may have the capacity to make submissions to committees, individuals and other small organisations may not have such a capacity. The Public Education Department of Parliament does not seem to be doing much to enhance this capacity. There appear to be no visits to schools and other organs of civil society that may need such capacity. Furthering links with organs of civil society such as NGOs, schools and places of worship, will go a long way in improving knowledge of the existence of the committee system.

**Electronic broadcasts of committee proceedings:** There are currently no electronic

broadcasts of committee proceedings on the radio, a medium that reaches more people, more cost effectively than any other. Edited versions of committee proceedings do occasionally appear on television, but these do not reach as many people. The electronic media, be it television, radio or computer, wield a great influence in moulding the opinions of the public at large.

The identification of these strengths and weaknesses necessitates that recommendations be made in order for the committee system to be honed into a more effective institution than what it already is.

### **RECOMMENDATIONS**

For committees to function effectively they need the support of all the components of the system. The following is a list of recommendations that is geared to enhancing the strengths and overcoming the weaknesses of the current committee system.



#### **Resources**

Effective resourcing of committees is a *sine qua non* to achieve their goals. Committees and researchers need ready access to electronic information systems.

Administrative staff need to be provided in order to free researchers to perform their research function. The financial resources of committees should not be reduced as has recently been suggested. (*Cape Argus*, 6 May 1998) One cannot have under-resourced committees, whilst the executive is well-resourced with access to information, advisors and other support

officials. Such a skewed relationship does not make for good oversight of parliamentary activities.

The capacity of committees to conduct extensive research can be improved by the judicious use of university students as interns. They, however, need to be trained and supervised effectively. Up to now Parliament seems to have avoided this route. An internship structure that will consider the applications of appropriate candidates needs to be negotiated and set up between universities and Parliament. This recommendation centres around the fact that a committee's efficiency, to a great extent, depends on the information that its members possess with regard to a matter under discussion. It is suggested, if financial or other resources are inadequate, that a pool of qualified, experienced and impartial researchers or expertise should permanently be available for the use of committees.

### **Educating the Public**

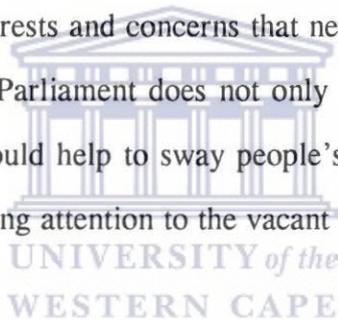
An orchestrated attempt at educating the public about the existence of committees and their role needs to be launched. The overwhelming concern of the various political parties and other role-players is that citizens are not informed about this vital link with the legislature. A general public education drive with a democratic governance theme is urgently needed in this respect.

The media with its mass circulation needs to accept co-responsibility for such a campaign. Many of the major newspaper houses already have community newspapers such as *The Southern Mail*, *The Paarl Post* and *The Plainsman*, which are distributed without any cover charge. This is one way in which to reach those who cannot afford to purchase newspapers.

Newspapers do, however, not reach as many people. The problem of illiteracy is also prevalent.

The electronic media - Internet, television, radio, E-mail - should be used extensively. Radio is especially important as it is an inexpensive medium which does not necessarily require electricity. Radio is also appropriate because the infrastructure for national as well as community radio is already in place. A coordinated strategy needs to be devised in order for these media to be used to their full potential.

The Public Education Department of Parliament seems to be doing little about reaching out to schools, NGOs, church organisations, youth organisations, sports bodies, private business, the aged, professional organisations and trade unions in an attempt to educate people about how Parliament operates and how legislation passes through Parliament. These people and organisations have very real interests and concerns that need to be heard. People also need to be educated about the fact that Parliament does not only function when members are filling the benches. The mass media could help to sway people's opinions about this issue as it has largely been responsible for calling attention to the vacant seats during parliamentary sittings.



There are currently two time slots in which parliamentary proceedings are screened by the public broadcaster, the South African Broadcasting Corporation (SABC), on national television. The private national broadcaster, MultiMedia, a subsidiary of MNET, also broadcasts parliamentary proceedings. These two broadcasters need to ensure that a balance is drawn between the broadcasting of House proceedings and those of committees. Citizens need to know that there is an active, vibrant committee system because without this knowledge they would not be able to make inputs and committees would not have been

successful in forming the link between the legislature and civil society. The MultiMedia broadcast is only accessible to subscribers. This is an inhibiting factor, since subscription fees are in the range of R230.00 per month. This is apart from having to purchase the expensive equipment needed for reception.

The work of committees is an essential part of the House's functions to which many members devote long hours, both at formal meetings and in background preparation. The experiment in televising proceedings would be seriously incomplete without a significant measure of committee coverage. (Gray, 1992:60)

If committees are the hub around which Parliament revolves then they can lay claim to more extensive television, radio and print media coverage of their proceedings.

### **Staff Development and Training**



There is currently no formal staff development and training taking place. Staff members are, however, encouraged to embark on personal studies in order to improve their skills base.

Staff development should be a dynamic process. Furthermore, the committee section needs to initiate a needs assessment in order to determine its shortfalls in capacity. Once the needs assessment has been done, then staff training and development programmes can be put in place to deal with the shortcomings that have been identified.

## **Making Parliament Accessible**

Even though people have been made aware of their rights and the potential influence that their input can have in policy direction, the capacity and the wherewithal to make that input may not always be available. Committees have the capacity to be mobile - taking Parliament to the people. However, financial and time constraints are restricting factors in this respect. Tele-conferencing is also a possibility in this regard. It is cost-effective. It will reach more people without them having to incur travelling expenses. Tele-conferencing is also less time-consuming.

It is, furthermore, not difficult for a committee to identify which group of citizens or interest groups are directly affected by proposed legislation. Seeking citizens out for their views need not be an "expensive shot in the dark". It can be targeted and consequently cost effective.

(Macozoma, 1996:115)



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## **Scheduling of Committee Meetings**

This seems to be a rather contentious issue in that the majority party wants to enforce its status, while the minority parties vie for recognition. The opposition parties are extended to the limit because of the number of committees which meet simultaneously, especially if the House is also sitting. It seems as though committees have to meet on a regular basis because there is so much to be done by way of legislation.

Reducing the number of committees would allow for greater flexibility in the scheduling of meetings. The DP's Mike Ellis (*Interview*, 19 March 1998) suggests that the number of

Government Departments could be reduced by either merging or scrapping portfolios. This will result in fewer committees. Reducing the number of committees does not mean that less delivery is going to take place, it simply means that more efficient delivery of services should take place. Furthermore, meetings should not be scheduled outside of session time, except in extreme situations. Members have an obligation to their constituency and being away for extended periods could have negative repercussions.

### **Commitment to Transparency**

There have been suggestions, despite committees' commitment to transparency, that committees have been closed to the public. (*The Star*, 13 February 1997; *Beeld*, 27 May 1994; *The Citizen*, 13 February 1997) Such reports are extremely damaging to the culture of transparency that committees are trying to entrench. When committees are discussing matters of state security or of state intelligence, given the nature and content of the discussions, committee proceedings could be closed to the public.

The image that committees presents to the public needs to be positive. The public's trust in the system needs to be fostered. The commitment to transparency needs to be beyond reproach.

### **Effective Overseers of the Executive**

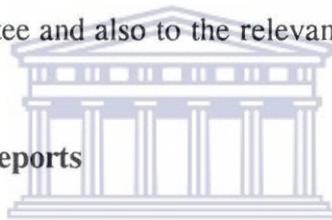
For committees to be effective overseers of the Executive, scrutiny and control mechanisms need to be put in place. The concern in this regard is to avoid that the Executive forces legislation through Parliament without having the input of the relevant committee. The

mechanisms that need to be put in place should be of a legislative nature or they should be encapsulated in the Rules of Parliament pertaining to committees. Committees' oversight role should also extend to assisting the departments to prioritise in terms projects.

### **The Effect of Legislation**

Committees, having amended proposed legislation (Bill) and having seen it pass through the the necessary legislative processes will never know whether the legislation is having the desired effect. Committees are not able to follow up the effects that particular legislation is having on the target community. This is a serious shortcoming. The only way in which to remedy this situation is to make time for assessing the effect of, if not all legislation dealt with by the committee, at least the more controversial pieces of legislation. Two or three people in the committee can be delegated to deal with such assessment and to make recommendations to the committee and also to the relevant Department.

### **Consideration of Committee Reports**



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Once a committee has reported on a Bill, that report is tabled in the House. The tabling of the report is a formal exercise, which happens with no or very little discussion in the House. The House may not have the time to discuss all committee reports, but time needs to be set aside at least once a week to discuss some of the more controversial reports. Discussing committee reports should form an integral part of the House proceedings because much work and effort goes into the committee phase of proceedings.

## **Relations between committees and the Executive**

Although the Executive is also part of the legislature, it is directly responsible for service delivery. If the chairperson of a committee is from the ruling party then there is generally a good relationship, although this relationship can be clouded by personality differences. If committee chairpersons come from one of the minority parties then there are ideological differences that could cloud relations with the Executive. There are chairpersons who, despite the fact that they come from the majority party, are prepared to challenge Ministers and their Departments. Once a good working relationship between the committee and the Minister and his or her relevant Department has been established, the service delivery aspect of both the committee and the Department can be fully realised.

## **CONCLUSION**

Democratically elected and responsive parliaments have effective, strong committees. Ultimately, good governance in this respect will depend on a good working relationship between a specific Minister, his or her Department and a particular portfolio committee. The relationship between the relevant Minister and the committee chairperson is vital for effective and efficient service delivery.

Committees and the Committee Section have forged seemingly indispensable roles for themselves in that they have become the engine room of Parliament. Much of their achievements have taken place under difficult conditions and many of these achievements have gone unnoticed. If the engine room is not staffed by competent staff who are well-managed, then the engine room will be filled with smoke. The engines, i.e. the committees, need to be

well-oiled at all times in order to facilitate their smooth-running. The engineers, i.e. the committee clerks need to be skilled in order to cope with the challenges facing them. These challenges include the ability to be dynamic in order to adjust to the changing needs of the electorate and the polity. This dynamism should also include the ability to be able to adjust to the developing technology in order to be able to monitor and improve the performance of the engines.

At a broader level, this engine room should be a cog in the well-greased political service delivery mechanism in South Africa.



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3. **The Citizen**
4. **The Sunday Independent**
5. **The Sunday Times**
6. **Finance Week**
7. **The Star**
8. **Beeld**



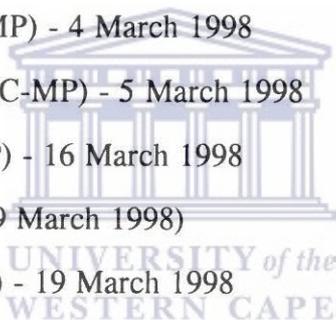
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5. Mark Philander - Manager - 26 March 1997
6. Aubrey Mokoena (Chairperson of Committees) - 23 February 1998
7. Sakkie Belot (ANC-MP) - 3 March 1998
8. Patricia De Lille (PAC-MP) - 4 March 1998
9. Victoria Mokgalong (ANC-MP) - 5 March 1998
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APPENDIX A

Bron nr  
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Datum  
960705.187

Onderwerp nr.  
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Kluis nr.  
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The Star

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# SOUTH AFRICAN SCHOOLS BILL, 1996

## Your say in our School Education

Notice is hereby given that joint public hearings on the South African Schools Bill, 1996, are to be held by the Portfolio Committee on Education (National Assembly) and the Select Committee on Education (Senate) on 13, 14 and 15 August 1996 in the Good Hope Chamber, Parliament, Cape Town.

1. National organisations with a direct interest in education are invited to present written and oral submissions to the relevant parliamentary committees.
2. Interested persons and provincial or locally based education organisations are invited to forward written comment on the South African Schools Bill, 1996.

All submissions and enquiries in this regard should be addressed to the Secretary to Parliament, for the attention of Ms G Abdullatif, P.O. Box 15, Cape Town 8000. Tel. (021) 403-3831. Fax (021) 462-2142. The closing date for all submissions is Tuesday, 6 August 1996.

Issued by Dr B E Nzimande, MP, Chairperson of the Portfolio Committee on Education (National Assembly).



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# APPENDIX B

## Reports of Committees\*

	1979-80	1980-81	1981-82	1982-83	Totals
Agriculture	1	2	2	1	6
Defence	3	4	2	4	13
Education, Science & Arts	5	3	9	2	19
Employment	2	3	6	0	11
Energy	0	3	5	3	11
Environment	1	3	2	3	9
Foreign Affairs	5	7	5	4	21
Home Affairs	5	5	7	3	20
Industry & Trade	4	5	8	3	20
Scottish Affairs	2	2	2	2	8
Social Services	3	4	3	1	11
Transport	2	5	5	3	15
Treasury & Civil Service	5	8	6	5	24
Welsh Affairs	1	2	1	1	5
<b>Totals</b>	<b>39</b>	<b>56</b>	<b>63</b>	<b>35</b>	<b>193</b>

\*Special reports of committees are not included.

Source: Common Select Committees: Catalysts for Progress  
 Englefield, D 1984

# APPENDIX C

## NATIONAL COUNCIL OF PROVINCES

### SELECT COMMITTEES

- Constitutional Affairs and Public Administration
- Economic and Foreign Affairs
- Education
- Finance
- Labour and Public Enterprises
- Land, Agriculture and Environmental Affairs
- Public Accounts
- Public Services
- Private Members' Legislative Proposals and Petitions
- Security and Justice
- Social Services

CHAIRPERSON	TELEPHONE	SECRETARY	TELEPHONE	FACSIMILE
Mr M Bhabha	403-2873	E de Koker	403-3732	403-3723
Mr H J P Lebona	403-2854	E de Koker	403-3732	403-3723
Ms W I Direko	403-2878	H Salls	403-3849	403-3723
Mr S L E Fanyana	403-2841	J Pillay	403-3828	462-2142
Mr J A Foster	403-2865	N Masima	403-3862	403-3723
Mr R Z Noguimla	403-2871	F Mokgobu	403-3718	462-2153
Dr P J Gous	403-3500	A Hermans	403-3771	481-7989
Mrs J L Kgosi	403-2843	N Mkonte	403-3862	403-3723
Mr E K Moorcroft	403-3509	M Swart	403-3770	461-7989
Mr M W Moosa	403-2432	P Nonyukela	403-3838	661-7969
Dr S C Cwelo	403-2878	N Manjezi	403-3740	462-2142



### AD HOC COMMITTEES

- AHC on Comments by Minister P N Maduna on Auditor General
- AHC on Report of SA Law Commission on Surrogate Motherhood
- AHC on Membership of Legislatures
- AHJC on Improvement of Quality of Life and Status of Women
- AHJC on Pension Benefits of Members of Parliament & Provincial Legislatures
- AHSC on Constitution of SADC Parliamentary Forum
- AHC on Appointment of Gender Commission
- AHC on Appointments to Public Service Commission
- AHC on Filling of Vacancies of Human Rights Commission

CHAIRPERSON	TELEPHONE	SECRETARY	TELEPHONE	FACSIMILE
Ms L B Ngwana	403-3057	J Pillay	403-3828	461-7989
Ms D P Jana	403-3238	M Swart	403-3770	461-7989
Mr Y I Carrim	403-2725	M Swart	403-3770	403-7989
Ms P Govender	403-3034	G Abdullatif	403-3831	462-2142
Mr H J Boktor	403-3048	C Ntshwola	403-3738	462-2142
Ms I Mutella	403-2892	M Swart	403-3770	461-7989
Ms N C Roudedge	403-2708	R Schaeffema	403-3742	462-2142
Mr M R Sikakana	403-3189	J Vorster	403-3738	462-2153
.....	.....	H Salls	403-3849	403-3723

### JOINT STANDING COMMITTEES

- Constitutional Review Committee
- Defence

CHAIRPERSON	TELEPHONE	SECRETARY	TELEPHONE	FACSIMILE
.....	.....	Z Adhikeri	403-3663	462-2153
Mr T S Yengeni	403-2533	G Campher	403-3714	462-2153

total 23.04.98

Source: NCOP  
Parliament of the RSA

**EXPENDITURE OF NATIONAL ASSEMBLY PORTFOLIO  
COMMITTEES: 1 APRIL 1995-29 FEBRUARY 1996**

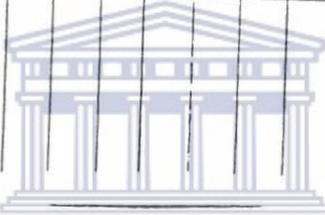
Agriculture, Water Affairs and Forestry	R25,938.26
Arts, Culture, Language, Science	R26,386.40
Communications	R25,877.58
Constitutional and Provincial Affairs	R116,154.90
Correctional Services	R0.00
Defence	R9,813.54
Education	R0.00
Environmental Affairs and Tourism	R0.00
Finance	R11,281.12
Foreign Affairs	R31,268.86
Health	R12,884.80
Home Affairs	R17,585.03
Housing	R0.00
Justice	R31,021.77
Labour	R831.75
Land Affairs	R45,518.26
Mineral and Energy Affairs	R11,398.33
Public Enterprises	R4,415.39
Public Service and Administration	R38,712.98
Public Works	R0.00
RDP	R7,270.45
Safety and Security	R23,282.67
Sport and Recreation	R0.00
Trade and Industry	R951.60
Transport	R11,912.25
Welfare	R42,413.73
<b>TOTAL</b>	<b>R494,937.67</b>
(Average)	R19,035.65



UNIVERSITY of the  
WESTERN CAPE

whip 8 March 1996

# APPENDIX E



22/10 14:00	Finances	NP-lete A. Blean + Car Bria	Nerlof	Opmerkinge
22/10 14:15	Finances	Theo A. Bria, M. B. Muns, Micholm		
22/10 16:00	Stoel & Story	Siel B, Koppe, Con Karlo, Darius		

Kortepensjieskomitees ①

tyd	Komitee	NP-lete	Nerlof	Opmerkinge
09:00	OPEN REK	JH IER; A. Watson		
09:00	Kommunikasie	Daryl; PWC Cecilia W 31		
09:00	LANDBOU, WATKUNSE + BOEROU	MARETHA, ZD; Bartie, Marie IZAK		
09:30	WELSYN	Patrick; ESME, Cyril, JENNY		
09:30	EMIGRASJESAKE + TOERISME	A van Wyk; Nicki; ABEL; CHRIS WYNG; [redacted]		
10:00	Mineerol + Energie	[redacted]; S. Sim Adrian; Mans; Koppies		
10:00	Justisie	Sheila; Frans; [redacted]; Trillie D. Gouder		

Kortepensjieskomitees ②

tyd	Komitee	NP-lete	Nerlof	Opmerkinge
22/10 10:00	Kuns, Kultuur & Tegnologie	V. Mchuan; Arnie; Chodes; AK Beesman		
22/10 11:00	Narroer	Blen; Kortana; John Muns; Tony Reeves Mphahlele		
22/10 11:00	Handel + Nyet.	Reo Alant, David, Con [redacted], IZAK		
22/10 11:00	Sport + Outsp.	Blen; [redacted] Nicki; [redacted] Paul Klein		
22/10 11:00	Operatiewe Werke	ESME, [redacted] Yvonne, Dik PADDIC, Mphahlele		
22/10 11:00	Rechtsgelid + Skermsport	Piet Matthee, [redacted] John M, George R		

# APPENDIX F

Further, the Committee should be viewed as an extension of the House. For a Committee meeting to be official a officer of Parliament needs to be present, usually the Committee Secretary. Bearing this in mind the functions of the Committee Section are as follows:

- Provide clerks for committee meetings.
- Liaise with chairpersons to set dates for meetings.
- Compile and distribute notices, agendas, bills and papers.
- Liaise with government departments and state law advisers.
- Take care of logistics of meetings (venue, tea, projectors).
- Give procedural advice to the Chairperson.
- Keep a record of attendance.
- Assist with press releases and Government Gazette notices.
- Compile programmes of witnesses to give evidence.
- Do minutes.
- Assist in drafting and translating motions and reports.
- Effect amendments to bills.
- Record and transcribe evidence.
- Set up the logistics of meetings away from Cape Town.
- Keep register of members of committees.
- Keep register of committee meetings.
- Produce reports (blue books) of Public Accounts committee.
- Have all relevant committee documents bound annually.
- Set up interpreting support service.
- Supply recording staff for committee meetings.
- Publish committee reports in House minutes.
- Prepare Order Paper entries in respect of bills and papers.
- Prepare Order Paper entries in respect of Committee meetings
  - i.e. date, time, venue, and agenda of meetings.
- Publish changes to committees membership in House minutes.

PARLIAMENTARY COMPLEX

Date : 28/04/98  
Time : 10:05:30

SUB APPROPRIATIONS by Range

1997	April	May	June	July	August	September	October	November	December	January	February	March	Total	Avail	Budget
5001 AGRICULTURE/WATER	1,950.96	0.00	3,115.00	127,588.76	12,424.58	145,869.97	23,464.04	2,303.64	0.00	7,484.00	0.00	105,492.65	429,693.60	-429,693.60	0
5002 ARTS/CULTURE/LANG	211,803.08	6,826.30	112,469.72	6,653.13	36,684.43	83,775.29	26,693.16	22,056.00	6,562.98	2,067.30	22,326.54	48,543.72	585,961.65	-585,961.65	0
5003 COMMUNICATIONS	119,236.00	15,891.00	194,981.78	4,095.00	89,492.59	-1,903.46	11,342.84	1,351.39	11,304.75	-6,086.14	5,664.33	34,052.01	479,422.09	-479,422.09	0
5004 CONSTITUTIONAL AF	-5,449.57	6,014.11	6,539.61	50,949.89	37,686.24	71,848.66	58,020.27	23,145.75	225,042.85	55,593.45	20,720.79	5,173.00	555,285.05	-555,285.05	0
5005 CORRECTIONAL SERV	1,621.00	127.60	6,118.00	217,816.51	9,572.87	0.00	68,256.31	11,398.14	116,694.99	25,988.00	-5,881.49	16,288.79	468,000.72	-468,000.72	0
5006 DEFENCE	870.00	0.00	1,645.00	0.00	9,120.50	2,274.75	176,000.41	6,202.14	3,295.32	750.00	1,682.25	30,811.61	232,651.98	-232,651.98	0
5007 EDUCATION	3,960.16	74,227.69	77,748.98	0.00	25,493.58	83,622.93	21,435.33	5,507.04	1,135.33	6,119.75	5,323.29	21,410.35	325,984.43	-325,984.43	0
5008 ENVIRONMENT/TOURI	1,031.90	166.45	123,761.20	2,418.29	18,536.80	69,463.93	16,629.50	63,202.92	14,825.80	3,652.70	15,267.48	54,475.05	383,432.02	-383,432.02	0
5009 FINANCE	3,139.08	130.00	3,904.00	156.80	35,755.80	9,419.44	24,645.53	7,356.54	72,433.35	14,946.25	81,338.09	34,096.59	287,321.47	-287,321.47	0
5010 FOREIGN AFFAIRS	450.00	5,994.47	81,480.90	3,513.22	8,537.00	4,341.52	4,870.82	5,568.63	0.00	3,342.46	1,869.00	-4,760.36	114,407.66	-114,407.66	0
5011 HEALTH	44,065.88	35,208.13	67,479.67	51,669.02	19,865.15	51,566.42	40,312.62	7,701.94	20,420.43	8,275.00	818.50	12,848.35	360,231.11	-360,231.11	0
5012 HOME AFFAIRS	648.26	0.00	1,494.00	0.00	710.00	0.00	6,637.00	897.00	49,972.36	15,150.07	26,653.16	75,582.78	177,744.63	-177,744.63	0
5013 HOUSING	490.00	2,032.39	32,179.80	496.35	63,247.74	35,250.17	66,865.21	42,681.40	1,231.98	5,942.00	3,594.47	12,010.15	266,021.66	-266,021.66	0
5014 JUSTICE	2,286.00	0.00	7,414.00	-276.00	5,905.48	8,205.20	14,985.30	0.00	2,777.68	17,682.21	25,792.80	222,011.30	306,783.97	-306,783.97	0
5015 LABOUR	717.50	0.00	1,855.00	1,191.70	78,453.27	22,524.19	24,382.19	31,077.04	29,123.13	6,215.25	23,050.20	56,554.58	275,144.05	-275,144.05	0
5016 LAND AFFAIRS	4,335.30	32,686.20	10,804.13	11,519.43	37,414.50	96,393.30	19,374.60	21,411.48	26,670.60	5,251.00	25,173.80	82,778.63	373,812.97	-373,812.97	0
5017 MINERAL/ENERGY AF	24,850.00	22,887.35	11,257.50	2,827.76	8,676.28	45,529.00	2,981.04	672.00	0.00	-2,834.00	31,885.99	117,660.89	266,393.81	-266,393.81	0
5018 PUBLIC ENTERPRISE	41,340.36	-6,841.56	40,362.08	122,862.37	6,424.73	82,085.65	8,857.73	6,735.68	22,607.50	43,767.23	16,919.77	19,435.35	404,556.89	-404,556.89	0
5019 PUBLIC SERVICE/AD	338.50	0.00	77,977.15	0.00	46,077.34	30,765.57	22,939.75	40,462.63	22,041.90	127,273.96	48,289.45	32,613.53	448,779.79	-448,779.79	0
5020 PUBLIC WORKS	0.00	302.10	132,698.80	6,031.97	9,980.93	288.00	3,607.82	0.00	0.00	280.00	951.00	0.00	154,140.62	-154,140.62	0
5021 RECONSTRUCTION/DE	-610.08	31,560.01	4,255.83	0.00	3,141.75	0.00	4,762.00	3,742.52	17,501.21	2,888.48	21,508.60	3,028.95	91,779.27	-91,779.27	0
5022 SAFETY AND SECURI	922.85	132.00	1,190.00	3,123.54	131,466.07	41,124.77	12,285.18	23,264.49	14,415.75	4,147.44	6,837.19	99,317.70	338,726.98	-338,726.98	0
5023 SPORT AND RECREAT	516.00	747.50	13,960.00	0.00	9,007.17	1,968.32	42,943.27	10,025.32	1,566.00	669.00	0.00	25,461.12	106,863.70	-106,863.70	0
5024 TRADE AND THOUSTR	1,280.40	18,503.97	16,104.31	956.00	7,658.54	4,288.79	70,957.24	33,522.00	9,616.31	1,213.00	4,983.90	21,223.52	190,407.98	-190,407.98	0
5025 TRANSPORT	101,251.91	4,458.05	37,696.41	-5,399.38	1,565.57	102,980.98	12,692.55	-4,680.73	22,499.55	-37,625.28	0.00	56.00	235,495.23	-235,495.23	0
5026 WELFARE	135,543.63	5,977.40	43,212.88	493.01	21,399.90	7,547.18	10,748.75	10,282.52	38,618.87	4,086.00	53,591.63	7,134.11	338,636.08	-338,636.08	0
5027 PRIV MEM LEGISL P	0.00	33.60	459.00	0.00	1,343.25	0.00	90.30	8,650.00	0.00	16,425.98	21,350.77	56,871.15	105,223.75	-105,223.75	0
Total	696,589.12	257,164.76	1,112,164.75	608,687.37	735,642.06	998,730.57	795,980.27	384,537.48	730,358.64	332,665.11	459,711.51	1,190,671.52	8,302,903.16	-8,302,903.16	0

APPENDIX G