

AG Bulletin 12

This copy includes process comments, and some later changes and updates

The follow-up email said this:

Take-aways from the Checks and Balances project consultation on 31 July

From: IFAA FORUM & EVENTS <studentandyouth@ifaaaza.org>
Date: Friday, 07 August 2020 at 10:47
To: <lawson@casac.org.za>, <info@iej.org.za>, <neil.coleman@iej.org.za>, Neil Coleman <neil@netpoint.co.za>, Monique Doyle Pmg <monique@pmg.org.za>, <monitors@pmg.org.za>, PMG <info@pmg.org.za>, <tracy@pari.org.za>, <pmasiza@parliament.gov.za>, <showers.mawowa@minbuza.nl>, <matthew@cosatu.org.za>, "Ramoshaba,Matshidiso" <MatshidisoR@agsa.co.za>
Cc: Martin Nicol <mnicol@web.net>, Moira Levy <production@ifaaaza.org>, Christine Leibach <research@ifaaaza.org>, Hibist Kassa <projects@ifaaaza.org>, Rachel Nyirongo <rachelnyirongo@gmail.com>, Shamielah Booley <admin@ifaaaza.org>
Subject: Take-aways from the IFAA Checks and Balances project consultation on 30 July2020

Dear friends

Thank you for attending the meeting last week.

These are the main 'take-aways' from the meeting – very much in general and open to additions or advice.

Our next step is to produce a formal document which we will put out for validation to a wider group of stakeholders. Date not set as we have quite a bit of follow-up to do. [This phase of the project will be completed by December 2020].

Deepening the research

1. The research team should check where its draft recommendations have already been covered in previous reports to Parliament / existing resource materials.
 - 1.1. Induction materials for new members exist already. See the six modules developed by the Speakers' Forum.
 - 1.2. Review the recommendations presented to Parliament in 1999 in: Corder, H., Jagwanth, S., Soltau, F. (1999) *Report on Parliamentary Oversight and Accountability*. July. Cape Town: Parliament. (Accountability Standards legislation so members and committees are held to account for effective oversight.)
 - 1.3. Look carefully at existing legislation, particularly the Money Bills Act, which contains powers Parliament has never used for holding the executive to account.

We have received several documents – from the Deputy Speaker and from others – since the meeting.

2. Include some international experience of how other Parliaments have confronted non-compliance by the executive with Parliamentary instructions? What sanctions have been applied elsewhere?
3. Refer to the question raised by Judge Zondo: where was Parliament when state capture was happening?
4. Consider ways in which non-compliance with AG recommendations by municipalities could be brought before Parliament. The inter-governmental co-operation framework legislation provides no avenue to enforce co-operative governance. Checks and balances here simply do not work.

Particular points

- a. Induction is important for new members but it must be promoted alongside continuity – parties need to return a good proportion of members to the next parliament to ensure that lessons are learned from experience and that Parliament has institutional memory amongst members.
- b. Members should not only rely on AG reports – they must go on the ground in their constituencies. Parliament must not hamper members by tying them to parliamentary meetings in Cape Town that in practice limit oversight efforts.
- c. The problems of timelines for committees are of longstanding and remain a valid concern.
- d. The *sub judice* rule is used (incorrectly) to limit Parliamentary oversight.
- e. There is no necessary limitation of independence implied in the expanded mandate of the AG.

We will develop recommendations for Parliament and for Members, as well as avenues for citizen and stakeholder participation to promote better understanding and implementation of the recommendations of the Auditor-General.

Regards,

C&B Team

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Document details BELOW: [**This contains the full list of initial action points**]

MacBook Pro /Users/martinnicol/6172 AG Bulletin 12.docx

Date Created: 26 June 2020 // Last updated: 2021/02/27 20:06:00

Today's date: 27 February 21

Comments used to develop the document sent

Bruce

Moira

Christine

Please can you let me know your top 3 changes recommended by the project

Checks, in theory – balances, not really: What the devil do we do?

<Draft 2 – distributed on 8 July 2020>

IFAA brief for a consultative meeting with informed colleagues – mainly from civil society

Parliament is responsible for ensuring that public funds are spent wisely in the public interest and are not looted.

Parliament cannot do this work itself – it relies on the expert, independent services of the Auditor-General which Parliament (and the Constitution) have appointed to undertake government auditing.

Parliament, over many years now, has failed to ensure the existence of effective follow-up mechanisms to implement the recommendations of the Auditor General on the management of public finances.¹

Parliament is complicit in the failure of government to implement the recommendations of the AG.² In practice, Parliament lacks the ability or the willingness to hold the executive accountable.

The Institute for African Alternatives began a project in October 2019 that would consult widely and propose a way forward – primarily for Parliament, which is responsible for scrutinising executive action and for holding the executive accountable.

There was no need to document problems with government auditing – or the lack of follow-up on reports and recommendations of the Auditor General. This is public knowledge widely covered in the press, discussed at length in Parliament, and archived by the online records maintained by the Parliamentary Monitoring Group (PMG).³

¹ See the summary of the 2007 Mexico Declaration on SAI Independence in AGSA (2104:93) Principle 7 is “The existence of effective follow-up mechanisms on SAI recommendations”. Also see the 1977 Lima Declaration: Section 11. “Enforcement of Supreme Audit Institution findings” in INTOSAI (1998). South Africa’s AG was represented at both congresses.

² Ben Turok - Notes from Checks and Balances project discussion, November 2019.

³ <https://pmg.org.za/committees/> The website has a superb search facility. Enter “Auditor General” and wonder at the over 10 000 links since 1998!

Suffice it to recall that audit outcomes across most of government are disappointing. Mismanagement of public funds is not being addressed to the extent and at the speed necessary. The trend remains one of regression.

Parliament is fully aware of the problem and is concerned.

Business Day reported on 25 June 2020: “MPs across the board raised concern about the financial state of the municipalities, saying the lack of consequences was largely to blame.”⁴

On 24 June, the Chairperson of the NCOP’s Select Committee on municipalities,⁵ Mr China Dodovu MP, “called for clear consequence management⁶ in errant municipalities with a negative audit outcome for the 2018/19 financial year.”

“The Chairperson raised this opinion [in a Parliamentary Media Statement], following the local government audit outcomes briefing by the Office of the Auditor-General to the National Council of Provinces (NCOP).

“Mr Dodovu highlighted that without concomitant action, the audit outcomes will not improve in the near future, something that has a direct negative impact on the ability of the municipalities to deliver quality services to the people.

“ ‘There is a serious problem here. Are we going to sit with the Auditor-General again next year and raise the very same problems if there is no concomitant action taken against anybody who is responsible for the financial mess in the municipalities? Last year, the same problems were raised, and amongst them is the deteriorating accountability and lack of consequence management, a point that is highlighted today. If we don’t put a stop to this, next year we are going to face the same problems,’ Mr Dodovu said.”

Parliament spends a huge amount of time scrutinising the finances and performance of departments and entities. It relies heavily here on the reports of the AG. Parliament publishes lengthy committee reports detailing MPs observations, findings and recommendations. And committee chairs issue media releases, like the one above, regularly.

Who can say Members do not try to hold the Executive to account?

They do try.

The PMG records robust and angry statements from MPs from all parties when they consider reports from the AG on unauthorised, irregular, and fruitless and wasteful expenditure.

South Africa spends a **lot** of time, money and professional effort on “government auditing”. Our research, reading and interviews to date have revealed a picture of an Auditor General

⁴ “Just 8% municipal audits were clean [in 2018/2019]” *Business Day* 25 Jun 2020

⁵ That is Cooperative Governance and Traditional Affairs, Water and Sanitation and Human Settlements. See Parliament (2020)

⁶ The definition of consequence management: “Action against transgressors (consequence management)” — Auditor General South Africa - 26-Mar-2013 [Nicol (2020); <https://pmg.org.za/committee-meeting/15631/>]

that is truly world class. The AG no longer simply audits and delivers reports. Auditing and reporting are supplemented by pre-audit advice, by elaborate communication and education directed both at auditees and at citizens and public representatives. The AG pays special attention to “root causes” – identifying what is weak in the internal controls of departments, municipalities and entities, so that plans can be made to improve administration and to meet the standards set by Parliament and by government regulations for the honest and effective management of public funds.

A senior executive at the AG told us: The accounting officer is the first line of defence to ensure the proper management of public funds. He is responsible for implementing key controls. If you fix the controls, that will produce the outcome you want. Under the current AG, AGSA has lifted further the “offerings” of the AG. It reacts *during* the year before considering any audit submissions – as soon as it notices issues of concern.⁷

Yet just as the AG has improved and widened its contribution, South Africa has experienced looting and mismanagement of public funds on a scale so large that the country is going to have to curtail state support for poor and vulnerable citizens.

The situation has now been made still worse by the impact of COVID-19, with the danger looming of a complete melt-down.⁸ An ANC MP, the Chairperson of the Standing Committee on Appropriations asked on 17 June 2020 whether it is possible that the challenge posed by COVID-19 is being used by departments and entities as a “get out of jail” card when it comes to underperformance?⁹ COVID-19 has required the expenditure of additional government funds on a scale and at a rate that is unprecedented, and which provides wide opportunities for theft, fraud and corruption.¹⁰

Towards active and developmental recommendations

In this context, the Checks and Balances project is edging towards proposals that Parliament’s own rules, as well as some laws and timelines need to be amended to allow more effective oversight by MPs

These are the changes suggested: **[Too many here – please indicate the 3 you like best!]**

- Committees must have proper systems for following up on their questions and resolutions.¹¹

⁷ AG Project Bulletin 11. 02 June 2020.

⁸ Paton (2020), quoting Tito Mboweni: By the end of this fiscal year government borrowing “will almost entirely consume all of our annual domestic saving, leaving no scope for investment or borrowing by anyone else...[A shift to foreign currency borrowing] could lead to “doom and despair” on a scale of Germany in the 1920s, the Greek debt crisis of 2009 or that of Argentina in the 1980s. Also see Ann Bernstein on the immediate danger of an “irreversible economic decline”: <<https://www.businesslive.co.za/bd/opinion/2020-08-19-ann-bernstein-only-business-can-lead-sa-out-of-the-abyss/>>

⁹ <https://pmg.org.za/committee-meeting/30474/>

¹⁰ The AG addressed SCoAG on this precise threat on 22 May 2020: <https://pmg.org.za/committee-meeting/30291/>. There will be special audit reports that will focus on how the funds allocated to the Covid-19 pandemic were spent.

¹¹ Perhaps Committee staff should work for the Committees they support rather than for the administrative sections of Parliament. Cf interview with Mr Hlengwa, who could not get the research staff that SCOPA needed.

- Parliament needs a revised oversight model that will hold committees to account if they do not follow up on their queries, resolutions and recommendations.
- Parliament must stop relying on the bureaucrats who run Parliament to set the agenda for committees and their oversight activities.¹²
- Committees should use their existing powers to experiment with different ways of holding meetings and interrogating the executive. [Colloquiums/interrogation as in the US Congress...]
- Parliament should deal with the scheduling of portfolio committee activities so that energy on oversight is planned strategically and spent effectively. This can take place across the year – not in one burst at the time of the BRRR.
- Existing legislation – such as the Money Bills Act and the PFMA need to be reviewed to ease time constraints. The time allowed to departments to prepare their annual financial statements before submitting them is inordinately long (far longer than for big private sector enterprises). The practice of submitting annual performance plans to Parliament in March, when they take effect in April is almost insulting.
- The BRRR process is largely a waste of time, where Committees review only reports of the AG and the Executive. It is here that Committees explicitly endorse recommendations of the AG – yet these are routinely ignored by departments, Treasury and the executive.
- Parties need to act responsibly so that committees preserve some level of membership across Parliaments. This is essential for institutional memory. Parties also need to allocate Members to appropriate committees.¹³
- Members need access to proper education and induction programmes when they come to Parliament. (This was done rigorously for the first and second Parliaments, but today new Members are often totally at sea. Staff make jokes about members being unable to use the technology.)
- Committee effectiveness does depend on Chairpersons. More committees (than SCOPA) should be able to elect chairs that are not from the governing party.
- [The rule on matters *sub judice* is unnecessary and allows departments to brow-beat Members. It should be removed]

No changes in laws and rules can however address the basic issue raised by our research – the need for **political will**. When asked why the recommendations of the AG are so often not followed, several interviewees almost brushed the question aside as superfluous:

“... there is only one to blame – the ANC. You will never get recommendations followed because this is seen as a bad reflection on the ruling party. In South Africa, we elect parties, not individuals. The ANC lacks the political will to make decisions [to implement AG recommendations]. If people are driven by greed and self-interest, that is what will happen.”¹⁴

¹² There are 400 MP's but over 1,800 Parliamentary employees, managed by people who often have individual ambitions and who pursue personal interests and prejudices at the expense of the wishes of MPs. Mr Hlengwa said that the Financial Management of Parliament Act is used by the Administration of Parliament to deny committees research staff, refuse oversight visits and delay urgent investigations.

¹³ Interview with Mr Hlengwa [AG Bulletin 05], when an expert on local government is sent to basic education.

¹⁴ AG Project Bulletin 06, 29 March 2020

True as this may be from real experiences, we have been influenced by the emphatic statements by MPs – including from the ANC – who are completely outraged by the failure of the Executive to act against a range of anti-social behaviours – from the theft of money and corruption in contracts to the failure of mining companies to implement social and labour plan commitments.

MPs express frustration when departments return to meetings again and again with issues unresolved until, each 5 years, the clock is set back to zero when MPs are cycled out and government re-jigs portfolios.

The expanded powers of the AG are not there to do Parliament’s job

The “expanded mandate” granted to the AG by Parliament (effective from 1 April 2019)¹⁵ was not intended to take oversight responsibility away from Parliament.¹⁶ The new powers allow the AG to intervene administratively to encourage, and then compel, accounting officers to address material irregularities revealed by the auditing process. But Parliament has the prior responsibility to scrutinise executive action and to hold the executive to account. The new powers of the AG become relevant only when Parliament and the Executive fail to perform their functions. The new powers of the AG are the ultimate backstop, not a substitute for Parliamentary action. (In our view, the new powers compromise the independence of the AG, because they treat the AG as an arm of the executive, doing what it should have done!¹⁷)

– This is not a side issue. Because the AG told us in an interview on 7 July how very important he thinks the amended PAA is. The focus of the Checks and Balances project is Parliament, and how MPs can be assisted to do their work better. The AG said that Parliament has to ask about whether accounting officers have taken appropriate action, after being informed of material irregularities. This is a different question from the past, where the focus was on the implementation of AG recommendations.

References:

AG Project Bulletin 05. 16 March 2020 [Notes from our Interview with Mr Mkhuleko Hlengwa MP, Chairperson of the Select Committee on Public Accounts (SCOPA)]

AG Project Bulletin 06. 29 March 2020 [Interview with Mr Wessel Pretorius, champion of the independence of Auditors General, 17 March 2020].

AG Project Bulletin 11. 02 June 2020 [Interview with Jan van Schalkwyk, AGSA]

Auditor General South Africa (AGSA) (2014) *100 Years Legacy and Legends 1911-2011*. Available at <https://www.agsa.co.za/AboutUs/CorporateInformation/TheLegacyBook.aspx>

INTOSAI (1998) *The Lima Declaration of Guidelines on Auditing Precepts* as adopted in October 1977 at the IX INCOSAI in Lima (Peru), with Foreword by Dr Franz Fiedler,

¹⁵ See Makwetu (2020) for an excellent description of and motivation for additional powers for the AG.

¹⁶ See AG Project Bulletin 11, 02 June 2020: “This is a preventative control, not a regulatory control. It is to “scare” people into doing their job.”

¹⁷ This is explicitly acknowledged by the AG himself, who wrote: “The intervention of the Public Audit Act amendments seeks to achieve what is traditionally the role of those charged with oversight...” (Makwetu, 2020)

Secretary General of INTOSAI, Vienna, Autumn 1998. Available at <http://www1.worldbank.org/publicsector/pe/befa05/LimaDeclaration.pdf> [Accessed 23-Feb-2020]

Makwetu, K. (2020) “How SA can rid itself of wasteful, fruitless, unauthorised and irregular expenditure.” *City Press* 18 March. Available at <<https://citypress.news24.com/Voices/kimi-makwetu-how-sa-can-rid-itself-of-wasteful-fruitless-unauthorised-and-irregular-expenditure-20200318>>

Nicol, M. (2020) Words of Parliament No. 1: “Consequence Management”. Available at <http://pmg-assets.s3-website-eu-west-1.amazonaws.com/consequent_Management.pdf>. [6188]

Parliamentary Monitoring Group (PMG) [Internet] < <https://pmg.org.za> >.

Parliament (2020) COGTA Committee Chairperson calls for consequence management in errant municipalities across the country. Parliament. Press Release. 24 June 2020

Paton, C. (2020) Can the government rise to a historic challenge? *Business Day* 24 June <<https://www.businesslive.co.za/bd/opinion/columnists/2020-06-24-carol-paton-can-the-government-rise-to-a-historic-challenge/>>.

Most recent reports of the AGSA to Parliament (at June 2020)

AGSA (2020b) *Consolidated General Report on the local government audit outcomes MFMA 2018-19* RP 208-2020 (About 200 unnumbered pages) Available at: <<https://www.agsa.co.za/Portals/0/Reports/MFMA/201819/GR/MFMA%20GR%202018-19%20Final%20View.pdf>>

< slides presented to the NCOP on 24 June 2020 on the MFMA audit outcomes 2018-19 >

AGSA (2020a) *2020-23 Strategic Plan and Budget of the Auditor-General of South Africa*. RP 55/2020. 92 pages

AGSA (2019c) *Consolidated General Report on national and provincial audit outcomes PFMA 2018-19*. RP 372-2019. (About 200 unnumbered pages) Available at: <<https://www.agsa.co.za/Reporting/PFMAReports/PFMA2018-2019.aspx>>

AGSA (2019b) *Integrated Annual Report 2018/19*. RP 346-2019. 194 pages

[All AG reports on departments and their entities have to be tabled by the responsible ministry – all in all several thousand pages of AG reports are tabled annually in Parliament – these are usually included within departmental and entity annual reports].

Draft input document prepared by Martin Nicol, 26-Jun-2020 for the participants in the small, initial consultation planned for 28-July 2020.

mnicol@web.net

082 554 9880.

Comments used to develop the document sent

Bruce

Thanks Bruce,
That is very helpful
Your priorities [reworded!] are then:

- Better oversight model for committees - framework for Committees so they are able to do their oversight work in a planned way and are held accountable for doing it properly
- Review existing laws that set unrealistic time limits and time-consuming procedures, thus hampering the effectiveness of Parliament
- Give proper orientation training to all members so they understand their roles better and the roles of the AG, the executive and the accounting officers. We can include Mr Hlengwa's point that members need to have research assistance

Other views/words?

From: IFAA FORUM & EVENTS <studentandyouth@ifaaza.org>

Date: Wednesday, 08 July 2020 at 15:21

To: Martin Nicol <mnicol@web.net>

Cc: Moira Levy <production@ifaaza.org>, Christine Leibach <christineleibach@yahoo.co.za>, Shamielah Booley <admin@ifaaza.org>

Subject: Re: Checks, in theory – balances, not really: What the devil do we do?

Hi Martin,

I think its excellent, concise and easy to read as a discussion document. I found it difficult to choose a top 3, but please find mine highlighted in blue. I am not sure if you plan to exclude the other recommendations from this document or just order them for discussion.

On Wed, Jul 8, 2020 at 2:01 PM Martin Nicol <mnicol@web.net> wrote:

Dear All,

I attach (for internal IFAA consultation)

AG Project Bulletin 12. 26 June 2020 – revised 8 July [Checks, in theory – balances, not really: What the devil do we do? IFAA brief for a consultative meeting with informed colleagues – mainly from civil society on 28 July 2020].

Please can you let me know your top 3 changes recommended by the project

This will help us to choose a shorter list – 5 or 6 max, not 12

Moira

1

From: Moira Levy <production@ifaaza.org>

Date: Friday, 10 July 2020 at 18:28

To: Martin Nicol <mnicol@web.net>

Cc: IFAA FORUM & EVENTS <studentandyouth@ifaaza.org>, Christine Leibach <christineleibach@yahoo.co.za>, Shamielah Booley <admin@ifaaza.org>

Subject: Re: Checks, in theory – balances, not really: What the devil do we do?

Hi Martin

It is a great report, and I have marked my three favourite interventions, see attached.¹⁸ But I would like to add a few. For me there is something missing. Two points - in your research you have uncovered more than you report here and I can't help thinking that this report does not bring much that is new to the debate. Secondly, although it is referred to, most MPs don't have the auditing expertise in the Committees to scrutinise the AG reports. Where is the Standing Committee of Audits? It leaves all of this to Scopa. The SCA or a new committee responsible only and entirely for this audit crisis, should at least have equal status as SCOPA. Maybe Members with the right auditing qualifications should sit on this Committee, under a non-ANC chair. Is that a takeaway worth considering? Finally, I remember you saying one of the people you interviewed blamed the legislation for the failure of parliament to demand executive compliance with the AG recommendations. I can't help thinking parliament has failed in not passing legislation enforcing strict standards and sufficiently punitive consequences, and I don't think holding the accounting officers responsible will fix this problem. I would add this consideration to the list of takeaways. Maybe we need a commission of inquiry, similar to the Zondo Com, because this issue is about corruption (at all levels of government) but unlike Zondo, someone must take the rap and be punished for abuse of funds, to set an example. I would add that to the list as well -- or is it time to accept that Commissions deliver nothing.

Sorry, I know you are trying to cut back on the list, but I fear many of the ideas don't go far enough. Or maybe my understanding is too simplistic.

Anyway, for what it's worth, here are my comments.

Regards

Moira

2

Thanks Moira.

Note that the purpose here is to get advice from others, not to zap them with our immediate views. (Which we really don't have yet)

¹⁸ MacBook Pro /Users/martinnicol/6172 AG Bulletin 12 from Moira.docx

The document is already longer than we agreed – we should only accept substitute text or deletions.

You say

For me there is something missing. Two points - in your research you have uncovered more than you report here and I can't help thinking that this report does not bring much that is new to the debate.

It is too early for us to bring new insights to the debate. This is a consultation based on what we and everyone know, which is set out at the start.

The key point is that Parliament is itself concerned about the looting and mismanagement of funds, but its present ways of work do not help Parliament to get the implementation of AG recommendations that the AG and Members want [The AG stated this specifically in our interview – Members agree with the AG]

Secondly, although it is referred to, most MPs don't have the auditing expertise in the Committees to scrutinise the AG reports.

You do not need auditing expertise to scrutinize the AG reports. That is the whole point. Parliament and members are not accountants. They rely on the AG and his 700 CA's to do all the heavy lifting. The AG does the audit and says what needs to be done to improve. The MPs use the AG's reports (which are in simple language and presented to them in meetings separately from the gobbledegook in the published financial statements) to interrogate the accounting officer (ie the DG) on what he is doing to correct problems identified in the audit.

It is certainly true that DG's browbeat Members with misstatements and lies and fail to answer questions – that is why the emphasis on follow-up and on a proper “oversight model” are so key moving forward.

Where is the Standing Committee of Audits?

This is SCoAG, a very active and good committee It is SCoAG that oversees the work of the AG – its appoints the AG, reviews the annual reports staffing bursaries etc and writes the law – the amended PAA (that Vincent Smith did such a good job on according to Jan van Schalkwyk)

It leaves all of this to Scopa. The SCoAG or a new committee responsible only and entirely for this audit crisis, should at least have equal status as SCOPA. Maybe Members with the right auditing qualifications should sit on this Committee, under a non-ANC chair. Is that a takeaway worth considering?

Oversight does not depend on Members who are experts, but on members who are informed and take their work seriously. OK this is a minority, but the fix is not to get Chartered Accountants elected to Parliament.

SCOPA's job is entirely different from SCoAG. SCoAG does not consider departments and their performance as such. This is the job of Portfolio Committees, with SCOPA selecting (under the AG's guidance) particular departments and entities for more scrutiny. SCOPA does this well, as Mr Hlengwa said.

Finally, I remember you saying one of the people you interviewed blamed the legislation for the failure of parliament to demand executive compliance with the AG recommendations. I can't help thinking parliament has failed in not passing legislation enforcing strict standards and sufficiently punitive consequences, and I don't think holding the accounting officers responsible will fix this problem. I would add this consideration to the list of takeaways.

I will consider a reformulation – but this is tosh! Who do you hold responsible if not the accounting officers? Parliament has said *they* are responsible in the laws they passed in 1999 (PMFA) and 2003 (MFMA). As the AG told us, the problem is the accounting officers face no consequences now if they fail to act as the AG says they must. The executive – and Parliament – let them get away with poor performance!

Our project asks what can be done?

Maybe we need a commission of inquiry, similar to the Zondo Com, because this issue is about corruption (at all levels of government) but unlike Zondo, someone must take the rap and be punished for abuse of funds, to set an example. I would add that to the list as well -- or is it time to accept that Commissions deliver nothing.

Punished! – you are like Trevor's old Treasury. They don't follow the rules, so you add more rules and more reporting and more timeframes. This produces predictably bad results because you don't invest in training and you deploy comrades with sticky fingers into top jobs.

Sorry, I know you are trying to cut back on the list, but I fear many of the ideas don't go far enough. Or maybe my understanding is too simplistic.

No, not simplistic – premature. Argue these points with the consultative group.

Anyway, for what it's worth, here are my comments.

Now thanks for your views but consider the purpose of this paper. Here you add the bit in brackets ().

Parliament spends a huge amount of time (Martin, the thing is does it really spend a lot of time scrutinising reports. I don't think they have enough time. Maybe it needs specialists in the committees to do this) scrutinising the finances and performance of departments and entities.

Yes yours is “fair comment” – I don’t think you are right, but what do our group of consultees think? The point of the preliminary paper is to agree where we are and to identify possible directions for action/ conclusions/ proposals.

This is what the AG calls “push – back”. Have a great weekend!

3

From: Moira Levy <production@ifaaza.org>
Date: Sunday, 12 July 2020 at 09:29
To: Martin Nicol <mnicol@web.net>
Cc: IFAA FORUM & EVENTS <studentandyouth@ifaaza.org>, Christine Leibach <christineleibach@yahoo.co.za>, Shamielah Booley <admin@ifaaza.org>
Subject: Re: Checks, in theory – balances, not really: What the devil do we do?

Hi Martin

These are all good points and I accept them. Except the one about being like Trevor's old Treasury!

On Fri, 10 Jul 2020, 20:11 Martin Nicol, <mnicol@web.net> wrote:

Thanks Moira....see above

Christine

From: Martin Nicol <mnicol@web.net>
Date: Friday, 17 July 2020 at 15:28
To: Christine Leibach <research@ifaaza.org>, Moira Levy <production@ifaaza.org>, IFAA Forum <studentandyouth@ifaaza.org>
Subject: Re: Checks, in theory – balances, not really: What the devil do we do?

And from Christine – sorry I drafted the email first - these suggestions are all in!

Martin Nicol
PO Box 2327
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Home: 021 683 2363
Cell: 082 554 9880
Email: mnicol@web.net

From: Christine Leibach <research@ifaaza.org>
Date: Friday, 17 July 2020 at 15:24

To: Martin Nicol <mnicol@web.net>, Moira Levy <production@ifaaza.org>, IFAA Forum <studentandyouth@ifaaza.org>
Subject: Fwd: Fw: Checks, in theory – balances, not really: What the devil do we do?

Hi

Sorry all, this got stuck in my draft box, must have got interrupted. My suggestions

- Committees should use their existing powers to experiment with different ways of holding meetings and interrogating the executive. [Colloquiums/interrogation as in the US Congress...]
- Parliament should deal with the scheduling of portfolio committee activities so that energy on oversight is planned strategically and spent effectively. This can take place across the year – not in one burst at the time of the BRRR.
- Existing legislation – such as the Money Bills Act and the PFMA need to be reviewed to ease time constraints. The time allowed to departments to prepare their annual financial statements before submitting them is inordinately long (far longer than for big private sector enterprises). The practice of submitting annual performance plans to Parliament in March, when they take effect in April is almost insulting.

I think that the point below is also incredibly important as an overall point related to a better functioning parliament

Members need access to proper education and induction programmes when they come to Parliament. (This was done rigorously for the first and second Parliaments, but today new Members are often totally at sea. Staff make jokes about members being unable to use the technology.)

----- Forwarded message -----

From: Martin Nicol <mnicol@web.net>

To: IFAA FORUM & EVENTS <studentandyouth@ifaaza.org>; Moira Levy <production@ifaaza.org>; Christine Leibach <christineleibach@yahoo.co.za>; Shamielah Booley <admin@ifaaza.org>

Sent: Wednesday, 8 July 2020, 14:01:36 SAST