

The Committee System of Parliament:

Are the “engine rooms of Parliament” exercising their powers fully and possible areas of reform

- *Martin Nicol worked as a non-partisan Parliamentary researcher for the Portfolio Committee on Mineral Resources during the Fifth Parliament (2014 to 2019). These are his personal views, unconnected with Parliament or its committees.*

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1 Background

During the term of South Africa's Fifth Parliament, from 2014 to 2019, more than 60 committees were constituted.¹

Committees appointed during the 5th Parliament²	
National Assembly	37
NCOP	11
Joint	4
	<hr/>
	52
	<hr/>
Ad Hoc Committees appointed during the 5th Parliament	13

In brief, every government department/minister has their work “shadowed” by a committee in the National Assembly – these are called Portfolio Committees. There are also Select Committees in the National Council of Provinces (NCOP), which focus on provincial issues and can encompass several departments. There are Standing Committees on financial matters and ad hoc committees set up to deal with specific issues (such as the Public Protector’s report on Nkandla in 2015).

The number of formal meetings all the Committees held, and the number of days spent outside Parliament on oversight visits all over the country, are uncounted – and uncountable without a major research effort. Committees meet, generally, at least once a week during the four Parliamentary terms, which take up about 28 weeks of the year.

The committees spend a lot of time, effort and resources on their activities. Members have to attend committee meetings. Their pay is docked if they do not provide an excuse for being absent! Support staff spend even more effort on arranging the meetings and activities, providing research inputs, preparing minutes and reports and getting them amended, approved and formally adopted.

The output from committees is prodigious – even if one assesses only the formal reports tabled in Parliament (that is without counting the minutes or the pages and pages of reports, presentations and legislation that the committees consider.)

These formal committee reports are published, on a daily basis, in a document called the “ATC” – “Announcements, Tablings and Committee Reports”. This is made available promptly on the website of Parliament.

¹ For the latest full schedule of committees and committee meetings (updated regularly), go to <<https://www.parliament.gov.za/whatson>>. Historical information on Parliamentary Committees, including ad hoc Committees, is best available from PMG at <<https://pmg.org.za/committees/>>.

² Sources: <<https://www.parliament.gov.za/committees?perPage=100>>; Committees in Parliament from the Z list 29 Jan 2019; Ad Hoc Committees appointed during the 5th Parliament from <www.pmg.org.za>.

The number of pages of the ATC is one measure of the work done by Committees – and of how they are exercising their powers.

I counted the pages. Every year from 1990. There are now so many pages that the ATC is no longer ever printed in hard copy. Each edition varies in length from 1 page to 435 pages (on the busiest day ever recorded – 21 October 2016, *ATC 128—2016*)

In the dying years of the Apartheid parliament, the ATC was comparatively short – about 550 pages a year, easily fitting into two slim volumes.

The number of pages in the ATC rose to an average of 1 000 pages a year in the first democratic Parliament and continued rising to average 2 682 pages a year by the end of the third Parliament in 2008. By this time the two green-bound volumes of the ATC were each huge, weighing many kilograms.

Then came the fourth Parliament, after 2009. The number of pages in the ATC leapt to record levels, averaging 5 263 pages a year — a direct effect of the Money Bills Act, as explained below. After a weak 2015, the fifth Parliament followed the rising trend, with 9,160 ATC pages in 2017 alone, and 9,017 in 2018.

The number of annual volumes of the ATC had expanded to four by 2012. They were so expensive to produce, and took up so much space in the library, that Parliament stopped printing them. The ATC now is only published in an electronic format.

- **Total Pages of ATC reports**

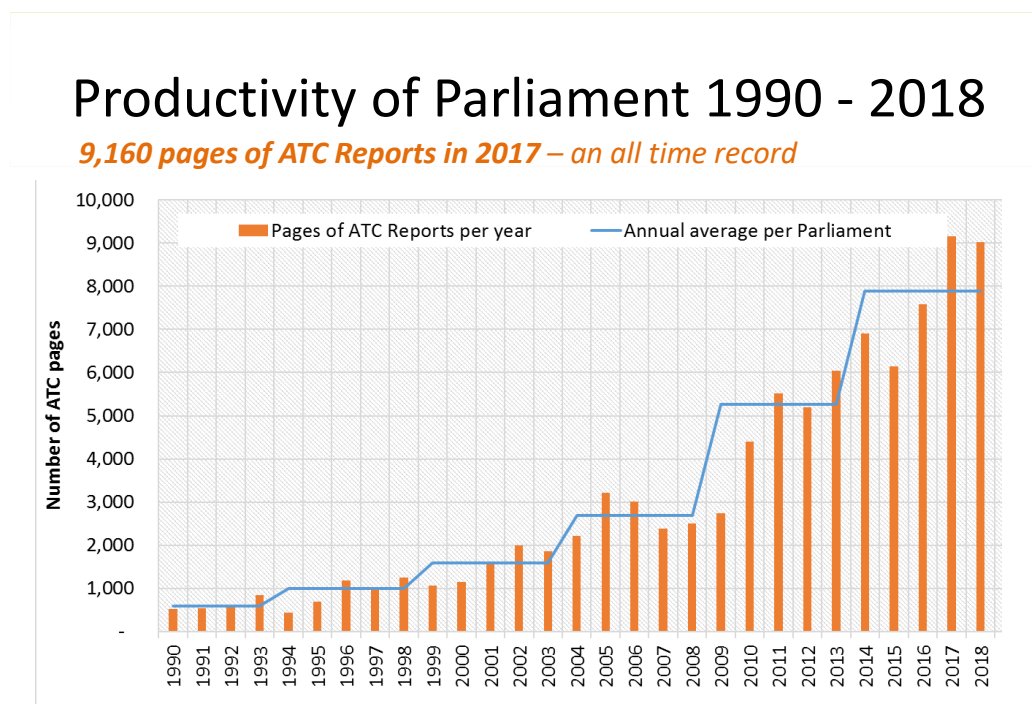
Last 5 years of Apartheid – ATC pages were 2 399, about 550 per year

Democracy

1st Parliament	5 016 pages
2nd Parliament	7 924 pages
3rd Parliament	13 411 pages
4th Parliament	26 315 pages
5th Parliament	39 400 pages - forecast

This is what it looks like on a graph: (The stepped line shows the average per year in the 5 years of each Parliament – the fifth Parliament average is a forecast based on past trends).

Figure 1: The burgeoning of Parliament’s ATC Reports



2 International Perspective: Committees are new

Oversight of the executive arms of government by committees comprising Members of the legislature is a relatively new feature of parliamentary government worldwide.

According to the British academic and parliamentary historian, Lord Norton, the creation of committees that shadow the work of particular departments constituted “the most important reform to Parliament of the latter half of the twentieth century”³.

Dr June Verrier who worked for Federal Parliament of Australia in 2006, placed committees as the central element in her enticing recipe for improving parliamentary performance:

“The primary means to secure accountability and transparency from a parliament’s point of view are

- *an efficient parliamentary timetable (enough time for proper consideration of legislation and for scrutiny of government policies),*

³ Halligan, J. and Reid, R. (2016) Conflict and Consensus in Committees of the Australian Parliament. *Parliamentary Affairs*. 69 (2): 230-248. doi: 10.1093/pa/gsv044 page 230, citing Norton (2005:117).

- ***an effective committee system*** (with independence of action, quality staff, and enough resourcing to hold public inquiries and present reports which are guaranteed a government response),
- *a robust parliamentary library and research service (able to provide independent, quality, impartial information, analysis and advice to MPs across the political spectrum) and*
- *a timely Hansard service of plenary and committee proceedings.”*

All governments are uneasy about scrutiny. Particularly when this scrutiny leads to questions about delivery on promises made by politicians and in election manifestos – or they like to supervise scrutiny themselves.

There are always difficulties with parliamentary scrutiny because members protect their parties when they are in government – in South Africa this is a very strong feature, because of the party list system. Voters vote for parties, not individual constituency candidates. Parties expel members when they are not loyal, and they lose their jobs in Parliament.

That is why scrutiny by parliament is never enough in a democracy – the press, academic researchers, think tanks, NGOs and groups like PMG (who scrutinize the scrutineers in Parliament) are all vital components contributing to democratic governance.

But Parliamentary Committees have considerable powers and can be effective in calling the executive to account.

3 The powers of committees

In the South African Parliament, committees get their powers from the Constitution and from the Rules of Parliament (once they have been duly appointed in terms of the Rules).

Section 42(3) of the Constitution reads:

“The National Assembly is elected to represent the people and to ensure government by the people under the Constitution. It does this by choosing the President, by providing a national forum for public consideration of issues, by passing legislation and by scrutinizing and overseeing executive action.”

The Fifth Parliament was the most lively / controversial / difficult / entertaining since the novelty of the First Parliament 20 years before. Most of the drama was played out in the National Assembly. The State of the Nation Addresses in 2015, 2016 and 2017 were particularly noted for disruption. Rowdy members of Parliament were forcibly removed from the debating chamber, first by the police and then by a special force of “bouncers”, employed by Parliament itself.

In 2016, the credibility of Parliament (on a declining trend for over a decade)⁴ suffered its hardest blow ever, because of the inaction of one of its committees. The Constitutional Court⁵ found that the National Assembly had not acted in accordance with “its obligations to scrutinise and oversee executive action⁶ and to maintain oversight of the exercise of executive powers by the President.”⁷

This was because of the decision of the majority of members of the National Assembly to endorse the report of the “Ad Hoc Committee on Police Minister’s Report on Nkandla” that was appointed by the National Assembly in 2015.

Chief Justice Mogoeng stated that:

“[Section 42(3) of the Constitution does] not define the strictures within which the National Assembly is to operate in its endeavour to fulfil its obligations. It has been given the leeway to determine how best to carry out its constitutional mandate.”⁸

Section 55 of the Constitution deals with the Powers of the National Assembly. Section 55(2) adds the concept of accountability to that of oversight:

2. The National Assembly must provide for mechanisms-
 - a. to ensure that all executive organs of state in the national sphere of government are accountable to it; and
 - b. to maintain oversight of-
 - i. the exercise of national executive authority, including the implementation of legislation; and
 - ii. any organ of state.

Decisions are made by the National Assembly when committee reports are adopted, with their recommendations. Committees are an extension of the House. Much of the actual work of Parliament is done by committees – considering the wording of legislation, hearing presentations on the work and performance of departments, deliberating on evidence given

⁴ Public trust in Parliament steadily fell from above 60% in 2004 to below 40% in 2015. Sources: HSRC South African Social Attitudes Survey (SASAS) 2003 – 2015 Figure 4.11: Public trust in selected political and judicial institutions in South Africa, 1998 – 2015; High Level Panel (HLP) (2017) Report of the High Level Panel on the Assessment of Key Legislation and the Acceleration of Fundamental Change. November. Available at: < <https://www.parliament.gov.za/high-level-panel>>. [Accessed 22-Feb-19]

⁵ Mogoeng CJ at [104] in *Economic Freedom Fighters v Speaker of the National Assembly and Others; Democratic Alliance v Speaker of the National Assembly and Others* [2016] ZACC 11.

⁶ Section 42(3) of the Constitution.

⁷ Section 55(2)(a) and (b) of the Constitution. Also see Hartley, W. (2016) Mbete gets pushback but her speech goes off without a fracas. *Business Day*. 13 May.

⁸ Mogoeng CJ at [87] in *Economic Freedom Fighters v Speaker of the National Assembly and Others; Democratic Alliance v Speaker of the National Assembly and Others* [2016] ZACC 11.

in public hearings. This is why committees are correctly described metaphorically as “the engine rooms of Parliament”.

Section 92 of the Constitution adds further that “Members of the Cabinet are accountable collectively and individually to Parliament for the exercise of their powers and the performance of their functions”, and that they “must provide Parliament with full and regular reports concerning matters under their control”.⁹ These reports are reviewed in the committee meetings. You can read records of almost every committee meeting on the PMG website – or anyone with an ID can attend meetings in person (just to watch – only members and those invited by the chair may speak).

Parliament has stated: “Only the Constitution and Rules Determine Parliament’s Business”.¹⁰ The operations of the National Assembly are set out in the Rules, which had been revised nine times by 2016.¹¹ You can read the latest version of the rules here < <https://www.parliament.gov.za/house-rules> >. The main provision that deals with the functions of Portfolio Committees begins at rule 227.

The rules provide the framework for MPs to carry out their constitutional functions, including “scrutinizing and overseeing executive action”, and Parliament’s “pre-eminently unique role of holding the Executive accountable”.

The Constitutional Court decision in the Nkandla matter was particularly telling, because it held up a mirror to Parliament and said it was not doing its job properly.

The Court did not intervene to say exactly how Parliament should operate – that is the responsibility of the members elected by the people. But it made it clear that if the rules and traditions of Parliament – and by extension, its committees – are in the mode of simply listening to reports and rubber-stamping their acceptability, this will not satisfy constitutional obligations.

The word “ ‘scrutinise’ (wrote the Chief Justice) means subject to scrutiny. And ‘scrutiny’ implies a careful and thorough examination or a penetrating or searching reflection.”

The Court found that in considering a report of the Public Protector on the abuse of state resources in the case of Nkandla (the massive compound built at state expense for former President Zuma), Parliament had neglected to subject executive action to real scrutiny.¹²

⁹ Constitution Section 92 (2) and (3).

¹⁰ Parliament (2014) Only the Constitution and Rules Determine Parliament’s Business. Media Release. 9 March. This is usefully elaborated upon in Murray, C. and Nizjink, L. (2002) *Building representative democracy: South Africa’s legislatures and the Constitution*. Cape Town: Parliamentary Support Programme. (Pages 87-112).

¹¹ Parliament (2016) *Rules of the National Assembly 9th edition*. 26 May. Available at: < <https://www.parliament.gov.za/house-rules> >. [Accessed 22-Feb-19].– updates are under continual discussion in the Rules Committee, the proceedings of which are well documented by PMG. <<https://pmg.org.za/>>.

¹² At [85].

The Court reflected that, as with ‘scrutiny’, ‘oversight’ is not a passive activity of merely looking things over. The ConCourt stated that the National Assembly “bears the responsibility to play an oversight role over the Executive and State organs and ensure that constitutional and statutory obligations are properly executed”.¹³

It is not clear that Parliament reacted specifically to the Nkandla reprimand in its committee work after 2016. It was a change in the political climate that led to committees mounting several probing enquiries – into state capture in Eskom, into corruption in Prasa and into maladministration in the SABC. This was not done evenly. The efforts to question the Minister of Mineral Resources on his dealings with the Guptas were a farce – with Parliament itself (in the person of the House Chair of Committees) denying the Portfolio Committee any resources to pursue this enquiry.

4 How committees used their powers in the 5th Parliament

Some background is needed here, to set the scene. In the first Parliament, members became really frustrated with the National Treasury. They wanted to spend money on all sorts of things of national importance but the Treasury said “No”. Barbara Hogan wanted Parliament – and the finance committee she chaired – to be able to change budget amounts and set budget priorities. This is a feature of Congress in the USA, where representatives propose bills to spend money on pet projects. This leads to “pork barrel” politics and deal-making on priorities of federal expenditure. Trevor Manuel, as Finance Minister was adamant that the Treasury knew best and he would never allow his budget figures to be tampered with by Parliament. Parliament could accept the budget, or it would have to bring the government down with a vote of no-confidence.

The compromise reached was a dreadful piece of legislation with a long name, referred to as “The Money Bills Act”. This allowed committees of the National Assembly to give explicit advice to the National Treasury once a year (each October) on what should be in the next year’s budget – which is released in February.

The instrument used to give this advice is a document called “the B-triple R” – the Budgetary Review and Recommendation Report.¹⁴

The Money Bills Act – a self inflicted injury

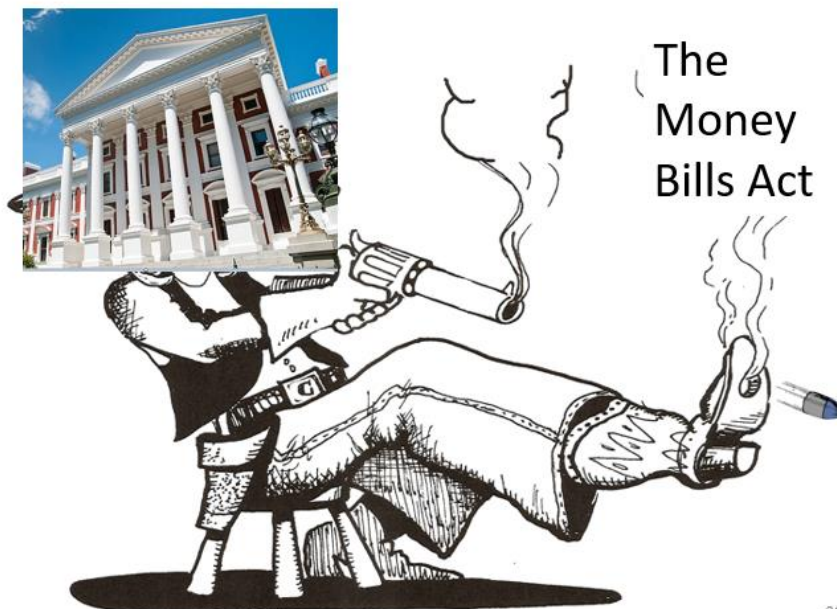
- Enormous priority granted to PFMA, but how effective / useful can this be?
 - Ridiculously tight timelines for Parliament to process the “Annual Performance Plans” (for the budget) and the Annual Reports (for the BRRR / mini budget).

¹³ Section 55(2)(b)(i) of the Constitution. At [22].

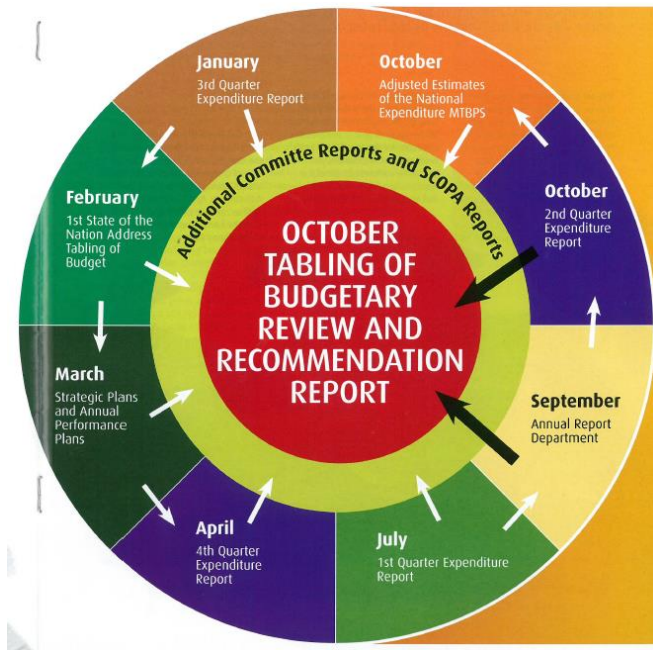
¹⁴ Compiled in terms of the Money Bills Amendment Procedure and Related Matters Act, No. 9 of 2009.

- No independent input: Little if any opportunity for civil society to participate in the budget cycle activities
 - Department takes the floor with its entities and presents (for days)
 - Executive input is relied on for conducting scrutiny!
- Individual Section 32 reports are largely a waste of time
 - Duplicates work done by Appropriation and Finance Committees

2009 - Parliament passes



What could have been a good idea was attached to “the Parliamentary Budget Cycle”. This meant that every committee has to spend a good part of its precious meeting time verifying and questioning whether each department and state entity had followed the prescriptions of the PFMA – the tortuous Public Finance Management Act and associated laws on government procurement, employment equity etc. (As with any approach based on templates and tick-lists, it ensures that the weak and clueless have something definite to do. It gives structure to the oversight process and forces more ineffective committees at least to review the budget on an ongoing basis. But the disadvantages is that the capable may be exhausted and frustrated before they are able to make substantive contributions.)



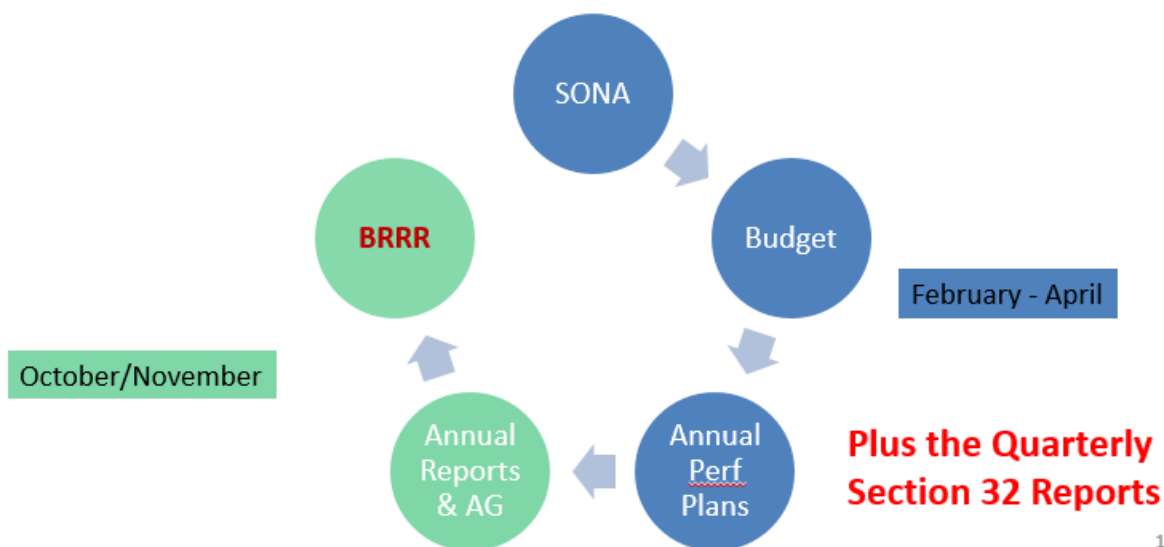
Parliament has to duplicate functions already performed by the Auditor General, while lacking the competence and the time of the AG. The meetings are not completely wasted – because departments can be quizzed on their programmes and plans and called to account on delays and poor audit results.

It is a tradition – or a habit – that the department and its entities are simply given the floor in budget cycle meetings. They produce pretty much the same presentation over and over again – looking at mandates, mission statements, organograms and projects which do not change much across a parliamentary term. All that changes are specific figures. The PowerPoint presentation material duplicates the information already formally tabled. It is an ordeal for members to sit through these illustrated lectures, which pass as oversight. Long departmental presentations seem designed to limit engagement time on the content. Members are expected to master both the tabled reports and the PowerPoint slides in a very short space of time. Figures may differ between the two, but the time constraints make it impossible to question why this is the case.

There is a “tick-box” quality to many Committee meetings, as agendas are packed to comply with the requirements for documents tabled in Parliament to be presented at a Committee meeting. The committee reports, duly published in the ATC, often simply repeat the same information. “Oversight” over executive action is based on information provided by the executive itself!

But the point is that the effort spent on the “budget cycle” activities prevents committees from spending time where they should – on interrogating whether each department is implementing

the service delivery legislation for which it is responsible. The BRRR is completed in October, but budget cycle events take place throughout the year:



An analysis of ATC ‘activity’ per month in 2018, clearly shows how Parliamentary reports are bound with chains to the annual budget cycle – Annual Performance Plans (APPs) and budgets from March and annual reports and BRRRs from October.

Quantity of ATC reports by month in 2018

- ATC ‘activity’ per month in 2018, clearly shows how committee reports are driven by the annual budget cycle
 - Annual Performance Plans (APPs) and budgets from March and annual reports and BRRRs from October.

Month	Number of ATCs	Total pages
Jan	4	16
Feb	15	257
Mar	19	479
Apr	13	443
May	22	2,155
Jun	19	589
Jul	8	29
Aug	18	366
Sep	19	296
Oct	23	2,069
Nov	21	1,535
Dec	9	783
Total 2018	190	9,017

5

The effect in practice is to crowd out oversight on non-financial issues, for example, monitoring the implementation effects of legislation and on cross-cutting issues that affect several departments. When Parliament decided to frame its oversight role within the railway track of the budget cycle, the (perhaps) unintended consequence was to reinforce a silo mentality for all oversight activities. Budgets are necessarily divided strictly by department.

I worked in Parliament for 6 years as a committee researcher. I have a very good understanding of the work done by “my” committee and how the members used – or tried to use – their powers, but I rarely attended the meetings of other committees. As an exercise, I spoke to as many colleagues as I could to ask which, in their view, was the best committee – or which had the reputation of being the best.

The winner of this straw poll was the Portfolio Committee on Police. They are extremely active, meeting sometimes five times a week. They do a lot of oversight visits and are assisted by a team of support staff who work well together. This is good news, because the police have the biggest budget of all departments, at over R100-billion a year for 2019/20. The police committee of the Fifth Parliament demonstrated that, when a committee functions well, it can overcome the constraints of the BRRR process and effectively oversee non-financial issues.

The poll was not rigorous in any sense. Most researchers said they had no idea of any committee that could be identified as the best. Like me, they did not attend other committees and they said it would depend on the criteria used. Some people identified the finance committees as the best in terms of doing their work to pass all the laws and budgets on schedule. SCOPA was mentioned as was the Standing Committee of Finance (SCOF), with its experienced and militant chair, Hon [Yunus Carriem](#). Labour was also mentioned as a committee that “meets a lot”.

My own impression, to start with, was that the SCOF had the best reputation of all, but Trade and Industry was also highlighted in my poll for its high activity level and because “the Department takes them seriously”. The chair of the Portfolio Committee on Trade and Industry, the redoubtable Hon [Joan Fubbs](#), also introduced to Parliament the concept of a “colloquium”. This an event focused on a critical strategic area which is less formal than a committee meeting. Experts are invited to speak on particular items and can be questioned by all participants, not only Members. Normally meetings are strictly question and answer based, but in a colloquium every one can contribute (through the chair) even sometimes visiting members of the public. Trade and Industry held colloquia on [beneficiation](#) and administered prices running over several days, like a conference. The Environment committee held useful colloquia on rhino poaching, climate change and environmental concerns from mining. Parliament can be open to innovation of this sort, particularly welcome because several departments were invited to participate and discuss their views, rather than just reading presentation slides on what they had done.

It was more difficult to rate committees of the NCOP as they generally meet only once a week and a major part of the NCOP annual activities rotate around the Taking Parliament to the People project – which is not strictly a committee activity. In TPTTP, the whole NCOP goes to each province in rotation, to undertake oversight visits and hold a formal NCOP meeting.

5 Possible areas of reform

Parliament is supposed to hold the executive to account. It is difficult to do this in practice. I have sat in many committee meetings as members – from all parties – expressed their frustration when their questions are not answered, when promises to provide information are not honoured and when their carefully considered recommendations in the BRR reports are simply ignored by the overbearing Treasury.

What tools does a Committee have for holding a Department/Minister to account when resolutions and requests in committee meetings and even written reports to the National Assembly are ignored by the executive? (These are not all condemnatory – many contain advice on how to approach problem areas identified during oversight visits.)

Unfortunately, the tools remaining are locked away by the majority party. One such tool is to invoke Rule 253 which provides for the establishment of an ad hoc committee to consider a particular issue. The second is tantamount to nuclear war: proposing a vote of no confidence in the Cabinet.

The Constitutional Court said in 2013, that the right to initiate and move a motion of no confidence in terms of section 102(2) of the Constitution “is perhaps the most important mechanism that may be employed by Parliament to hold the executive to account, and to interrogate executive performance.”¹⁵

There is a need to identify more accessible reforms to improve the effectiveness of Parliament’s committees.

5.1 Reform in practice:

This subsection deals with reforms that are within the power of each committee. This may involve deciding to modify directives from officials in Parliament or party whips.

5.1.1 Encourage Committees to take charge of the agenda for their meetings, public hearings and oversight visits

Committees led by weak or inexperienced chairs fall by default into a pattern where as much as half of all meeting agendas are automatically dictated by the budget cycle. This diverts

¹⁵ Moseneke DCJ at [44] *Mazibuko v Sisulu and Another* ZACC 28; 2013 (6) SA 249 (CC); 2013 (11) BCLR 1297 (CC) (27 August 2013) (Quoted by the ConCourt in the December 2017 “EFF2” judgment)

attention to the money spent by the department and takes it away from oversight over the implementation of laws managed by the department. An initial reform would be for committees to be permitted (by the House Chair of Committees) to place less emphasis on the budget issues if they have a planned alternative agenda programme to adopt. Each committee should plan its oversight on the issues and themes that it believes to be of greatest importance to service delivery. This plan can be updated each term, and reviewed annually.

5.1.2 Assist Committees to follow up on past resolutions, recommendations and requests

- Post adopted minutes for committee meetings online – and distil from them the follow-up issues.
- Ensure the Parliamentary Liaison Officers for the department/minister have copies of the minutes and are aware of outstanding questions and information requests.
- Each quarterly term, the committee should review the resolutions, recommendations and requests that have emerged in the term, and which need to be prioritised for the meetings in the next term.

5.1.3 Open more of the work of Committees to public scrutiny

Other Parliaments – such as those in Canada, Australia and India - have far more Committee information publicly available online than does “the People’s Parliament”. This web information includes adopted minutes, responses by the executive to Committee queries, research briefs prepared for Parliament by its library and research unit.

Research Unit briefs that are submitted to committees should be publicly available online, so that the public can see the information that is being provided to committees and possibly question its accuracy or quality.

The work of committees is generally transparent. The public can attend virtually all Committee meetings – and the Parliamentary Monitoring Group provide an independent online record of each meeting (including audio and electronic copies of public documents). All committee reports are published in the ATC when they are tabled in Parliament.

5.1.4 Get input beyond the Executive in Committee Meetings

The views of independent experts and stakeholders should be available so committees can get real impressions on how legislation is implemented in practice.

The innovative use of “colloquiums” was pioneered during the Fifth Parliament, particularly by the chairs of Trade & Industry and Environmental Affairs. The advantages of colloquiums should be evaluated. If they are proved to be useful, Parliament should make it easier to convene them.

Better Library resources for support staff and Members are needed, including full access to standard legal commentaries (from JutaLaw and LexisNexis), specialist journals and current books. Parliament passes all the laws – and has to amend them – but researchers do not have access to the electronic commentaries on legislation and records of court cases touching on particular statutes.

5.2 Blue sky reforms

Parliament has commissioned many reports on how to improve the effectiveness of its oversight. Independent reports since 1999 have mentioned the following possibilities – all of which are beyond the powers of committees, however.

5.2.1 *Constitutional change: Committees would have the freedom to work better if members were directly elected to Parliament from constituencies*

Committees have more freedom in a constituency-based system – this is a long shot as the proposals for this radical reform (e.g. Van Zyl Slabbert report) have several times been set aside. (Proportionality between parties could be maintained by mixing constituency elected individuals with additional “proportional representatives” as in SA’s local government system).

5.2.2 *Rules Change: Committee chairpersons should come from all parties*

Chairpersons of Committees should not all come from the ruling party. Chairpersonships should be allocated between parties, according to a proportional formula. This happens in other legislatures. In SA, only SCOPA traditionally has a chair not from the ruling party. A wider pool from which Parliament can elect chairs of committees could improve the ‘quality’ of chairs.

5.2.3 *Rules Change: delete the rule on “matters sub judice”*

The sub judice rule is no longer part of South African law. But it remains on the rule book of Parliament as a hangover from the colonial and Apartheid eras. The rule – even as it is written now – need not divert committees from fully probing the actions of the executive. But it does in practice. Committees are easily fooled by smooth-talking lawyers and Directors General into thinking that when a matter is before the courts it is “sub judice” and they can ask no probing questions. Many people took refuge behind this “rule” during the state capture investigations of committees.

5.3 Insoluble problems

I mention just one problem that completely foxes Parliament and its portfolio committees. It is well known to all as the problem of silos.

5.3.1 *The intractable silo problem*

This appears to me as the greatest weakness of Parliament. As effective as some committees might be in surveying their portfolios, Parliament's biggest challenge is dealing with accountability for programmes that cut across departmental mandates:

Combatting gender-based violence

Youth Employment

Skills training

Regulation of Mining (legal and illegal)

Border safeguarding ... and many more issues from the National Development Plan.

The fact is that departments are competitors, not co-operators. And the system of portfolio committees – where each committee is tied in to a separate budget vote and has to shadow just one department – exacerbates the structural difficulties of getting departments to work together.

The worst example comes from the ex-mineworkers, hundreds of thousands of them, who are victims first of diseases (particularly lung diseases like silicosis) and secondly of the abject failure of government, for longer than a decade, to get the departments of health, mineral resources and labour to agree on a compensation system for mineworkers who get dread diseases because of their employment on the mines. A mineworker who gets silicosis gets less compensation than a worker in construction, manufacturing or any sector other than mining. How can this not be a disgrace? Constitutional Court judgments, academic studies, films and horror reports have had no impact. In the Fifth Parliament, the chair of the PC on Health refused every invitation to joint meetings with the PCs on Labour and Mineral Resources. [Promises on a new compensation system](#) have abounded. And every year the problem shrinks, as ex-mineworkers die with their broken lungs. Parliament seems content to wait – just as the mining companies have done, delaying and delaying the legal cases which sick mineworkers have had to bring to the courts, because government failed to protect them.

Conclusion

During the Fifth Parliament, the institution provided a framework of administration and support that allowed its committees to function well – and, if they chose, to act in ways that tried to hold the executive to account. The effectiveness of committees depends on the Members, who are elected for political reasons, not because they are 'committee people'. The capability and experience of the chairperson is critical to committee effectiveness. Reform proposals need to take account of the fact that each Parliament will have its share of less committed members and less capable chairpersons. It is Members who must both lead and direct oversight processes. Committees have the power and authority to help Parliament improve as a vehicle for democracy – it is up to them to use it.