

**KEYNOTE ADDRESS BY THE DEPUTY CHAIRPERSON OF THE
NATIONAL COUNCIL OF PROVINCES, HON THANDI MEMELA, AT 14TH
APAC ANNUAL CONFERENCE – PORT ELIZABETH INTERNATIONAL
CONFERENCE CENTRE**

- 30 SEPTEMBER 2013

Session Chair

Secretary of APAC Hon Makama and the entire APAC Executive

Speaker of Eastern Cape Legislature Hon Xasa

Deputy Minister of Public Service and Administration Ayanda Dlodlo

Chairperson of Public Service Commission Mr Ben Mthembu

Public protector Adv Thuli Madonsela

Auditor-General of South Africa, Mr Terrence Nombembe

Prof Maserumule from Tshwane University of Technology

Hon MPs, MPLs and Councillors present

Distinguished Guests

Ladies and Gentlemen

It is indeed a great pleasure and honour for me to have been asked to deliver a keynote address to this august gathering. Not that I had any choice because when one is asked by any committee of Parliament to appear before it they must do so or else they will be summoned. So I

thought let me come voluntarily before I am forced to come through other means.

It is significant that this Conference is starting on the last day of September, which is our Heritage Month. This is the month when we revisit our roots and also reach out to other cultural groups. In isiZulu September is called “*UMandulo*” and is associated with the new beginnings. I therefore hope that this Conference will also herald new beginnings for all of our oversight institutions in South Africa.

Honourable delegates, the choice of the theme for this Conference could not have come at a better time. We are approaching the 2014 general elections, which means we will have a new term of government next year and the preparations for that term must start now. So this theme of “*strengthening oversight processes to achieve clean administration by 2014 and beyond*” is very appropriate.

As politicians we have got vested interests in elections. It is through elections that we become members of legislatures or councils. We also have vested interests in public administration because it is politicians, in the form of cabinet members, who are the overall heads of different departments.

In our governance system before a cabinet is formed those members of cabinet must first become members of legislatures. In fact it is the legislatures that elect head of the executive, be it President, Premier or Mayor. That head of the executive also appoints his or her cabinet

members from among members of the legislature. So our interests in elections are real and very dynamic.

It is thus no surprise that when the public service does not perform it is the politicians that would suffer the ultimate consequences of that non-performance. It is the politicians that would be voted out during elections, not the public servants, when the electorate does not appreciate the service given to them. So the buck of public service really stops with the politicians.

Delegates would remember that *Operation Clean Audit 2014* has been the Government's project from as early as 2011. With this Operation the Government wants to ensure clean audits, transparency and improved service delivery within the three spheres of government. However, we have seen from the past two to three Local Government Audit Outcomes by the Auditor-General that it looks unlikely that this will be achieved by next year.

I am using the word “unlikely” deliberately – and not the word “impossible” – because it is still possible to do it in these three months that we are left with. However, this also means we must now triple or quadruple our efforts as the amount of work to be done is not proportionate to the time left. And if we do not achieve clean audits this necessarily means there won't be a clean administration.

Honourable delegates, when we started the current term of Parliament we called our Parliament an “activist Parliament”. By this we meant we would be a robust and engaging Parliament. A Parliament focused on enhancing

service delivery for the social and economic upliftment of all South Africans. A Parliament that asserts its rightful role and status as one of the key institutions of democracy – one that not only holds government accountable for more effective and efficient service delivery, but that is itself accountable to all South Africans for ensuring that their needs find expression and are addressed.

With this stance we aimed for continuous improvements in our government services delivery with a view to bringing more convenience to the public.

There are, of course, many ways of doing this and one of them, which is very potent, is that of oversight. This weapon enables us to ask questions that an ordinary person dare not to ask. Now the question is: have we lived to this commitment?

Allow me to use few examples to drive this point home. Africa is said to be the richest continent in terms of minerals, but has the poorest people despite this wealth. Do we, as public representatives, really ask why this is so and what are we doing about it? Today we have the second “Scramble of Africa” and Africans seem to be losing out of it, just like it happened with the first Scramble that led to colonisation of the continent.

Another question that we must ask is: is it correct that we must leave the signing of international contracts entirely to government and only get involved later in the form of reactive oversight? How sure are we that what the government is signing to is accurate and to our best interests? For example, when government allows foreign mining companies to do surveys

and studies – the so-called prospecting – how do we know that their reports are accurate?

Today parliaments are supposed to do oversight with regard to meeting of millennium development goals (MDGs) by 2015, but when they were conceived there were no inputs sought from the legislatures' side. So how proper and accurate can this oversight be?

These are but some of the questions that we must ask as public representatives. This is so because when conducted with proper preparation, and in a focused and professional manner, oversight of executive branch actions can reveal serious shortcomings by government officials and help prevent recurrence. And this is what we, as the legislative branch, must do.

By asking these questions we do not mean the executive does not do what it is supposed to do. On the contrary by asking these questions we help the executive to close any possible loopholes that might exist in the agreement it signs.

But our oversight must not only be limited to the executive branch action. The question is always asked: who monitors the monitors or who oversees the overseers? This means we, as the overseers, must also do some introspection.

So as we are hosting this Conference today I think the first question that we must ask, as a form of introspection, is whether this is a wasteful

expenditure or not. I think this question is relevant because as public accounts committees probe the budgets and expenditures they must start closer to home. This is part of being accountable to the public. I hope answers to all these questions will come out during your deliberations.

The issue of oversight on public accounts is an arduous task, but it is a task that must be done. And if not done properly the consequences are dire – ask Greece. The Greek Government's not-so-prudent spending, coupled with misreporting of the country's official economic statistics, led to what is known as Greek government-debt crisis. The crisis has also spread to Ireland and Portugal, while raising concerns about Italy, Spain the European banking system, and more fundamental imbalances within the Eurozone.

Today we have the so-called Eurozone crisis that has led to serious economic uncertainties in the world because one country, Greece, was not prudent with its public spending. However, the biggest question that we must ask is: where was the Parliament of Greece when all this was happening and what was it doing?

President Barack Obama summed this state of affairs very nicely when he said:

“In the absence of sound oversight, responsible businesses are forced to compete against unscrupulous and underhanded businesses, who are unencumbered by any restrictions on activities that might harm the environment, or take advantage of middle-class

families, or threaten to bring down the entire financial system.”

The lesson that we must learn from the Greek situation is that we must be alert as to how our tax monies are spent. And we must talk even if it is not an easy talk. This is the time for everyone involved in this to find their voice and achieve the public good. And legislatures, as institutions that are tasked with this work, need all help that they can get from other stakeholders. By stakeholders I mean institutions like the Auditor-General, Public Protector, and so on. But the most important stakeholder is the public itself, and we must not forget that.

Convening of this Conference must be applauded because it seeks the synergy between the direct mechanisms of oversight as provided by legislatures and the indirect ones as provided by institutions such as the institutions supporting democracy (the so-called chapter nine institutions) and the Public Service Commission.

This synergy is instrumental because these institutions assist legislatures in their oversight function over government's public financial management, as they can report to the legislatures relevant findings of their investigative and other work related to public finance misappropriation and mismanagement.

Sometimes it looks as if the relationship between public accounts committees and the state organs to be scrutinised is an adversarial one. This is normal and it must be encouraged because it helps these organs to do their jobs better. However, this naturally adversarial relationship really

boils down to one thing, and that is: all of them are just trying to do what is best for South Africa.

The main idea behind these mechanisms is the realisation that the constitutional mandate of legislatures to approve government budgets for the implementation of various policies and programmes will be meaningless unless measures are put in place to check the judicious use of such funds for their intended purposes. And as you might know this is not a straight-forward task.

So as oversight bodies we must be creative and ingenious in finding ways in which we do oversight. Our oversight role cannot be solely characterised by reaction to government action. We must also accelerate proactive oversight and not only wait for government action before we act. Nothing prohibits us as legislatures from making suggestions to government which will or can influence policy. This is the essence of proactive oversight.

To do this oversight in an effective and efficient manner the institutions charged with oversight must be able to cooperate. Oversight in itself encompasses working together between legislatures, public institutions and government. This tripartite relationship is clearly visible in the role that the Public Service Commission must play.

The Public Service Commission monitors and evaluates the Department of Public Service and Administration, which is mandated to foster good governance and sound administration in the public service. The Department of Public Service and Administration on the other hand has a

technical oversight role on all state departments as they deliver a service to the people of South Africa. It therefore means, in this instance, that the Public Service Commission oversees the overseer of all state departments.

So when it accounts to the National Assembly the Commission provides critical information to assist Parliament and facilitate proactive and effective oversight. From this example it is clear that the work of these institutions is, therefore, intertwined with the oversight work of the legislatures.

However, the chapter nine and ten institutions tend to limit themselves within the conventional prescripts and this does not augur well with proactive oversight. For example, most of these institutions are required to report to Parliament *at least once a year*, and they tend to stick to this requirement. Why should, for example, the Public Service Commission report to National Assembly once a year whereas corruption happens so many times in a year in the public service?

Another reason for existence of a good tripartite relationship among these three is that there are some conditions that need to be met for oversight to be effective, such as:

- measures to ensure implementation of their recommendations; and
- access to information from the executive and other state organs.

Measures of implementation encompass follow-up mechanisms. If there are no follow-up mechanisms it would be easier for the executive or state organs to ignore the recommendations of the oversight body. It will be

worse in instances where such oversight body is not empowered or strengthened.

There must also be enabling conditions for oversight, especially in legislatures, such as:

- Powers of amendment;
- Timing; and
- Independent research capacity.

The issue of “timing” is very important because for the legislature to perform adequate and effective oversight it must have enough time to do that. As such it is unacceptable for organs that are to be scrutinised to submit required documentation late or on the 11th hour, as that will compromise the quality of the oversight. It is therefore important for the public accounts committees to be very firm on this issue and also to require these organs to adhere to timeframes set – this is of course assuming that the timeframes are set, as they should be.

So when fostering this relationship it means a legislature must first implore the organs that are to be scrutinised to cooperate as expected. If they don't then the next step would be to take a stricter route of compelling them, including summoning them. This is what is called “being flexible on application, but firm on principle”.

I have witnessed some instances where the Standing Committee on Public Accounts (Scopa) in Parliament has sent back some organs for ill-

preparations when appearing before it. This attitude must be encouraged in such instances and perhaps Scopa should in future require the individuals involved to personally bear the costs for such trips to Parliament. It cannot be tolerated that public money be wasted in that fashion.

This firmness is more required now than ever before. As I have said we are left with only three months before we enter 2014. For us to achieve clean administration by 2014 we must change the way we have been doing things. And by being firm we cannot go wrong.

Our oversight work is called oversight for a reason. This means institutions entrusted with this obligation must be able to anticipate government action and plan for it. They must be able to see it coming. That is why they are oversight institutions and not hindsight institutions.

To be able to do this, as public representatives, we must not forget the important element of oversight – the people. It is only when there is the supervision and critical oversight from the people that the government will be in a position to do an even better job, and employees of government departments will be the true public servants of the people.

As leaders public representatives cannot afford not to take the people into their confidence when they do oversight, no matter how weak or strong the people are. Consulting people is not a sign of weakness, but a sign of strength. As Mahatma Gandhi once said:

“I suppose leadership at one time meant muscles; but today it means getting along with people.”

Coincidentally this Conference ends on 2nd of October which is the birthday of Mahatma Gandhi. This day is also celebrated as the *International Day of Non-Violence* after it was declared as such by the United Nations General Assembly in 2007.

In isiZulu October is called “*UMfumfu*” and this is the time when plants start to grow or bear fruits. So I hope the resolutions that will be taken from this Conference will start to bear fruits immediately hereafter, that is, in October 2013 still. This will augur well with the concept of activism as espoused in the concept of “activist Parliament”.

This means you will be activist oversight institutions that not only hold government accountable for more effective and efficient service delivery, but institutions that are themselves accountable to all South Africans for ensuring that their needs find expression and are addressed.

Strengthened oversight institutions are good for our democracy.

I thank you.