

Executive Summary | Public Participation in Parliament - a survey of participants

In practice, public participation in the legislature is often diluted, haphazard and falls short of its intended purpose. In fact, the President, civil society and the courts have had to remind the legislature about its duty to facilitate adequate public participation.

This report reviews public participation based on survey responses from 77 individuals and organisations who gave an oral submission to a parliamentary committee during the period July 2015 to June 2016.

Specifically, it looks at who the key participants are, why and how they get involved, their observations about Parliament's role in the process and what can be done to improve the process.

Some of the key findings were:

- Only 15% of public hearings were on "issues of national importance" relevant to that portfolio committee compared to 72% dealing with legislation and 13% with policy during the year this survey covered.

- Based on parliament's average comment period being 17 days from date of announcement to deadline, 46% of respondents were satisfied with the amount of time allocated while 32% were sometimes satisfied with the time period and the remaining 22% were not pleased. However when probed about the ideal amount of time in which to prepare a submission, 44% of respondents said one month was the ideal time and 35% felt that more than one month was required. Responses indicated that there is no one standard for preparation time as it depending on the weightiness of the hearing topic.

- 30% of the survey respondents believe Parliament does take public input seriously, 33% said sometimes while 37% of the survey participants said Parliament does not take public input seriously. Comments were raised about the limited amount of time for committee members to engage with each submission (with one participant pointing out he/she could not even make the oral submission to the committee as time ran out), that not enough MPs show up for public hearings and that a general impression was given that the input was not valued. Interestingly, some respondents felt that a decision had already been taken that the view of the dominant political party would be adhered to – they pointed out this was just a "window dressing exercise", that MPs "simply seemed to be going through the motions" and that "it looked as if the result was predetermined". This ties in with comments such as "the bias has been clear over many years" and that there is "a penchant for embracing the views of those already powerful and berates those without the experience". Further, "Parliament can do much more to ensure that the views of the public and interest groups...are taken more seriously".

- 79.5% of respondents indicated that the feedback process on submissions, after the oral hearing was held by the committee, was inadequate. Providing feedback would perhaps assist in ensuring the public felt their submission was considered and that they were not merely part of an obligatory showpiece. Dissatisfied participants stated that substantive reasons were not given for why their submission was not accepted. One participant stated that the organisation no longer prioritises engagement with Parliament. Looking at responses in detail, it is revealed that many felt MPs did not have regard for the fact that it takes much time and effort to present a submission. One such response reveals "I was interrupted by the chairperson who did not understand the burning issues of the lived experience...they never considered that we had to get up early on behalf of communities who suffer...we should all be respected no matter the subject as we [leave] our homes to bring the

voices of those who cannot be present". There is acknowledgement that not every input or submission could be translated to changed policy or legislation but there is an expectation from the public participating that the committee provide feedback on how inputs are considered.

- One of the key impediments to participation was a lack of personal/organisational time to prepare a submission – when asked to select the main obstacles in engaging with Parliament, 50% of respondents found a lack of time to be the main obstacle. Inadequate time also extended to that of the hearing of the oral submission itself – lack of time for the oral public hearing was repeatedly mentioned in the survey and so is considered a significant impediment to effective public participation.

- The second largest impediment for engaging with Parliament was lack of funds and capacity – 35% of respondents indicated lack of funds and 31% indicated lack of capacity. Throughout the survey responses, remarks were that participating in legislative hearings and preparing inputs are time-consuming and costly in terms of preparation. The need for more participatory events closer to local communities and districts was noted.

- Respondents suggestions for improvements included standardising the process amongst the committees; that public engagement should be a standing item on the agendas of committees as this is often neglected by committees . They suggested Parliament could further solicit input and interaction beyond the run-of-the-mill "call for comment". One such suggestion is to leave comment boxes in local municipalities, especially in rural areas, to ensure a wider reach. Another was that constituency offices should be centres where people can get access to information about what is going on and how they can participate. It is unclear if they are actually fulfilling this role. Parliament could make use of public opinion gauging exercises. Another proposal was that Parliament make better use of technology not only providing information but for two-way interaction such as online surveys and teleconferencing via a town hall or community centre.