



Assessing the Feasibility of Implementing Budget Amendment Powers of the Gauteng Provincial Legislature

A research report submitted to the Faculty of Commerce, Law and Management, University of Witwatersrand, in partial fulfilment of the requirements for the Master of Management Degree in the field of Public Sector Monitoring and Evaluation.

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LIST OF ABBREVIATIONS AND ACRONYMS

ANC	:	African National Congress
ACDP	:	African Christian Democratic Party
BCM	:	Budget Cycle Model
COC	:	Chair of Chairs
DA	:	Democratic Alliance
ED	:	Executive Director
EFF	:	Economic Freedom Fighters
FIS	:	Focused Intervention Studies
GPL	:	Gauteng Provincial Legislature
GPG	:	Gauteng Provincial Government
IFP	:	Inkatha Freedom Party
IMF	:	International Monetary Fund
MEC	:	Member of Executive Council
MPL	:	Member of the Provincial Legislature
PEBA	:	Programme Evaluation and Budget Analysis
PSOM	:	Public Service Oversight Model
PFMA	:	Public Finance Management Act
SOM	:	Sector Oversight Model

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ABSTRACT

This study investigates the feasibility of implementing the budget amendment powers of the GPL as provided for in the Gauteng Money Bills Amendment Procedures and Related Matters Act of 2019. The study employs a qualitative case study approach using the theoretical lens of the new institutionalism school of thought to examine the political and institutional arrangements at the GPL that may facilitate or constrain the implementation of the budget amendment powers.

The introduction of legislative powers to amend money bills in South Africa follows on the growing international trend sponsored by the World Bank, International Monetary Fund (IMF) and international donors to strengthen legislative scrutiny of public finances as a way of improving governance and enhancing accountability in developing countries. It also comes at the time when the South African legislative sector is facing sharp public scrutiny about the efficacy of its oversight mechanisms in the wake of media reports and Auditor General's reports that are pointing out what seems to be relentless acts of maladministration, irregular and fruitless expenditure as well as corruption in the public sector.

The main findings of the study re-affirm existing literature on the important role played by the political and institutional arrangements of legislatures in determining the efficacy of legislative instruments of oversight and scrutiny. In this case, the budget amendment powers. Notably, the study concludes that the sociology of the GPL is unique and thus requires extensive analysis in order to gain better insight into the political and institutional arrangements that may facilitate or constrain the implementation of the budget amendment powers.

DECLARATION

I, Mmusi Andrew Moraka hereby declare that this research report is my unaided work that has been prepared by me and submitted to Wits University in partial fulfilment of the requirements for the degree of Masters of Management in Public Sector Monitoring and Evaluation.

DEDICATION

To Lulu Mbalo, my ex-Wife. There are not enough words to express my gratitude for your support during this academic journey whilst we were married. I could not have completed this project without you by my side.

To my daughter Tshimologo Moraka, I will always love you and hope that this project will inspire you to go further than me.

To my Aunt, Flora Moraka, my brothers, sisters and cousins, thank you for always motivating me and for believing in me.

To my friends and colleagues, your support is highly appreciated

I dedicate this project to my late parents, Mosidi Moraka and Joshua Masilo. Thank you for bringing me into this world and for raising me to be the person I am today. May your souls find eternal peace.

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All my lecturers at the Wits School of Governance as well as my fellow classmates played an important role to shape my thoughts, refined my outlook and sharpened my approach to this academic project. Thank you for all those intellectual conversations, debates and arguments. I am better person today because of you.

CHAPTER 1

1 INTRODUCTION

The Gauteng Provincial Legislature (GPL) passed the Gauteng Money Bills Amendment Procedures and Related Matters Act (Gauteng Money Bills Act) in May 2019 to provide for procedures through which the GPL may amend the provincial budget and other financial legislation. The Gauteng Money Bills Act mirrors a piece of national legislation that was passed by the National Assembly in 2009 to empower the National Parliament to amend the national budget and other financial legislation. Section 120(3) of the South African Constitution of 1996 empowers the National Assembly and the provincial legislatures to pass legislation that guides them on how to amend money bills or financial legislation.

This legislation is considered to be an additional mechanism to augment the current budget oversight tool and authority that allows the GPL to monitor and evaluate budget development and execution processes over an annual cycle. Between 1998 and 2004, the GPL undertook a major legislative reform project to expand and strengthen its oversight function under the auspices of a model known as Programme Evaluation and Budget Analysis (PEBA). The reforms led to budget oversight procedures at the GPL that empower Members of the Provincial Legislature (MPLs) to scrutinize the budget from priorities, to inputs, outputs and outcomes throughout the fiscal year. Furthermore, the PEBA reforms made provision for public involvement in legislative deliberation on the budget.

In 2012, the South African Legislative Sector (parliament and the nine legislatures) adopted a Sector Oversight Model (SOM) largely based on the provisions of PEBA. This important milestone meant that the legislative reforms initiated at the GPL would now be rolled out and implemented across all nine provincial legislatures and parliament.

The introduction of legislative powers to amend money bills in South Africa follows on the growing international trend sponsored by the World Bank, International Monetary Fund (IMF) and international donors to strengthen legislative scrutiny of public

finances as a way of improving governance and enhancing accountability in developing countries. Von Trapp, Lienert and Wehner (2016:11) explain that, “it was the surge of government deficits and debts during the 2008-9 crises that gave real impetus to this call for legislatures to conduct close scrutiny of public finances and to safeguard fiscal discipline.” Countries across the globe have introduced measures to allow legislatures to make changes to money bills, albeit with variations in the design and impact of amendment powers. Pelizzo, Olson and Stapenhurst (2005:3) have established that “even a cursory comparison of legislative arrangements for financial scrutiny has proven that legislatures differ widely in the way in which they exercise their budget oversight.”

The key provision of the Gauteng Money Bills Act is the establishment of a Budget Committee endowed with powers to amend money bills, as well as the establishment of an independent structure to support the implementation of the Act, with a mandate under section 14(1) of the Act to provide “non-partisan, high-quality and independent technical analysis, objective and professional advice to the legislature on matters related to the budget and other money bills.” In his research on the effectiveness of the GPL’s oversight function, Malapane (2019) found that the GPL continues to build capacity in performing its oversight role. However, the influence of systems such as the electoral and party systems cannot be easily overcome; and both of these factors contribute to the complexity of oversight and executive-legislative relations.

According to Martin, Saalfeld and Strom (2014:82), “legislative studies tend to focus on what legislatures do and how they do it.” This has been the case at the GPL with previous research focusing on the efficacy of the oversight function. This study adopts the theoretical lens of the new institutionalism school of thought to examine the political and institutional dynamics that may facilitate or constrain the policy making powers of the GPL, in particular the budget amendment powers as provided for in the Gauteng Money Bills Amendment Act.

1.1 BACKGROUND TO THE GAUTENG PROVINCIAL LEGISLATURE

The GPL is one of nine provincial legislatures in South Africa and derives its mandates of oversight, law making, cooperative government and public participation from

Chapter six of the Constitution. The GPL has a total of 73 MPLs from political parties that were allocated seats through a system of proportional representation based on the elections results of 2019. The African National Congress (ANC) is the governing party with 37 seats, the Democratic Alliance (DA) is the main opposition party with 20 seats, the Economic Freedom Fighters (EFF) has 11 seats, Freedom Front Plus (FF+) has 3 seats, Inkatha Freedom Party (IFP) and African Christian Democratic Party (ACDP) have one seat each.

The electoral support of the ANC has been in a decline since 2009. Between 1994 and 2004, the ANC won 50 seats at the GPL and from 2009 started to see a decline to 47 seats and in 2014 declined to 40 seats with 2019 seats declining to 37.

Notwithstanding the slim majority, the ANC dominates the GPL and the provincial executive as follows:

The Speaker, Deputy Speaker, House Chairperson (known as Chair of Chairs) and Deputy House Chairperson are ANC MPLs. These are the four critical Presiding Officers of the GPL. The Presiding Officers, led by the Speaker are the political leadership of the GPL responsible for ensuring that the legislature achieves its constitutional mandate.

The Premier and 10 Members of the Executive Council (Provincial Cabinet) are ANC MPLs. An important note in this regard is that unlike the President at national level who ceases to be a member of the National Assembly after being elected by MPs, the Premier remains a member of the legislature. The concept of separation of powers in this regard becomes blurred in relation to provincial legislatures.

The Chairpersons of the ten Portfolio Committees are ANC MPLs. The ten committees of the legislature mirrors the portfolios of the provincial cabinet and are expected to conduct oversight on the work of the MECs. Four of the six Chairpersons of the Standing Committees are ANC MPLs. The IFP and ACDP have each been allocated a standing committee to lead as Chairpersons through a coalition arrangement with the ANC.

The different political parties at the GPL are organised into party caucuses. The role of party caucus is to ensure party discipline and prepare party positions that members must advance at the multiparty legislative committees and during House debates.

1.2 PROBLEM STATEMENT

Historically, the South African Legislative Sector, with its British colonial legacy, has been operating within the Westminster tradition of parliamentary practice wherein the Executive dominates the policy making process, which includes the preparation of the budget whilst the Legislature is responsible for scrutinising and approving the budget with no formal amendment powers. The imminent implementation of the Gauteng Money Bills Act alters the systemic and institutional parameters of the power relations in the GPL, potentially tilting the distribution of power and influence away from the Executive and thereby testing the limits of power relations in the GPL. It is therefore important to understand the political and institutional arrangements that underpins the current power relations so as to have a sense of what must be addressed in order to establish the balance of power relations for successful implementation of the amendment powers.

Whereas, Krafchik and Wehner (1999) opined that legislatures are the relevant places wherein the budget of a country can be aligned to the nation's needs within available resources, Santiso (2004) warns that the role and intervention of a legislature in the budget process is a delicate matter. Krafchik and Wehner (1999) are concerned with the powers legislatures ought to have and Santiso (2004) focuses on how that power might operate in practice.

It is therefore essential to arrive at a proper understanding of power relations and institutional arrangements at the GPL in order to ascertain the detailed sociology of the legislature, moving away from 'what should be' to 'what is'. Doing so is critical for assessing the feasibility of implementing this important legislation and the authority it gives the MPLs. This is the key contribution and focus of this study and is consistent with the findings of legislative studies focused on oversight. Scholars such as McLennan (2018) and Malapane (2019) have pointed out that oversight can be undermined by factors such as political and institutional arrangements in a legislature.

The current budget oversight procedure as outlined in PEBA and the SOM is not a legislative Act but a budget oversight tool that empowers the legislature to conduct a systematic oversight on the government's appropriations. It does not, however, empower the GPL to amend the budget. The GPL is the first provincial legislature to pass the Money Bills Act in South Africa. Studying the feasibility of implementing the Gauteng Money Bills Act can provide important lessons for other provincial legislatures and thus contribute to the body of knowledge on this aspect of oversight as the literature appears to be scanty, particularly in South Africa as well as globally. In fact Pelizzo, *et al.* (2005:6) decry the fact that "legislative budget oversight remains a neglected area in comparative research".

1.3 RESEARCH PURPOSE

The purpose of this research project is to assess factors that may facilitate or constrain the feasibility of implementing the budget amendment powers of the GPL, and to propose measures for addressing possible constraints.

1.4 RESEARCH QUESTION

The primary research question which the study aims to address is:

What effects will the political and institutional arrangements of the GPL have on the implementation of the budget amendment powers of the legislature?

1.5 RESEARCH OBJECTIVES

The objectives of this research project are to:

- i. Evaluate the political arrangements at the GPL that may facilitate or constrain the implementation of the Gauteng Money Bills Act;
- ii. Determine the possible effects of the current executive-legislature relations on the budget amendment powers
- iii. Examine the institutional arrangements of the GPL with a special focus on the systemic, structural and practical implications for implementing the budget amendment powers; and

- iv. Explore the steps that the GPL should consider in preparing for the implementation of the budget amendment powers.

1.6 OUTLINE OF THE RESEARCH REPORT

This research report is divided into the following chapters:

Chapter One: Introduction: Introduces the study and background details to the study. The chapter also provides brief background on budget amendment powers as a global phenomenon and how SA and in particular the GPL has joined the international efforts to strengthen the role of legislatures in the budget process. The significance of the study and the knowledge gap are outlined in this chapter. The chapter also includes the problem, purpose statement, research questions and objectives.

Chapter Two: Literature review: The chapter provides the conceptual framework of the study through a literature review on the legislature budget amendment powers and the exercise of the budget authority. The chapter focuses on various theories underpinning legislative studies in the field of political sciences and also discusses some of the theories relevant for this study. The chapter also covers debates on the budget amendment powers with specific reference to factors that may facilitate and/or constrain implementation of greater budget authority.

Chapter Three: Research Methodology: This chapter outlines the research design and methodological approach utilised to undertake this study. The chapter explains the rationale for selecting the GPL as a case study as well as the process followed to collect the data for the research. Furthermore, the chapter explains how data collected was analysed and interpreted. Lastly, the chapter discusses the reliability and validity of the data as well as ethical considerations.

Chapter Four: Data Presentation and Discussion of Findings: This chapter presents and discusses the findings of the study based on the in-depth interviews, focus groups, observations and primary source documents analysis. The views, perceptions and attitudes of the respondents are summarised into themes and

analysed against the budget amendment powers concepts in the literature review and linked to the research questions.

Chapter Five: Conclusion and Recommendations: This chapter draws conclusions on the basis of the analysis and findings of the study. In addition, the chapter makes recommendations for the GPL on some of the critical aspects to take into consideration during the implementation its budget amendment powers. Lastly, the chapter makes recommendations on key areas for further research studies.

CHAPTER 2: LITERATURE REVIEW

2.1 INTRODUCTION TO THE LITERATURE REVIEW

The literature review exercise was undertaken in order to identify and apply helpful theoretical frameworks from the new institutionalism literature to the current issues, debates and contemporary knowledge on the budget amendment powers of legislatures. Machi and McEvoy (2017: 5) defines literature review as “a written argument that supports a thesis position by building a case from credible evidence obtained from previous research.” This literature review provides an overview of specific institutional theories alongside theoretical approaches to legislative studies. It then unpacks the concept of budget oversight, highlights debates and issues on oversight and lastly isolates and elaborates further on some of the factors that shape and influence oversight in the legislative sector. The literature review assists in recognising the potential factors that may influence the implementation of the Gauteng Money Bills Act at the GPL. Recognising this knowledge gap reaffirms the relevance of the theoretical lens of new institutionalism through which the researcher probes the problem statement and research question.

2.2 THEORETICAL APPROACHES TO LEGISLATIVE STUDIES

The study of legislatures offers researchers an opportunity to gain better insight into the decisions and policies of these institutions as well as political outputs such as governance, public policy, service delivery and development. Legislative studies have been traced back to the academic inquiries on philosophy, law and history. According to Martin, *et al.* (2014), legislative studies have become an important subset of the field of political science, mostly dominated by the institutionalism school of thought.

In broad terms, institutionalism scholars are concerned with how organisational structure, design and rules shape the behaviour and actions of the individuals and groups in that organisation. Rhodes, Binder and Rockman (2006:23) offer a comprehensive definition, stating that “institutionalism connotes a general approach to the study of political institutions, a set of theoretical ideas and hypotheses concerning the relations between institutional characteristics and political agency, performance, and change.”

In other words, the theoretical approaches of institutionalism provides analytical lenses for studying the institutional arrangements of a legislature in order to establish how these structures, systems and rules enable or constrain capabilities, conduct and actions of the political actors in that legislature. Thus, it can be asserted that political actors in a legislature derive meaning, form identify and pursue political outcomes mostly informed by institutional arrangements of that legislature.

The school of new institutionalism has evolved from old institutionalism wherein according to Pelizzo and Staphenurst (2013:30), “the approach was rooted in law and legal institutions and focused “... on how the ‘rules’ channelled behaviour ... [and] ... “on how and why the rules came into being in the first place, and, above all, whether or not the rules worked on behalf of the common good.” Whereas the old institutionalism theories argued that it is the nature of institutions that influences the behaviour of individuals in it, new institutionalism argues that the interplay between the nature of institutions and the behaviour of individuals is critical in analysis of institutional outcomes. The new institutionalism approach is elaborated further in the following section.

2.2.1 New Institutionalism

New Institutionalism in the context of legislative studies is concerned with the interplay between institutional arrangements of legislatures and the behaviour of the political actors in that legislature. Peters (2019:2) provides a better perspective of new institutionalism approaches by asserting that “macro level analysis of institutions should be informed by the analysis of individual behaviour.” In other words, individuals in institutions can still make conscious decisions about their preferences and act within the confines and limitations of the institutional structures. Scholars within the institutionalism approaches have developed several theories to analyse and interpret the interplay of relations between institutions and the behaviour of individuals. Peters (1999) describes these debates as “theoretical muddle” because of the number of theories that emerged with a view to studying the puzzle about the interplay between institutions and the behaviour of individuals navigating institutions. To this extent, Peters (1999) identifies at least six distinct approaches to new institutionalism which are summarised in the table below. A quick analysis of the basic premises and assumptions of the approaches mentioned in the table below seems to indicate a

greater appreciation and affirmation of the role of institutional arrangements in shaping the conduct and actions of individuals in an institution. It is in the human agency factor that seems to generate divergence amongst scholars who apply different theoretical tools of analysis and interpretation. In this way it can be possible for scholars to view the approaches as a collective of complementary analytical tools with overlaps that can be used together to study the interplay of relations between institutional arrangements and human agency.

Table 1. Approaches to New Institutionalism

Approaches	Basic assumptions	Theories and models
Normative Institutionalism	Institution is a system of norms and values that guides behaviour individuals towards appropriate behaviour	Normative institutionalisms is often referred to as the roots of the new institutionalism
Rationale Choice Institutionalism	Institutions are systems of rules and incentives/disincentives. Individuals makes conscious decisions to manoeuvre within the constraints to act in a manner that affirms their personal benefit	Principal agent model Rules based model Games Theoretic model
Historical Institutionalism	Institutions are systems of continuity to preserve the status quo. and change can bring about uncertainty and thus lead to rendering institutional arrangements ineffective	Path dependency
Sociological Institutionalism	Institutions are systems of cognitive, normative and regulative structures and activities in order to facilitate a individuals' behaviour that are stable.	Population ecology models. Organizational Archetypes models; Sedimentation model; Institutionalization and Isomorphism models
Empirical Institutionalism	Institutional arrangements impacts on behaviour of individuals and performance of institutions. The key variable is the performance of the system.	Presidential & Parliamentary systems; Institutionalization; Institutions and implementation.
International	Formal structures and rules on international institutions constraints national states actions	Regime theory

(Source: adapted from Peters: 1999) the six broad approaches of the new institutionalism.

Notwithstanding the above, scholars seem to agree that rationale choice theories, historical and sociological theories have largely dominated the school of institutionalism. On the one hand, Rhodes, *et al.* (2006:7) explain that “although the rational-choice approach has provided the most influential neo-institutional approach in legislative studies, there have been other influential schools of scholarship, especially the sociological exploration of legislative roles, as well as historical approaches.”

On the other hand, Fioretos, Falleti and Sheingate (2016) advise that there are areas of overlaps amongst the three above mentioned theories of new institutionalism and therefore tend to provide different solutions to the academic inquiries into the complexities of political science and political institutions. Exploring the potential impact of institutionalised and political factors such as the electoral and party systems requires tools that help to understand the immediate decision-making challenges facing GPL members when implementing the Gauteng Money Bills Act. Several approaches within rational choice theory help to focus on the challenges facing individual elected representatives who operate within party and electoral systems that they cannot ignore. The following section elaborates some of these theories relevant for this study.

2.2.1.1 The Rational Choice Institutionalism

The rational choice scholars argue that individuals within an institution maneuver their way around and within the systems, structures and rules of that institution to pursue their self-interest. Pellizo and Staphenurst (2014:30) explain that “rationale choice scholars believe that institutions are important mainly as features of a strategic context imposing constraint on self-interest.” Put differently, institutions and their design tends to constraints and shape human interaction. Peters (2019:54) elaborates that rational choice scholars regard institutions as “systems of rules and incentives that establish the parameters of the rational behaviour of individuals.” By implication, institutions also provide disincentives that regulate behaviour. A legislature provides a perfect example of an institution wherein the rules and procedures for conducting legislative work guide and constrain members of the legislature who are exercising their authority and pursuing intense political competition.

There are three main theories within the rational choice institutionalism approach, relevant for this study. They are the principal agent theory, the game theory, and the

rules-based theory. These three theories are elaborated further below within the context of legislature budget oversight:

(a) The Principal Agent Theory and Budget Oversight

Higgs (2018:479) points out that “principal-agent theory is concerned with the incentives and disincentives of an agent acting on behalf of a principal that he is contracted to represent.” Pelizzo and Stapenhurst (2014) elaborate on this description by stating that the principal-agent theory highlights the important role of institutional mechanisms whereby the principal can monitor and improve compliance by the agent. In the legislative oversight context, the legislature can be regarded as the principal (representing the people) with a mandate to conduct oversight on the executive (who are the agents tasked with delivering services to the people).

Legislative tools such as the budget amendment powers are thus created for the purpose of ensuring monitoring and compliance. The realities of political and institutional incentives and disincentives at the GPL, in the context of the executive dominance in existing executive-legislature relations, requires closer examination in relation to the introduction of the GPL’s new budget amendment powers.

The complexities of principal-agent relations are further compounded by information asymmetry between the agent and the principal. Oppenheimer (2012) explains that the agents have more information on the basis of being responsible for making decisions and implementing programmes on behalf of the principals. To this end, the principal relies on the information from the agent to monitor and enhance compliance. It is this complexity that led legislatures to call for independent fiscal institutions that should provide members of the legislature with independent quality budget information that can be used to conduct oversight on budget proposals from the Executive.

(b) **Games Theory**

The rational choice game theories in institutionalism approaches regard political institutions as spaces wherein actors are involved in strategic games of decision making in pursuance of self-interest whilst compliant with the rules of the institutions. On the one hand, Osborne (2000:6) explains that strategic games consist of a “set of players and for each player there are a set of actions they can choose as their preference over the preference of others.” A proper contextualisation of game theory in a legislative setting is provided by Peters (1999) who argues that political actors in an institution play a set of games amongst themselves as part of enhancing compliance to the institutional structures and systems. On the other hand, Martin, *et al.* (2014: 36) point out that game theories in legislative settings uses “the agenda setting models wherein the agenda setter makes policy proposal which is then pitted against a default alternative in an up and down majority vote.”

The budget process of the GPL simulates an agenda setting model wherein the Member of the Executive (MEC) responsible for finances tables the budget proposal in the House for the Speaker to refer to legislative committees for scrutiny and reporting. The current Rules of the GPL directs the legislature to either adopt or reject the budget proposal without making amendments. The Gauteng Money Bill Amendment Act is now adding another layer on top of this process with a procedure empowering committees to propose amendments to the budget and to tabling these proposals to the House for adoption. The adoption of matters before the House are procedurally subjected to a vote. The governing party in Gauteng has been dominating the Legislature and the Executive since 1994, using its majority to push through their preferred policy positions. The agenda setter in the budget process is the MEC for Finance who is also a member of the governing party. The research puzzle for this project is to investigate the effect of the above mentioned process on the implementation of the budget amendment procedures of the GPL.

(c) **Rules Based Theory**

In rules-based theories of the rational choice approach, “institutions are regarded as an aggregate of rules with members of the organisation who have agreed to follow those rules in exchange for such benefits as they are able to derive from being members of the institution” (Peters, 1999: 47). In the context of legislative studies, an

analysis of the House Rules will provide a framework for incentives and disincentives that regulate the conduct of members of the legislature. It then follows that the implementation of the budget amendment powers of the GPL requires a set of rules to guide members of the legislature during the conduct of the amendment procedure. The research investigates these institutional arrangements in order to determine the incentives that would facilitate or constrain the implementation of the budget amendment powers at the GPL.

2.3 LEGISLATIVE OVERSIGHT AND BUDGET OVERSIGHT: THE DEBATES, ISSUES AND TRENDS

One of the mandates of legislatures is to conduct oversight on the work of the executive arm of government. Lienert (2009:1) explains that “legislative oversight includes examining fidelity to budget laws, probity in spending, efficiency in choices and effectiveness of the budget in producing desired outcomes.” Legislatures are therefore instruments for facilitating government’s accountability and good governance.

Pelizzo, *et al.* (2005:6) bemoan that “despite its fundamental importance, legislative budget oversight remains a neglected area in comparative studies.” Moreover, Martin, *et al.* (2014) note that until 1990, studies on legislative budget oversight were mostly focused on the USA. This point raises the need to modify and customize some of the established concepts and models to suit the South African legislative sector specifically and the African legislative sector generally.

Whereas legislative budget oversight varies and is influenced by the context of the legislature, scholars seem to agree on key factors that shape and influence the efficacy of oversight. Staphenurst, Pelizzo and O’Brien (2012) identifies “institutional design and the conduct of its members” as two of the most important factors that can determine the success of a parliamentary oversight system, This assertion is supported by Kamahara (2016: 30) who contends that “overall budget capacity and amendment powers of a legislature can be measured by answering two simple questions, namely: (1) under what conditions does the legislature have more power to

amend the governments' budget proposals (i.e., capacity) and, (2) when does the legislature become more active in the budgetary process (i.e., behaviour)?."

Furthermore, the Africa All Party Parliamentary Group (2008) noted that African parliaments' oversight capacity was adversely affected by challenges such as insufficient constitutional provisions, political realities inside and outside parliament, as well as problems of institutional capacity. Lastly, Kithatu-Kiwekete and Jahed (2018:8) argue that "the ability of parliament to effectively engage in the budget process is contingent on four sets of variables: whether parliament is legally empowered to intervene in budgeting, whether it is endowed with required technical capacities, whether it possesses the necessary political will, and whether the governance environment is conducive." This study probes the political and institutional incentives and disincentives at the GPL that would facilitate or constrain the implementation of the budget amendment powers. It is therefore important to elaborate further on these two concepts.

2.3.1 Legislative Budget Amendment Powers, institutional arrangements and capacity of legislatures

The complex nature of budget information and its processes would require that legislatures be provided with adequate capacity to intervene in the budget process. Whereas, on the one hand Krafchik and Wehner (1999) argue that parliament is the appropriate and legitimate mechanism wherein the budget can be matched to the nation's needs with available resources, Santiso (2004) warns that the role and intervention of a legislature in the budget process is a delicate matter. On the other hand, McLennan (2018) observes that lack of technical capacity and expertise to engage with budget information and to challenge members of the executive in debates seems to be one of the critical weaknesses of legislators. Furthermore, the Collaborative Africa Budget Reform Initiative (CABRI) review of parliamentary capacity shows "that African parliaments lack the institutional capacity to exercise the formal powers of fiscal oversight" (Mc Lennan 2018: 4).

In order to mitigate these capacity challenges, parliaments have been establishing Independent Fiscal Institutions or Parliamentary Budget Offices (PBO) to support

legislators with quality budget analysis information that they can use to engage with the complex budget proposals from the executive.

PBO is generally defined as “an independent analytical unit that provides legislators with an impartial economic evaluation of important matters pertaining to the budget” (Chohan & Jacobs, 2016:1). It is normally funded through the national fiscus but functions independently from the legislature. A PBO can serve to provide quality information and data for both ex-ante and ex post ante processes of the legislature. According to Principle 8 of the Global Initiative for Fiscal Transparency, (GIFT) “authority to raise taxes and incur expenditure on behalf of the public is vested in the legislature” and the legislature should be provided with the authority, resources, and information required to effectively hold the executive to account for the use of public resources” (Global Initiative for Fiscal Transparency 2012:3). The 10 principles of the GIFT have been adopted by the UN and have been used by many jurisdictions to advocate for stronger and transformative parliaments with capacity to readily amend executive proposals.

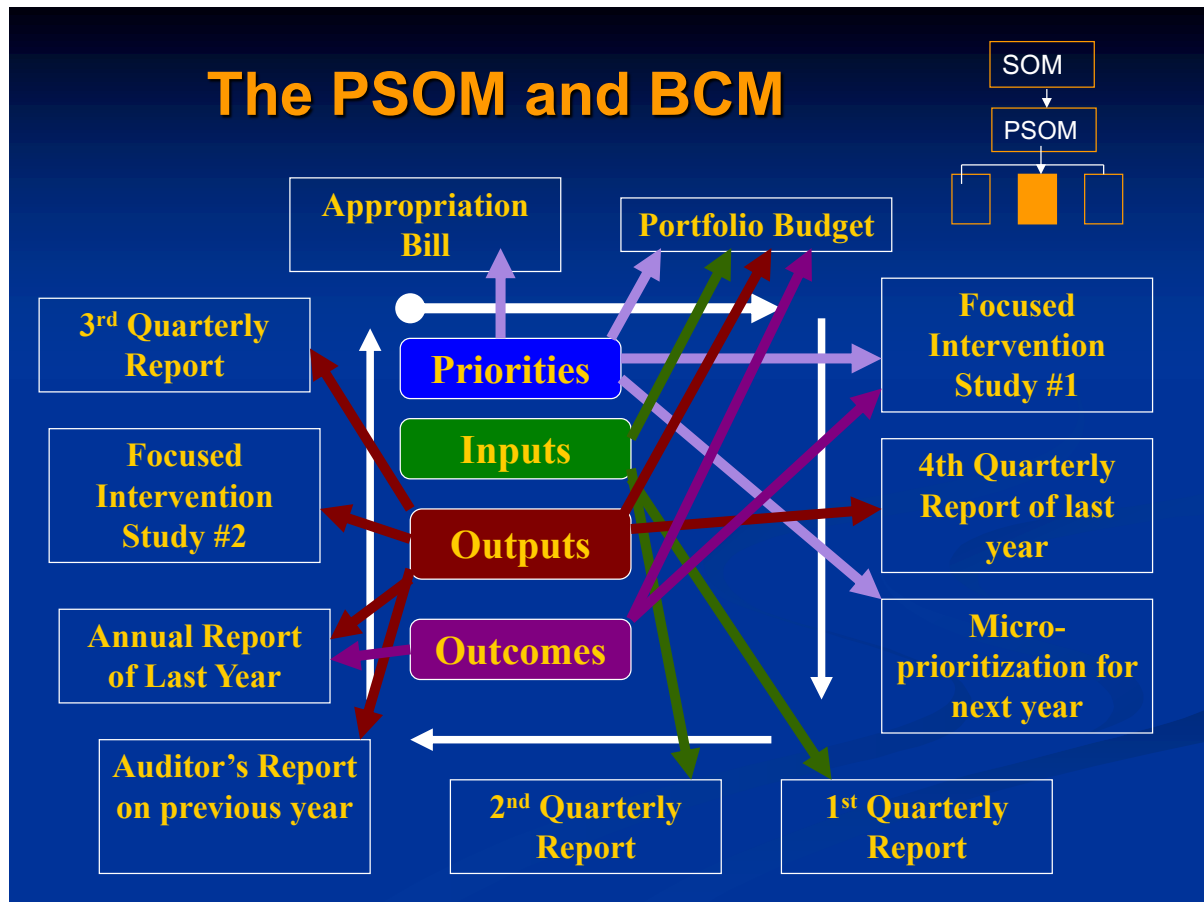
Section 14 (1) of the Gauteng Money Bills Amendment Act makes provision for an independent structure to support the implementation of the Act, whose main objective is to provide “non-partisan, high-quality and independent technical analysis, objective and professional advice to the Legislature on matters related to the budget and other money bills.” This provision seems to align with the global perspectives on the role of PBOs. Notably, the Gauteng Money Bills Amendment Act does not go as far as labelling the independent structure envisaged in Section 14(1) as a parliamentary or legislature budget office. This omission may imply that the GPL is yet to conceptualize how this structure should function. This is a puzzle when noting the findings of Malapane (2019) who established that the GPL has built capacity over the years in terms of the support provided to committees, including research support. Youash (2014) also refers to the GPL’s capacity as ‘exceptional’, with its approach of considering and debating all substantive steps in the budget process and requiring oversight work at every stage in the budget cycle, including quarterly reports.

The South African oversight model and budget vote process is explained below in order to understand the current budget vote process at the GPL, the oversight model and budget vote process is explained below.

(a) The South African Legislative Sector Oversight Model

The South African Legislative Sector adopted an oversight model that should be implemented by all provincial legislatures, the national council of provinces and the national parliament. The Sector Oversight Model (SOM) prescribes that oversight should primary be concerned with two key elements, namely; “evaluation of the efficacy of the public service programmes and appropriateness of financial resource allocations and management.” In this way, “the oversight function focuses on the relationship between inputs (budget) and outputs (services) as well as the outcomes produced by this systemic approach” (SOM, 2012). As a result legislature committees are expected to be involved in all the stages of budget development, implementation and evaluation. The diagram below, depicts the oversight model alongside the budget cycle model and demonstrates the stages and phases as well as intervention opportunities for oversight by the legislature throughout the public service and budget cycle process.

Diagram 1. Public Service Oversight Model and Budget Cycle Model



Source: Sector Oversight Model. (SOM) 2012

It is through not ascribing to dominant parliamentary standards and practices, theories, and models that Youash (2014) labels as 'exceptional' "with its approach of considering and debating all substantive steps in the budget process and requiring oversight work at every stage in the budget cycle, including quarterly reports", That gives this model its unique character of oversight. In assessing the effectiveness of this oversight function, Malapane (2019:245) found that "the oversight role of the GPL has positive effects in promoting good governance, transparency and accountability." He further explains that "these effects include, among others, generating own information to eradicate intentional and unintentional misleading reports; mutual relations and interaction between the executive and the legislature; regular

performance reporting by the executive to the legislature; and improved performance information reporting and performance by the executive.” The focus of this study is primarily on the GPL’s oversight role in the budget process. The section below gives an overview of the existing budget oversight process at the GPL and provisions of the oversight model.

(b) Budget oversight process at the GPL

The oversight model of the GPL provides for a procedure wherein legislature committees should engage with the respective departments on the government priorities at the planning stages of the budget cycle. According to Brugge (2006), this procedure, known as Micro-prioritisation, “involves the formal negotiation between a committee and a department about the desirable outcomes that might be expected from the policy priorities and resource allocations indicated in the budget under consideration”. The micro-prioritisation procedure appears to be a unique feature that provides the legislature with an opportunity to influence the budget long before the draft proposal is introduced in the House by the MEC. In other words, micro-prioritisation implies that the budget proposal introduced by the MEC should already have had inputs by the legislature committees.

In addition to the above provision, the Sector Oversight Model (SOM, 2012) makes provision for a procedure known as “*contracting*” when the legislature committees and relevant department enters into an agreement on the set out priorities of the department as outlined in the proposed budget for the financial year. Through this process, the legislature committees have an opportunity to influence alignment between priorities and budget allocations.

The budget oversight model of the GPL assumes that both the members of the executive and MPLs are collectively accountable to the people and therefore have a responsibility to move beyond adversarial dynamics and to work collaboratively within this legislative frameworks, to focus on good governance and delivery of services to the people. The oversight model thus provides opportunities for complementary relations.

This unique approach to oversight is elaborated further by Madue (2012) arguing that “the executive and the legislature should agree on some measures of cooperating in the work of policy making. This will require that both the executive and the legislature should be willing to negotiate and compromise in order to secure their places in the policy making process. Notably, the legislature must have adequate capacity to implement effective oversight and the executive in turn must be willing to comply with legislative oversight directives. This cooperation however should not replace the rigour of the oversight and scrutiny role of legislatures.

The nature of oversight in the African context is further emphasized by Shija (2012:2) who opined that “the influence of democratic practice from a Eurocentric view skewed what was in many African societies a consensual philosophy of a people’s Assembly.” In other words, African parliaments should consider theorising properly the notion of consensus politics as an alternative to the adopted Eurocentric majority rule and confrontational as well as adversarial oversight. At this stage, it is important to consider other institutional arrangements at the GPL that supports the work of MPLs.

(c) Institutional mechanisms to support the budget oversight process at the GPL

The GPL’s operating model is centred-around provision of quality support to the core mandates of the legislature and the work of MPLs. According to the model, key mandates such as oversight are anchored on research and procedural advice, public education, mobilisation and communication. The role of research is explained further below.

(I) Role of research at the GPL

SOM (2012) describes research information as central in the oversight work of legislatures. Madue (2015: 43) adds that “researchers are expected to provide MPLs with reliable and credible facts for decision making processes, yet in his view this pivotal role has not been realized and thus the legislature does not receive maximum benefits from the current research services.”

It should be noted that MPLs deal with many other issues on a daily basis, including responding to the demands of their constituencies, implementing directives of their political parties, conducting oversight, law making, etc., and therefore these responsibilities means that there is not sufficient time to focus on the details and complexities of budgets of the government departments. It is therefore the role of researchers to synthesize and dissect this information and prepare briefing notes for MPLs. The detailed work of researchers during the budget oversight process at the GPL is explained further below.

At the start of the budget oversight process, the research teams that are assigned to oversight committees are expected to conduct a budget analysis using various research tools and thereafter prepare a research report for submission to the relevant committees for deliberations. The Sector Oversight (SOM, 2012:59) makes provision for a set of budget analysis tools that the researcher must use to prepare a research report on the budget. The tools are summarised in table 2 below.

Table 2: Budget Analysis Tools

TOOLS OF ANALYSIS	FOCUS AREA
Fixed and Variable Cost Studies	The tool is used to measure key outputs of a department year on year and their costs, to monitor increases and decreases in efficiency.
Costing Output	The tools is used to measure overall efficiency of an entire delivery process.
Time-cycle Study	The time-cycle study examines the duration between the initial budgeting and realisation of an output. The tool is useful for measuring and tracking budget allocations for multi- year capital projects
Potential Productivity Study	The tool tracks general expenditure (total and main division budgets) to overall outputs of departments.
Aggregate Demand Studies	The tool seeks to provide insight into the relationship between Priorities (P), Outputs (S) and the intervening inputs (capital (K), current (c)). The tool seeks to highlight the aggregate demand for government services, thereby informing prioritisation and the conceptualisation of the policy environment.
Interdependent Priorities Study	This study examines interdependence of government programmes across departments and to establish alignment in implementation

Project Sustainability	This study examines the financial planning behind programmes and sub-programmes to ensure that medium/long-term programmes do not collapse due to unforeseen or unaccounted-for variables.
Needs Budget versus Availability Budget Analysis	The tool assess the discipline of planning in accordance with available budget versus 'throwing money at a problem'
Cost-Benefit Analyses/ Retrospective Cost-Benefit Analyses	The tool assess the impact of a departmental programme in relation to other deliverables. This is done in the immediate and also retrospectively after a period of time
Aggregate Fiscal Discipline	The tool assesses the overall quality of financial management practices of a department
Programmatic Continuity	Measure sustainability and lifespan of programmes and sub-programmes tabled in a budget. This provides a measure of consistency in a department's budget.
Budget Variance Study	This study examines the variance between estimates, budgets, adjustments, and actual expenditure, with a view to ascertaining the quality of a department's planning in respect of a programme and sub-programme
Cost of Poor Quality	This study would examine/quantify the repercussions of 'bad' work or work that required subsequent extraordinary costs to deliver. A causal chain of expenditure can be drawn from that to express the exact nature of a job poorly done.
Information Level Test	This test would gauge the quality and level of information delivered by a department

Source: adapted from the Sector Oversight Model (SOM. 2012)

The report of the researcher is subjected to deliberations by committee members and is also used to raise questions to the government department in relation to the budget. The research report forms an integral part of the committee report tabled in the House for debate and adoption. At this stage it is important to explain the committee system of the GPL.

(ii) Role of the committee system

According to Egwim (2007), legislature committees are mechanisms through which complex pieces of bills, reports, proposals and issues are systematically processed.

In order to perform its constitutional mandate effectively and systematically, the GPL has divided its work into multi-party standing and portfolio committees. GPL Standing Rules (2019) provides for the composition, functions, powers and procedures of committees. Rule 148 in particular provides for the policy making powers of committees, except the budget making powers. This means that committee may review any policy before it and make recommendations to the House but cannot change the budget. Thus the Gauteng Money Bills Act provides for a budget committee with powers to make recommendations on amending the budget of the provincial legislature. Furthermore, the standing rules provides for composition of committees based on proportional representation system in line with the election results. In this regard, the ANC dominates all committees at the GPL with its majority and thus may wield this power wherever necessary through a vote. Martin, *et al.* (2014) bemoan the fact the individual legislators ability to shape committee outcomes is restrained by the role of political parties in committee in directing the conduct of its members. In this regard, whereas committees may serve as the appropriate platforms for detailed engagements on policy choices of the government, MPLs at the GPL may still be bound by party positions and thus this may impact adversely on the quality of deliberations and committee outputs.

The GPL annual report (2018/19) observes that “the committee system has been relatively resilient in the period under review, with the focus on the scrutiny of performance-oriented budgeting, engaging with their respective departments during planning stage, to agree on key policy proposals (contracting) and that through House Committees, the GPL has tremendously improved its methods of conducting oversight moving even closer to the full implementation of the Sector Oversight Model (SOM).”

The work of committees is made practically possible by the programme of the legislature.

(iii) The legislature programme

Rule 76 of the GPL Standing Rules (2019) makes provisions for a programming committee with a mandate to arrange all business of the legislature, preferably with

support from the executive and all political parties. The legislature programme, which is informed by the national parliament's programme, serves to outline key timeframes for key processes of the legislature. The programme thus facilitates implementations of GPL procedures within the stipulated timeframes, mostly aligned to the national framework outlined by the national parliament. In this regard, this study seeks to evaluate these institutional arrangements with a view of determining its effects on the provisions of the Gauteng Money Bills Act.

This section of the literature review has outlined the institutional arrangements at the GPL that supports budget oversight procedures. The next section of the literature review will focus on the electoral systems, political systems and role of parties in the legislature.

2.4 ELECTORAL SYSTEMS, POLITICAL SYSTEMS AND POLITICAL PARTIES IN LEGISLATURES

Arguing from the rational choice school of thoughts, there is broad agreement among scholars of political science that electoral systems, political systems and the role of political parties in legislatures have a significant impact on the conduct of legislators. Martin, *et al.* (2014:14) state that “candidate selection rules may induce behavioural modification because of the desire to be re-selected.” On the same note, Fredriksson and Wollscheid (2014:54) contend that “high party discipline and high party strength induce legislators to stay committed to the party's promised policies after their election.” Another scholar, Malepane (2019) points out that members of the legislature are not objective and that they represent defined interests and thus work to advance those interests. The basic assumption underlying the argument of the rational choice scholars is that members of the legislature have a deep-seated desire to be re-elected and therefore will most likely toe the part line in debates to demonstrate loyalty and advance party cohesion and discipline. In this way, pleasing the party leaders is paramount for their career.

(a) South African Electoral System and the conduct of public representatives

The South African Constitution makes provision for a proportional representation party list system of elections wherein voters vote for political parties and in turn political parties select candidates from among its members to fill the number of seats won. The candidate selection process is a party internal matter that is not regulated by legislation. Hazan and Rahat (2010:4) note that “candidate selection is non standardised and predominantly unregimented particular party mechanism by which political parties choose candidates for general elections.”

It is this power bestowed upon political parties by the electoral system that seems to be directing members of parliament or legislatures to conduct themselves in a manner that does not place them on collision course with party bosses. In other words, there is very little room for their own initiative or to vote with their conscience. All members of the political party toe the party line, closes rank around party issues and exercises maximum discipline in the interest of party cohesion.

(b) Political Parties in Legislatures

The GPL is a multiparty legislature wherein the different political parties are organized into party caucuses. The role of party caucus is to ensure party discipline and prepare party positions that members must advance at the multiparty legislative committees and the during House debates. Napier and Labuschagne (2017) describe Caucuses as “closed bodies” that play the role of discussing matters relating to policy and strategy pending before a legislative body. Caucuses act as mechanisms for collective approach to legislative matters and once a decision is reached, then members are expected to close ranks and defend the party positions during legislative deliberations in committees and the House sitting.

Having noted that a legislature is not a neutral institution but a terrain for political contestation, and that members of political parties are expected to toe party lines on policy matters, it is therefore vital that a study be undertaken to assess the effect of these political dynamics on the implementation of the budget amendment powers at

the GPL, more so because the governing party has dominated political power since 1994 to date.

2.5 CONCLUSION ON LITERATURE REVIEW AND UNVEILING THE CONCEPTUAL FRAMEWORK

The literature review has established that oversight is influenced by context within a legislature and that political and institutional dynamics in a legislature play a crucial role in the exercise of oversight. Legislative studies tend to generally categorize legislatures as either presidential or parliamentary, or be referred to as either rubber stamping, or transforming policy and legislation. The literature seems to suggest that context matters with respect to empowering legislatures with authority, such as the Gauteng Money Bills Act and thus any reforms require a detailed understanding of the factors at play. This is the essence of this study. It goes beyond current oversimplifications based on general typologies about legislature and seeks out a deeper appreciation of factors that may facilitate or constrain budget amendment powers at the GPL. These factors are assessed through a detailed examination with a view to understanding their impact on the process of implementing the provisions of the Gauteng Money Bills Act.

The study adopts the rational choice theories of institutionalism elaborated above as the conceptual framework. These theories assume that the institutional arrangements of a legislature provide for rules and incentives that establish the parameters for the conduct of members of the legislature. The study has used the principal-agent theory to assess these parameters as it relates to the legislature-executive relations. In other words, what will be the effects of these relations on the budget amendment powers of the GPL. Secondly, the study utilises the game theoretic models to assess effects of the agenda setting procedure on the budget amendment powers. Thirdly, the study employs the rule-based theory to evaluate the conduct of MPLs within the established boundaries of the GPL rules. The study assumes that the above mentioned theories of rational choice are complementary in nature with overlaps and thus can be used as one broad framework to arrive at a detailed analysis of the incentives and disincentives at the disposal of MPLs during the legislative budget oversight procedure of amending the provincial budget.

CHAPTER 3 RESEARCH APPROACH

3.1 INTRODUCTION TO THE RESEARCH APPROACH

This chapter explains the research approach used for the study with a view of justifying the methods and process followed to answer the research question. The research project employed a qualitative case study approach in order to allow for an in-depth probe of the factors that would facilitate or constrain the implementation of the Gauteng Money Bills Act at the Legislature. Kumar (2011) advises that qualitative research methods assist researchers to acquire deeper information and knowledge about the attitudes, behaviour, value systems, concerns, motivations, aspirations and culture. Using the GPL as a case study provided an opportunity to understand the unique circumstances of the Legislature as the first provincial legislature in South Africa to set into motion legislative powers and procedure to amend provincial money bills. The intention of the research is not to generalise but rather to gather a body of knowledge through which other provincial legislatures can derive lessons.

3.2 RESEARCH TOOLS AND THEIR APPLICATION

(a) Semi Structured Interviews and Focus Group Discussions

Primary and secondary data for the research were collected using a combination of semi-structured, in-depth interviews, focus group discussions, observations and documents review. The primary data was collected through semi-structured interviews wherein the researcher convened conversations with a number of respondents using an interview guide comprised of predetermined but relatively open questions that allowed for open discussions and detailed reflection on issues. The semi-structured interview technique made it easier for the researcher to ask follow up questions during interviews and this facilitated access to rich, diverse and insightful information and knowledge about the legislature and the complexities of a multiparty organ of the state that is also regarded as a terrain for contestation of ideas.

Two focus group discussions were held, one consisting of MPLs from different political parties and the other consisting of key support staff from the research unit, committee

support services unit, legal unit and the NCOP. The focus group discussions focused on key issues emerging from the semi-structured interviews and documents review. The two focus group discussions assisted in testing the level of contestation on the emerging themes and to also consolidate some of the emerging themes.

(b) Documents Review

The researcher reviewed selected committee oversight reports on the provincial budget in the last three financial years. This was done with a view to analysing the concerns and recommendations of the committees on the budget of selected government departments. The reports of portfolio committees of Education, Treasury, Finance and Economic development were reviewed and analysed.

The analysis of the oversight reports serves to enable the researcher to assess the quality of the research support which forms the basis of the committee reports as well as the concerns raised by the committees in relation to the departmental budgets. The analysis provided useful insight on the capacity of committee to dissect budget information from the departments and to prepare recommendations to the House for adoption. The data collected from these official documents was also used to evaluate the quality of information used to prepare committee reports on the budget as well as examine the resolutions proposed to the House that would have emerged from the committee reports.

Secondary data was collected from academic journals, books and newspaper reports on amendment powers of legislatures. The purpose of the secondary data was to identify key emerging themes that can be compared and contrasted with themes from the primary data. The literature on the topic of legislature amendment powers of legislatures is reviewed as part of examining the theoretical perspective within relevant research. The literature review will provide key concepts for analysis of the research findings.

(c) Observations

The researcher was given an opportunity to be part of a meeting of the Committee of Chairpersons of Legislature Committees which was discussing the budget

amendment powers of the GPL as outlined in the Gauteng Money Bills Amendment Act. This meeting offered a rare opportunity to capture the political insights and attitudes of committee chairpersons towards the amendment powers. Noting that committees of the legislatures are expected to be the key primary drivers of the amendment powers, this opportunity of listening and observing chairpersons of committees provided rich insights for the research project.

3.3 POPULATION OF THE STUDY

The population of this study comprises 73 MPLs and over 200 GPL staff members deployed to support MPLs with research, legal, procedural and content advise as well as provision of resources for their work. MPLs at the GPL are deployed into various areas of responsibility such as Presiding Officers who serve as political heads of the legislature; Whippers who are responsible for leadership of political parties at the GPL; Members of the Executive Council (MECs) who are responsible for leading the implementation of government programmes); standing and portfolio committees which are constituted by up to six MPLs from different political parties on a proportional representation bases.

The employees at the GPL provides necessary support to ensure that the MPLs are enabled to discharge their constitutional obligations of implementing oversight, law making, cooperative governance and public participation. The Senior Management, Researchers, Legal Advisors, Procedural Officers, and Committee Coordinators play a key role in this regard. On the basis of the above outlined population. a sampling approach adopted for this study is outlined below.

3.4 SAMPLING TECHNIQUE

It is general knowledge that there are two main types of sampling techniques in research, namely; random or probability sampling and no random or non- probability sampling. On the one hand, Taherdoost (2016) explains that probability sampling is a process wherein every item in the selected population stand an equal chance of being chosen to be in the in sample. In this way, results from the sample can be used to generalise about the whole population. Marshall (1996), however warns probability

sampling may not be the useful approach when the researcher is keen to developing a deep understanding of complexities relating to the behaviour of human beings. On the other hand, non- probability sampling is defined “as non-random inclusion of people in a sample because they are available and willing to participate in the study” (Wagner, Kawulich & Garner, 2012:89). The focus of non-probability sampling is on the relevance rather than representativity of the selected people or objects. This study employs the non- probability sampling method. Neuman (2011) identifies 7 techniques of non-probability sampling, which have been summarised and adapted in the table below;

Table 3: Summary of types of nonprobability sampling techniques

Type	Approach	Strengths and weaknesses
Haphazard	Researcher recruits anyone available based on convenience. It is also called accidental or convenience	Not representative of population and can produce distorted results
Quota	Researcher divides sample frame into sub-groups and ensure each group is selected	Uses haphazard method to select which can distort outcomes
Purposive	Researcher uses own experience and knowledge to recruits participants who are most relevant for the research objectives	Useful for in depth inquiries. Cannot generalise the results
Snowball	Researcher recruits recruit few participants and then encourages the participants to recruit other potential participants	Useful when it is not easy to get access to all potential participants
Deviant Case	Researcher recruit participants that differ from dominant characteristics of a population	Useful to studying cases that are unusual and fall outside of general patterns
Sequential	Same as purposive with additional step of gathering cases until saturation level is reached	Useful for in depth inquiries. Cannot generalise the results
Theoretical	Used for purpose of generating theory. Participants are selected on the bases of insight they may add	Useful for theory building

Source: adapted from Neuman (2011) and Wagner, *et al.* (2012).

A non-probability purposive sampling technique was used to select participants for this research project. Guatterman (2020) advises that in purposive or purposeful sampling, the researcher chooses the objects of study or respondents based on their ability to provide information to address research questions. In other words, the researcher identifies and recruits people with particular characteristics who will better be able to assist with the relevant research questions. In this case, the relevant information required resides within specific persons or groups at the GPL. Wagner, *et al.* (2012:93) explain that “in purposive sampling, the researcher relies on his or her own experience, previous research or ingenuity to find participants using specific criteria to identify the most suitable individuals.” The researcher in this case is a former Director for Parliamentary Business and Political Advisor at the GPL with insight on persons/positions that are critical to respond to the research question and objectives.

Noting that the interviews were conducted during the time when South Africa was under the national lockdown as a result of the Coronavirus pandemic and that all citizens were expected to observe the lockdown regulations and health protocols, including maintaining social distance of 1.2 to 2 metres from other people, the researcher opted to conduct all semi structured interviews and focus group discussions using Zoom online platform. All the sessions were successfully held with no technical challenges because the researcher prepared well and ensured that all participants are conversant with the Zoom technology. The advantage of using Zoom is that the sessions could be held outside of normal office hours and thus this increased the availability of most of the participants.

The researcher used the semi-structured interviews and focus groups, as well as documents review to unearth a number of critical themes that were then subjected to further deliberations during the focus group sessions. The table below depicts the sample chosen for semi-structured interviews for this research project. An explanation is provided for chosen participants which is mostly based on the roles played at the GPL and elsewhere.

Categories of the sample are summarised in table below.

Table 4: Semi Structures interviews

Category	Number interviewed	Roles
Members of the Provincial Legislature	7	Presiding Officers, MEC, Chairpersons of Committees, MPLs from the governing party and the opposition parties; member of the national assembly
GPL Senior Managers	4	Secretary to the GPL; Executive Director and 2 Directors
Senior Managers at GPG	3	Provincial Treasury and Policy advisory services
GPL Middle management	3	Procedural and advisory services
GPL Content specialists	4	Research services and committee support services
External experts	2	Academic with former links to parliamentary budget office and former GPL MPL who was responsible for leading ad hoc committee on the Gauteng Money Bills Amendment legislation

The semi-structured in-depth interviews provided the researcher with an opportunity to hear the participants speak about their knowledge, experience and thoughts on the feasibility of implementing the budget amendment powers. The conversations unearthed critical insights on the political sociology of the GPL and its possible effects on the legislative budget amendment powers.

In conducting the focus group sessions, the researcher facilitated the session by introducing a topic and then allowing each and every participant to express a view on it. A debate amongst the participants was encouraged in order to allow for in-depth conversations on the topics at hand. The table below explains the composition of the focus groups.

Table 5: Focus Groups discussions participants

Category	Number interviewed	Roles at the GPL	Location
Members of the Provincial Legislature	6	MPLs from the governing party and the opposition parties	Gauteng
Parliamentary support services	8	Legal Advisors; Table Staff; NCOP; research and committee support services	7 from Gauteng and 1 from Cape Town

The following targeted participants listed in table 5 below could not be interviewed due to unavailability.

Table 6: List of targeted participants who could not be interviewed

Category	Number interviewed	Roles at the GPL	Location
Members of the Provincial Legislature	3	Presiding Officers; MPLs from the governing party and the opposition parties; member of the national assembly	Gauteng and Cape Town

3.5 DATA ANALYSIS

The research project used an inductive approach to analyse the data in order to explore the factors that may facilitate or constrain the implementation of the provisions of the Gauteng Money Bills Act. Wagner, *et al.* (2012:229) indicate that the inductive approach is useful in single case studies wherein the researcher wants to identify factors and trace causal linkages to explain a specific phenomenon. Kumar (2011) asserts that data analysis involves researchers looking at what is in a text or image and coding (categorising or grouping into themes). In this research project, the technique of thematic analysis was used to analyse the relationships amongst the key concepts and variables emanating from the data collected. In other words, the researcher identified key words, phrases and concepts that were dominant during the interviews and literature review and then grouped these into emergent themes based on the research questions.

The emergent themes, aligned to the primary variables of this research project, namely political and institutional arrangements at the GPL can be summarised as follows:

Table 7: Summary of emergent themes

Political environment	Institutional arrangements
Levels of political buy in at the GPL	Committee system
Balancing the Executive-legislature power relations	Legislature programme
Role of political parties and dynamics thereof	Timing of the budget process
The role of the electoral system	National fiscal framework
Public trust in the legislature	GPL research capacity

3.6 LIMITATIONS, FEASIBILITY AND POSITIONALITY

The research project herein is vulnerable to limitations and practical challenges such as COVID-19 regulations, availability of interviewees, availability of data, and credibility of documents collected for analysis. A plan to mitigate against these limitations was put in place and included the following steps:

- The semi structured interviews and focus group discussion were held on online, most of the time, after hours in order to avoid cancellations that may have occurred as a result of participants being busy with their daily routines.
- The researcher took all necessary preparations to ensure that participants have access to Zoom, that they have downloaded the software unto their devices and that they are able to operate the online platform functions. This made is fairly easy to run the interviews without technical glitches.
- Out of the 20 semi structured interviews, only two were held face to face. In those instances, the researcher took all necessary precautions to observe the COVID-19 health protocols by wearing a mask and maintaining safe social distance.
- The documents reviewed were confirmed from the legislature and supplied by the relevant official with supervision from the Secretary to the GPL. In this way, credible reports were submitted and analysed.
- In terms of positionality, the researcher is a former employee at the GPL and this makes it possible for him to be conversant with the issues and environment of the legislative sector in South Africa and globally. The orientation of the researcher is biased towards effective usage of legislature's oversight tools. This feasibility study provides an opportunity to understand factors that may constrain or facilitate effective use of oversight tools.

3.7 ETHICAL ISSUES

The research project herein was undertaken within the ethics policy of the University of the Witwatersrand which provides guidelines for the conduct of research from the design stages up to the implementation and reporting stages. The researcher duly applied for the ethics clearance following the procedure of the university. In addition,

the researcher secured approval from the GPL to conduct the research and collect data. The researcher has complied with the following procedures:

(a) Plagiarism

The research has followed all guidelines of avoiding plagiarism and ensured that collection procedures and analysis followed do not create false information. All the sources of information have been acknowledged.

(b) Informed Consent and Anonymity

All participants received a letter outlining the purpose of the research and a consent form that explained the terms and conditions of their participation. The letter and the consent form further explained the rights of the participants to see the interview reports so that they can confirm that their views were captured correctly. The principle of anonymity and confidentiality was applied strictly.

3.8 VALIDITY, RELIABILITY AND DEPENDABILITY

The research findings for this project have been subjected to rigorous tests to guarantee validity, reliability and dependability. The following tests have been implemented

a) Credibility

The strategy of triangulation was employed to enhance the credibility of the research findings. Wagner, *et al.* (2012) define triangulation as measuring the same things using different methods. The research project used interviews, focus groups and documents analysis to probe the research question from multiple sources. In this way, during the analysis, the researcher refers to a multiple sources of information using different methods to arrive at findings.

b) Transferability

The researcher has provided detailed information about the topic, the research question, data collected, the analysis procedures and findings in order to allow for an opportunity for the research findings to be applied to another situation. Wagner, *et al.* (2012:229) call this technique 'thick description' wherein the researcher describes the settings and participation of the study as well as detailed description of the findings with adequate evidence in the form of quotes from participants or documents.

c) Dependability

The researcher has kept a record of the steps undertaken and activities implemented during the execution of this project. This will make it easy to trace the process followed to arrive at the findings of the research. Merriam and Tisdell (2016:253) say that qualitative research has a special need for project history in the form of a diary that logs processes.

d) Respondent Validation

The research employed the technique of respondent validation wherein preliminary findings were tested for validation through focus group discussions and telephone follow ups to clarify matters. Merriam and Tisdell (2016:247) advise that respondent validation helps with managing the researcher's own biases and can prevent misinterpretations. In addition to the above, the research continually sought data that supports alternative viewpoints as part of ensuring that the research considers other views that are not emerging as dominant in the preliminary findings. In this way, the validation of the findings would have built-in integrity.

CHAPTER 4 : PRESENTATION AND DISCUSSIONS OF FINDINGS

4.1 INTRODUCTION

In this Chapter, the findings from the study are presented and discussed in accordance with the objectives of the research project. The findings of the study are premised on the emergent themes from the data analysis and are divided into two broad areas, namely political environment of the GPL and Institutional arrangements. Under each broad area are a number of emergent themes that are linked to the research objectives, research questions and the key issues from the literature review. The presentation of the findings therefore contrast the emergent themes with the conceptual framework, research question, research objectives and key issues from the literature review.

4.2 POLITICAL ENVIRONMENT OF THE GPL

In the literature review, section 2.3 of this research report, various scholars have warned that the political environment of a legislature is critical in influencing the efficacy of legislative work. Kamahara (2016) refers to this political environment as conditions under which the legislature operates whilst the Africa. All Party Parliamentary Group (2008) notes that African parliaments' oversight capacity was adversely affected by challenges such as political realities inside and outside parliament, and Kithatu-Kiwekete and Jahed (2018) observe that the efficacy of legislatures to intervene in the budget process is dependent on the existence of necessary political will and whether the governance environment of the legislature is conducive.

Through the data analysis procedure, this research project identified a number of political factors that may facilitate or constrain the implementation of the budget amendment powers. Namely, levels of political buy in by all stakeholders; enhancing democratic system and participation; role of political parties at the GPL; and managing power relations between the legislature and the executive. The findings on each of these factors are explained below:

4.2.1. Level of political buy in by key stakeholders

According to the GPL records (Hansard 29th March 2019), the Gauteng Money Bills Amendment Procedures and Related Matters Bill was adopted by the GPL at its House sitting convened on the 29th of March 2019. The Bill was supported by all political parties represented at the GPL and was signed into law by the Premier of Gauteng Province in May 2019. The fact that the passage of the legislation was supported by all political parties and the Premier can be regarded as the first sign of levels of political buy in by key stakeholders at the GPL. This finding can be linked to the aspect of level of political will as argued by Kithatu-Kiwekete and Jahed (2018).

When asked to comment on the above mentioned developments, all participants expressed hope and confidence that MPLs from different political parties will work together to support the implementation of the budget amendment powers of the GPL. The level of political buy-in by key stakeholders as a catalyst for successful implementation of the budget amendment powers was tabled for discussion at the focus group sessions. In probing the matter further, the following issues emerged: Four of the six participants at the focus group of MPLs supported a caution raised to the effect that the Bill was passed at the end of the 5th term of the provincial legislature and that the current 6th term is constituted by more than 60% of new MPLs who did not have the history of the legislation and its objectives. In this regard, the new MPLs who are in the majority may not be familiar with the legislation because they did not participate in its formulation, debates and adoption. To this end, political buy in by the new MPLs is critical. This caution was further emphasised at a focus group of GPL staff by one senior manager who argued as follows:

“Lack of understanding the intentions of the amendment powers will have an effect on the implementation thereof”.

In support of this notion, another senior manager from the GPL cautioned as follows:

“The amendment powers must be championed at a political level otherwise the legislation will become a white elephant”.

It can thus be argued that whilst political buy in may be necessary instrument to facilitate the implementation of the budget amendment powers, there is a need to ensure that all MPLs are trained on the budget amendment legislation.

Another dimension to the risk of lack of political buy in was raised by a senior manager at the GPG who made the following observation:

“Legislation was enacted at a time when the current governing party was enjoying overwhelming majority in the House during the political term 2014 - 2019, it will be tricky to implement it now with a slim majority in the aftermath of the 2019 elections outcomes”.

The point being made is that the ANC currently has 37 seats whilst the opposition combined have 36 seats and thus the governing party has a slim one seat majority. In this regard, the ANC may feel restrained and may enforce greater party discipline among its members in terms of using its majority in the House. This may adversely affect the level of political will to implement the budget amendment powers as envisaged in the Gauteng Money Bills Act.

On the one hand, this dimension may require a closer examination and further exploration when considering that whereas mainstream legislative theories would support the notion that governing parties in general prefer to have a decent majority in the house and a weak legislature in order to bulldoze their policies through legislative passage without major opposition and delay, a study by Youash (2019) titled *Making Legislatures Matter: The Paradox and Potential of South African Parliamentary Reform*, seems to suggest that this has not been the case in the South African Legislative Sector in general and the Gauteng Provincial Legislature in particular. The research has established that the ANC has since 1994 been introducing legislative reforms focused on improving the effectiveness of legislative oversight and scrutiny and holding members of the Executive accountable, during a period when the ANC was enjoying an overwhelming majority in the House.

On the other hand, the effectiveness of these legislative oversight mechanisms often come under sharp public scrutiny when instances of a lack of accountability, maladministration and corruption are brought to the fore through amongst others,

media reports and findings of the Auditor General. The Nkandla Scandal and the Life Esidimeni saga are often cited as examples of failures of legislative oversight. This makes it important to continually assess the factors that are constraining implementation of these legislative reforms such as the budget amendment powers of legislatures. It therefore remains to be seen whether the ANC with a slim majority would continue with its legislative reforms agenda, including the budget amendment powers at the GPL.

It can thus be concluded that whereas political willingness has been found to be critical in facilitating the budget amendment powers at the GPL (Madue, 2012, 2013; Malapane, 2019), this is an aspect that requires further work to ensure that all MPLs are empowered to discharge the provisions of the budget amending legislation, notwithstanding the effects of other dynamics such as the role of political parties in the legislature discussed below.

4.2.2 Role of political parties at the GPL

The second most important theme that emerged from the data analysis is that of the role of political parties at the GPL. The theme is comprised of factors such as the political party discipline; electoral system; inter party contestations and capacity of MPLs (Pelizzo *et al.*, 2005; Madue, 2012; Chohan & Jacobs, 2016; Kamara, 2016; Malapane, 2019). These factors emerged as likely critical constraints for the effective implementation of the budget amendment powers. The effects of these factors are discussed below as explained by the participants.

Firstly, there was consensus amongst participants that the current electoral system of proportional representation party system of South Africa tends to encourage MPLs to generally align to their political party positions when debating matters in committees and the House. The direct quotes below from the participants serve to emphasise some of the sentiments shared during the interviews and focus group discussions:

A senior manager at the GPL noted that *“When Chairpersons of Committees become robust in their oversight work, it could affect their careers. This has been a culture all along”*.

This observation was made clear by elected representatives themselves when an MPL from the governing party argued that:

... *“Party political dynamics are real and this is a global phenomenon”.*

This view was further supported by an MPL from the opposition who observed that:

... *“Party politics play a constraining role in effective oversight”.*

The above responses resonate with the two theoretical foundations of rule-based theory and the games theory.

Furthermore, a legal and procedural advisor concurred that; *“MPLs leading committees in the legislature are junior members of the governing party and therefore are afraid to hold their party senior members deployed in the Executive accountable because this might result in them not being promoted or selected by their party bosses to return as public representatives at the next election”.*

The sentiments from the participants are supported by various scholars such as Martin, *et al.* (2014:14) who made the point that “candidate selection rules may induce behavioural modification because of the desire to be re-selected.” In the same vein, Fredriksson and Wollscheid (2014:54) contend that “high party discipline and high party strength induce legislators to stay committed to the party's promised policies after their election.” This therefore translates into the principle of towing the party line discussed in the literature review. Another scholar, Malepane (2019) elaborates that members of the legislature are not objective and represent interests and broker deals to express values. Peters (1999) and Rockman (2006) associate this behaviour with the new institutionalism theory.

The argument above is further supported by a resolution of the 52nd National Conference of the ANC which states as follows: *‘Caucus is the centre wherein ANC deployees engage and develop a common approach either on legislative work or the leadership they need to provide on the implementation of the ANC manifesto by the ANC-led government. “ANC Caucuses play an important role in coordinating legislative approaches to ANC Policy, and the oversight and monitoring of policy implementation” (52nd ANC National Conference, 2012).* This matter of towing the party line is informed by the Principal Agent Theory, as alluded to earlier on in Section 2.2. This is further reaffirmed by the ANC Gauteng PEC Governance Review Report in 2004 which described Caucus as:

“The collective custodian of ANC policy in governance, on behalf of the ANC constitutional structures.” Furthermore that *“caucus responsible for ensuring cohesion and discipline among ANC cadres in the Legislature and that its decisions are binding on all cadres and they can only be vetoed by the ANC constitutional structures”* (ANC Gauteng PEC Governance Review Report: 2004).

Secondly, when asked to comment on the effects of contestation by political parties on the budget amendment powers, all participants acknowledged that the GPL is a terrain for political contestation and therefore even the budget oversight process will be used by political parties to outshine opponents.

This essential perspective was made clear by an ANC who argued that the *“Budget process is an opportunity for parties to introduce their own ideas. It is inevitable that there will be contestation”*. An opposition MPL affirmed this partisan line, observing that *“a motion in the House can be blocked on the basis of who is raising it, no matter how good the idea is”*. This argument is in line with the principal-agent theory as espoused by Oppenheimer (2012), Pelizzo & Stapenhurst (2014), and Higgs (2018). The observation of a senior GPL manager helps to affirm the significance of this reality as expert staff that work with MPLs. The GPL manager notes the straight forward reality that *“the legislature in a democratic system is set up to allow for diversity of views and opinions, Political contestation will be there, majority decision will prevail”*.

The assertions made above, which are consistent with scholarly analysis (Santiso, 2004; Pelizzo & Stapenhurst, 2014; Youash, 2014), suggest that the role of political parties in the legislature will have effects on the objectivity of budget debates in the House mainly because it becomes more about each political party's ideas than addressing the real objective reality on the ground and the needs of the citizens.

Thirdly, when asked to comment about the capacity of MPLs in processing the complex budget information, all participants noted that lack of capacity of MPLs to comprehend and process budget information can have adverse effects on the implementation of the GPL's budget amendment powers. This view was also shared in the literature review (Youash, 2014; Madue, 2015; Malapane, 2019). The consensus

view in this regard relates to the role of political party caucuses in ensuring that their MPLs are empowered to articulate party positions during committee and house deliberations.

A senior researcher at the GPL noted that “inadequate capacity of MPLs to distil budget information have a direct bearing on the quality of oversight reports”. In elaborating this point further, the focus group of GPL staff unanimously agreed that qualifications and experience should be paramount in the deployment of MPLs to critical committees that deal with budgets and finance. An expert on parliamentary budget office expanded the point further by stating *“that political party caucuses have a responsibility to equip MPLs with adequate tools and skills to engage with the budget in a much more meaningful way”*.

The overall sense in the interviews and focus group discussions centred on acknowledging the effects of the role of political parties in the implementation of the budget amendment powers. In this regard, participants expressed aspirations of political parties and MPLs who would be objective and non- partisan when it comes to matching the budget with the needs of the people.

At the time of conducting this research project, the Constitutional Court passed a judgement on the validity of the Electoral Act and gave parliament the directive to include independent candidates in the national and provincial elections. The possible inclusion of independent candidates as MPLs in the near future received some attention during the focus group discussions with emphasis on how these changes may affect the current role of political parties in legislatures.

A researcher at the GPL noted that the *“Imminent changes in the electoral legislation will see independent candidates elected as MPLs and this will reduce the power of political parties”*. Another researcher argued that *‘the ANC will most likely lose more seats at the next general elections and this will force coalition government and thus usher in new dynamics in terms of legislative debates and voting in the House’*.

It is important that these predictions are noted in this research report as they may not be far from the mark when considering that the ANC has already entered into some

form of coalition arrangements with the IFP at the GPL as part of safeguarding its slim majority. This section of the report has affirmed the role of political parties in shaping the conduct of MPLs, in particular the role played by the electoral system, the caucus party system and its imperative of instilling discipline amongst its MPLs. The section corroborates the rule-based theory (Peters, 1999; Osborne, 2000; Martin, *et al.*, 2014), the new institutionalism theory (Rockman, 2006) and is supported by the review (Pelizzo, *et al.*, 2005; Madue, 2012, 2015; Kamahara, 2016; Malapane, 2019). In the next section, these factors are explored further more in the context of the executive - legislature relations.

4.2.3 Managing the power relations between the legislature and the executive

This study set out to determine the possible effects of the current executive-legislature relations on the implementation of the budget amendment powers as provided for in the Gauteng Money Bills Act. This was done by evaluating the political and institutional incentives and disincentives at the GPL that may facilitate or constrain the implementation of the budget amendment powers in the context of the current executive - legislature wherein the policy and budget making is dominated by the executive.

There was consensus amongst participants that the envisaged budget amendment powers would tilt the current executive-legislature power relations towards the legislature in terms of policy and budget making powers. To this end, and noting Higgs (2018) assertion that the principal-agent theory is primarily concerned with the incentives and disincentives of an agent (the executive) acting on behalf of the principal (the legislature), participants were asked to comment on the incentives and disincentives at the GPL that may facilitate or constrain the implementation of the budget amendment powers.

There seems to be convergent of views amongst participants that the notion of cooperative and complementary nature of the executive-legislature at the GPL as promoted by the Chief Whip of the governing party may steadfast to serve as an incentive to facilitate the implementation of the budget amendment powers. Whereas it is general practice that the executive-legislature in most parliaments is adversarial

and confrontational, the Chief Whip of the governing party, supported by the focus group of MPLs seems to believe that this is not the case at the GPL. This view seems to be widely held at the GPL and supported across the board by MPLs and staff.

In support of the above, an ANC MPL contended that *“the GPL is prepared to work with the executive to ensure that limited resources are allocated properly and to benefit the right people, Budget process must be a mutual exercise”*. A Senior Manager in the GPL expressed hope that:

“...The Executive will be incentivised to accept the budget amendment powers because they know that the budget will ultimately be passed with broader inputs from the public and will thus be a budget for all”.

The optimism above is best depicted by the assertion from an external expert who argued that:

“There should be this power shift. No one sphere should hold unfettered powers in the context of the separation of powers”.

This view was supported by a chairperson of a portfolio committee who lamented that: *“MPLs leading legislature portfolio committees are regarded as policy champions and therefore should have an opportunity to make necessary interventions using the budget”*. Another chairperson added that: *“Amendment powers will help to resolve the notion of MECs who think that this is their budget”*.

The widely held view amongst the participants is therefore that the shift in power relations may be utilised to facilitate implementation of the amendment powers in that the legislature will be provided with its rightful authority to make changes in the budget whenever necessary.

On the other hand, there were however concerns raised by other participants who cautioned that this shift in power relations might lead to reactions on the side of the Executive that might derail the processes of implementing the budget amendment powers. In other words, there are disincentives at the GPL that may constrain the implementation of the budget amendment powers. These concerns relates mainly to the blurring of the policy making roles between the legislature and the executive as well as capacity issues at the GPL as argued by Madue (2012) in the literature review.

An MPL from the governing party opined that *“Executive might resist because of history and complacency”. They are used to be in the driving seat, now there are new drivers coming through*. In other words, the amendment powers may unsettle the Executive and this can lead to unnecessary tensions. Opposition MPL pointed out that *“Amendment powers may blur the separation of powers and may also lead to overreach on the part of the legislature, the Executive will protect their turf and resist these powers”*. A Senior Manager from GPG expressed concerns as it relates to the role of the GPL in the budget process pointing that the GPL does not have adequate technical skills to intervene decisively in the budget making process.

The arguments made above may be suggesting that the shift in power relations envisaged by the introduction of the budget amendment powers is likely to be a delicate matter for the GPL in finding a balance that is acceptable for all stakeholders. A legal advisor in the focus group reminded participants that:

“The notion that the budget as tabled by the MEC does not have the input of communities may not hold water because the Executive does conduct consultations with the people through their own platforms such as Imbizos and other public participation processes”.

A procedural advisor added that *“the fact that the budget is in fact an economic and financial expression of the manifesto commitments of the governing party and such reflects the will of the majority of the people. So in reality what is the basis of subjecting the will of the people to political parties that did not win elections”?*

These questions and debates are a further indication of the delicate nature of the executive - legislature relations and in fact affirmed the assertions of Santiso (2004) and Malapane (2019) who argue that the intervention of parliament in the budget process is a delicate matter.

It is clear from the above findings that it is not an easy process to attempt to find a balance in terms of power relations between the legislature and the executive. There is a serious and observable tension between what practitioners see as the way GPL oversight works in practice in contrast with a hope for how it might work if not for party discipline (principal-agent theory, rational choice theory and rule-based theory) and

sharp political contestation (games theory and new institutionalism theory). As a result, the data shows two discourses running side-by-side but without any chance to reconcile them. One discourse forcefully asserts the ideal of a balance in power that allows GPL members to collectively rival the executive while the second discourse acknowledges the reality of executive dominance and the ways members are institutionally inhibited from acting outside party lines. The last aspect of the political environment at the GPL is discussed below, focusing on the effects of the democratic system and participation on the budget amendment powers.

4.2.4 Enhancing democratic system and participation

When asked to express their views about the need for the budget amendment powers at the GPL, there was consensus amongst all the participants that these legislative reforms would serve to maximise budget oversight by allowing the legislature to have a say in the budget and furthermore that the reforms (new institutionalism theory) will lead to meaningful public involvement in the budget process.

Section 15 (1) of the Gauteng Money Bills Amendment Procedures Act makes provision for the Budget Committee of the GPL to seek the inputs of the public when considering amendments on the budget and should also take into consideration the inputs from the public when making recommendations to the House for adoption.

The two focus group discussions pointed out that the current public participation processes at the GPL into the budget process do not yield meaningful outputs because the inputs from the citizens are made too late into the budget process and often not taken into consideration. Section 15 now compels the legislature to take public inputs into consideration and include these in an oversight report to the House when debating the budget and any possible amendments. An MPL from the governing party noted that:

“The stipulated provisions of public participation in the legislation is a significant political development in the country because legislatures represent the people and thus the budget must reflect the aspirations of the people”.

The above- mentioned assertion was supported by a senior researcher who argued that *“the GPL is a partner in service delivery to the people and therefore has vested interest in the plans and budget proposed by the Executive”*.

The above finding is in line with the argument by Krafchik and Wehner (1999) that parliament is the appropriate place to ensure that the budget matches the nation’s needs with available resources. The above mentioned point was further emphasised by the Chief Whip of the Majority party who advised as follows:

“The concept of the GPL being a partner in service delivery is drawn from an understanding that all the MPLs at the GPL, including the MECs and the Premier remain members of the legislature even after being appointed and elected to serve in the provincial cabinet. In this way, there is no real separation of powers as it would be the case in parliament wherein the President ceases to be a member of parliament as soon as being elected to the position of President by parliament. There is therefore an understanding that MPLs serving in legislature committees and those serving in the Executive are collectively accountable to the people through the legislature. In this regard, there is an expectation that all of the MPLs, irrespective of their area of deployment will work together to advance the interest of the people”.

The approach to legislative work as espoused by the Chief Whip seems to suggest that GPL’s oversight work is underpinned by complementary instead of adversarial approach as is the case in most parliamentary systems. This finding corroborates the one by Youash (2019) in his study of parliamentary reforms in South Africa.

The discussion on the political factors at the GPL and their potential effects on the budget amendment powers has highlighted critical findings that can be explored further, not only by the GPL but other legislatures, in their endeavours to ensure effective implementation of their budget oversight work. Notably, there are opportunities to explore as it relates to the notion of cooperative and complementary nature of the executive-legislature relations as a potential mechanism for facilitating implementation of the budget amendment power, yet at the same time issues relating to the role of political parties at the GPL cannot be ignored as hindrances. Moreover, the political changes in the horizon relating to the inclusion of independent candidates

as MPLs may also bring in a new dynamic into the complexities of the political environment at the GPL in resonance with Madue (2012) who studied the complexities of the oversight role of legislatures.

The next section of the report focuses on the institutional arrangements at the GPL and the potential effects thereof on the budget amendment powers.

4.3 INSTITUTIONAL ARRANGEMENTS AT THE GPL

In this section of the report, a number of systemic, structural and practical constraints at the GPL are discussed as they would have emerged from the collected data using various instruments already declared in the section on the research methodology. Scholars (Santiso, 2004; Pelizzo, *et al.*, 2005; Madue, 2012; Chohan & Jacobs, 2016; McLennan, 2018; Malapane, 2019) have pointed out that institutional arrangements of a legislature play a critical role in facilitating or constraining execution of legislative obligations. The Collaborative Africa Budget Reform Initiative (CABRI) review of parliamentary capacity shows that “African parliaments lack the institutional capacity to exercise the formal powers of fiscal oversight” (McLennan 2018: 4). Kithatu-Kiwekete and Jahed (2018) emphasise the technical capacities of the legislature as important. Notwithstanding the above, new institutionalism theories have pointed out the constraining role of institutional arrangements in the conduct of legislators. Pellizo and Stapenhurst (2014:30) explain that “rationale choice scholars believe that institutions are important mainly as features of a strategic context imposing constraint on self-interest.”

The data collected and analysed show that there are multiple objective and subjective factors at the GPL that may adversely impact the capacity of the legislature to implement the procedures for amending the provincial budget. These factors have been categorized into the following six sub-themes: committee system; programme of the legislature; timing of the budget process; scope of the budget amendment powers; national fiscal framework; and GPL research capacity.

4.3.1.1 **Committee system**

Section 4 of the Gauteng Money Bills Amendment Procedures Act makes provision for the establishment of a Budget Committee in the Legislature consisting of ordinary MPLs whose membership will be based on proportional representation. Participants expressed concerns about the feasibility of adding another committee on top of existing GPL committees noting that MPLs are currently already over-stretched in their membership on existing committees. The point raised by a Committee Coordinator in the focus group was that:

“Membership to committees is a crucial aspect of MPLs and parties with lesser seats cannot deploy their members in all committees whilst bigger parties such as the ANC and DA deployed MPLs in up to four committees per member”.

These arrangements have adverse consequences for both bigger parties and smaller parties. The point made by the Committee Coordinator is that there may have to be a rethink of the current committee system in order to accommodate the envisaged budget committee and its procedures. In other words, as things stand, the budget committee will not be effective and functional simply because MPLs have their hands full as it stand.

A researcher noted that *“committees are already struggling with forming quorum due to unavailability of MPLs who may be attending to other equally important legislature business”*. This point was elaborated by an ANC MPL who observed that:

“The amount of work expected to be done by this budget committee and the technicalities around the budget means the committee must be constituted by highly reliable MPLs. At this current juncture, such MPLs are already serving in high volume committees such as SCOPA and Finance”. An opposition MPL commented that the *“membership of the committee system is currently stretched and extending it further will affect quality of inputs”*. Another opposition MPL argued that *“the GPL may have to overhaul the current committee system because as it stands it cannot accommodate amendment powers and therefore must be changed”*.

It is clear from the above finding that, on the one hand, the budget amendment powers may have serious, adverse implications for the current committee system and that in this current format the system may hamper implementation of the budget amendment powers. On the other hand, the amendment powers may be offering an opportunity to rethink the committee system at the GPL.

4.3.1.2 **Legislature Programme**

Sections 5 and 6 of the Gauteng Money Bills Amendment Procedures Act prescribes a process through which the Budget Committee of the Legislature should follow when considering the budget proposal from the Executive. The Act states that the Budget Committee must invite legislature portfolio committees to make submissions and represent portfolio committee views on the budget of their specific departments; conduct public hearings on the budget; engage with other organs of the state and relevant bodies and then prepare a report for debate in the House. This is an elaborate procedure that will require adequate time.

There was consensus amongst participants across all categories that the additional procedures to facilitate budget amendment powers will have implications for the current legislature programme. In simple terms, the current legislature programme cannot accommodate the new procedures and would therefore need to be changed. In order to demonstrate the point further, the table below estimates the current budget vote process timelines at the GPL. The following considerations are important:

- Noting that Section 10 (11) of the Gauteng Money Bills Amendment Act states that the Legislature must pass, with or without amendments, or reject the Provincial Appropriation Bill within 4 months after the start of the financial year to which it relates. This means the budget as introduced during first of week of March, must be adopted between the end of June and 2nd week of July.
- Portfolio committees can meet at least once a week when there are no other legislature business such as House sittings. A week at the GPL has three working days, namely; Tuesday, Thursday and Friday. Monday is reserved for constituency work and Wednesday is reserved for Caucus meetings and provincial cabinet meetings.

- Approximately five House sittings must be convened to consider, debate and adopt, reject amend each budget vote/departmental budget and the appropriation bill.

Table 8: budget vote process timelines estimated

Timelines estimates	Budget vote process activities
1 st to 2 nd week of March	The MEC of Finance tables the proposed budget to the legislature. The Speaker refers the budget to the Finance Committee for consideration and reporting on the principles of the budgets.
Third week to 4 th week March	Finance Committee tables its report on the principles of the budget for debate and adoption by the House. After the adoption, the first term of the legislature business comes to an end and House business is adjourned for constituency work until second week of April.
4 th week March to 2 nd week April	Constituency work at the GPL
2 nd week April to end of June	Portfolio committees convene up to five meetings spread within this period to discuss the research report; prepare questions for the department; discuss the budget with the department; listen to the public inputs, discuss their draft report and adopt the report for tabling in the House
End of June to 2 nd week July	House sittings are convened to consider all the budget votes and to finally adopt or reject the appropriation bill

Source: adapted from the GPL annual framework of the legislature programme

The additional procedures may have implications for the period within which the legislature should have finalised the budget process, that is within 4 months, noting the need for more public consultations on the budget as well as budget hearings wherein the budget committee will engage each portfolio committee to deliberate on the recommendations to amend respective departmental budgets.

Some of the comments from the participants are captured below:

“The current 3 legislative days in a week for House and Committee work is not sufficient to allow for amendment powers procedures, there is a need to increase the number of legislature days and time allocations”. (Procedural and legal Adviser)

“Current budget oversight process must be reviewed to align with amendment powers procedures. Other legislature programme activities may have to fall on the wayside to allow for the amendment procedures”. (ANC MPL)

Other participants cautioned against the implications of changing the legislature programme. The sentiments expressed included the following:

“When we change the legislature programme, we are changing the basic modalities of our oversight work, it means we must review the oversight model as well”. (Opposition MPL)

“GPL programme is aligned to national programme, it will not be easy to change the provincial programme without changing the national programme”. (Committee Coordinator)

What is clearly emerging is that whereas the legislature programme may require a review, doing so must take into consideration the implications of other GPL business.

4.3.1.3 Timing of the budget process

The period at which the legislature gets involved in the budget process emerged as a critical issue when noting that the budget cycle from its formulation stages up to its adoption. This point is made clearer by Kamahara (2016) who contends that the overall budget capacity and amendment powers of a legislature can be measured by amongst others, the time when does the legislature become more active in the budgetary process.

The critical issue arising from the findings on the timing of the budget process relates to the current GPL practice, as per the Standing Rules of the GPL, that the budget be adopted four months after its introduction, in line with Peters’ (1999) rule-based theory.

This period is normally between end of June and 2nd week of July. This is three months after the beginning of the financial year which means the budget that is being considered for amendment is already being implemented by the department. The question, therefore, is what does this mean in practice in terms of amendment procedures? The aspect relating to the timing of the budget process was to get an understanding of what it would mean if the budget was to be amended 3 months into its implementation. Most participants agreed that this would create chaos in the planning, implementation and reporting processes of departments. The Gauteng Money Bills Act is vague on this area of work.

On the one hand, it can be argued from the above that the timing of the budget process at the GPL will have implications for the meaningfulness of the amendment procedures and thus may require further clarity and articulation. On the other hand, a Legal and Procedural Advisor pointed out that:

“South Africa’s budget cycle runs over three years and therefore proposed amendments need not necessarily refer to the year in implementation”.

In other words, the legislature should not be concerned with current issues that are being implemented but should rather focus on the outer years of the budget cycle for proposed budget amendments. This assertion raised further debates in the focus group discussions with participants arguing as follows:

“This does not make sense for an ordinary citizen who is concerned about their immediate needs and concerns such as housing or safety issues. What if in the outer years of the budget cycle the concerns and needs of communities have changed? (Researcher at the GPL)

“It is important to unpack detailed modalities on how this will work. There are potential challenges, for example, budget is driven by tight timelines and so imposing an additional procedure can create challenges”. (Senior Manager GPG)

The timing of the budget oversight procedures will have serious implications for both the value of public participation processes as well as the value of amendment recommendations from the committees. It would be of no value to have these inputs when the budget is already being implemented.

4.3.1.4 National Fiscal Framework and the scope of the budget amendment powers

Section 214(1) of the Constitution requires that every year a Division of Revenue Act (DORA) is tabled at national parliament, after having been discussed by provinces, to determine the equitable division of nationally raised revenue between national government, the nine provinces and 257 municipalities. The purpose of dividing the national revenue amongst the three sphere of government is to enable the provinces and municipalities to meet their responsibilities as outlined in the Constitution and other frameworks. The provinces receive equitable share grants to enable them to meet their basic service obligations as well as conditional grants for specific interventions either by national or province. Provinces can generate own revenue through collection of taxes and licence fees. According to the Gauteng Medium Term Budget Policy Statement (MTBPS: 2019), the provincial own generated revenue contributes 5% of the provincial total budget with 95% coming from national coffers.

Given the above context, participants expressed mixed feelings about what would be the scope of the budget amendment powers noting in particular that some of the provincial money arrives in the form of conditional grants for specific projects. There seems to be agreement that there is very little that the provincial legislature can do about such grants.

One ANC MPL suggested that *“the legislature will have an opportunity through the DORA to influence allocations to the province and therefore the budget committee procedures should provide for an opportunity to engage effectively with the legislation on division of revenue”*. An external expert pointed out that *“the national budget framework will definitely limit the scope of provincial budget amendment powers because the main budget is decided at national level and provinces can only play around with allocations without changing the fiscal framework approved at national parliament”*. A procedural and legal advisor pointed out that *“in reality provincial amendment powers cannot change the main frame of the budget but can move limited funds around to address identified weaknesses”*.

It is apparent from this finding that the scope of the budget amendment powers will be limited to the powers of the provinces and therefore it is important that the parameters are well understood by not only the MPLs but also the public.

4.3.1.5 GPL research capacity

Section 14 (1) of the Gauteng Money Bills Amendment Act makes provision for an independent structure to support the implementation of the Act, whose main objective is to provide “non-partisan, high-quality and independent technical analysis, objective and professional advice to the Legislature on matters related to the budget and other money bills”. Previous research at the GPL by Malapane (2019) has established that the GPL has built capacity over the years in terms of the support provided to committees, including research support. Some of the committees at the GPL have two researchers as well as a senior researcher whose task is to provide quality information to committees for purposes of their oversight work. Madue (2015) on the other hand bemoaned the fact that “the pivotal role of research services at the GPL has not been realised and thus the legislature does not receive maximum benefits from the current research services”.

When asked to comment about the provisions of section 14(1) of the Gauteng Money Bills Amendment Act in relation to the current GPL research capacity, participants indicated that the current research services are constrained by political interference as well as lack of technical skills required to tackle budget information. A senior GPL manager confirmed that:

“Researchers prepare reports and present them to the chairpersons of committees before they go to the committee for deliberations and that it is now established culture that chairpersons influences these reports. Most the time toning them down or removing matters that may embarrass the MEC of governing party”.

An ANC MPL opined that *“the quality of information produced by researchers is not of standard required to engage strategically with the budget, it is like they duplicate what is in the department’s report and bring it as their own analysis”*. Opposition MPL argued that *“the current GPL capacity is weak and does not make MPLs to think.”* A

Procedural Advisor elaborated further that *“the GPL needs researchers who can crunch numbers, who are skilled in economics and finance.”* There seems to be consensus amongst participants that the orientation and positioning of the GPL research services may be affecting the quality of outputs.

Research service by its nature and character must follow and pass academic rigor. Therefore, allowing the findings of the research to be influenced by politics can only serve to undermine the science behind the research. What could not be clarified in good detail was whether it is a matter of Standing Rules of the GPL for a researcher to subject their report to the chairperson before presenting it to the committee. It seems that section 14(1) is designed to move away from this culture by emphasising that the structure that must be established to support the budget amendment powers must be independent. This can be as much as saying that the current research service must not be subjected to political influence.

The focus group discussions engaged further on this matter and consensus emergent which suggest that “there should be greater research support services that is provided to MPLs through their caucuses. A GPL researcher asserted that “it is at caucus level where political parties can engage with the politics of the budget information.” In other words, caucuses should have adequate capacity that can empower MPLs to engage effectively with any other research information, be it from the envisaged independent structure, or budget office of current GPL research. In fact, it is a puzzle that the caucus of the governing party does not have a fully-fledged research unit. This can explain why chairpersons would wish to rely on the GPL research services to prepare what would be a “politically correct” research report.

The suggestions about providing expert research services within caucus, however, sidestep the obvious issue that the reported practice of some chairpersons stifling reports fundamentally reflects a fear of political consequences within the party. These might be lessened somewhat if critical research is brought forward in caucus, but a less senior party member challenging a more powerful party member will still be inhibited because the senior party member has greater authority within the party and electoral system. The lower-ranking party members suppressing more critical

research is clearly being guided by an individual calculation about the levers of control in the hands of the party member in the executive.

4.4 SUMMARY OF THE CHAPTER

This chapter presented results and also discussed the findings of the study in relation to the research question, research objectives and themes that emerged from the literature review and data analyses. The following chapter summarises the main results, draws conclusions and makes recommendations on the steps that the GPL should consider in rolling out that budget amendment powers as well as identifying questions for future research.

CHAPTER 5

SUMMARY OF THE STUDY, MAIN FINDINGS, RECOMMENDATIONS AND CONCLUSIONS

5.1 SUMMARY OF THE STUDY

The study aimed at examining the political and institutional factors at the GPL that may facilitate or constrain the implementation of the budget amendment powers of the legislature. The main research question focused on what effects would these factors have on the budget amendment powers. In conducting the study, an extensive literature review explored concepts of legislative studies, budget oversight, amendment powers, and political environments of legislatures as well as institutional arrangements that support budget oversight. In addition, 20 in depth semi-structured interviews and two focus groups as well as documents reviews and observational studies were used to further unpack the concepts mentioned above. The collected data was analysed using themes that emerged from the literature review and interviews. A set of findings were presented and discussed in detail reflective of the raging debates around the feasibility of budget amendment powers being effectively implemented at the GPL.

5.2. MAIN FINDINGS OF THE STUDY

The main findings of the study centres around two major factors that have been found to be critical in facilitating or constraining the implementation of the budget amendment power, namely: the political environment of the GPL and the institutional arrangements at the GPL. The findings on the two factors confirms the assertion of Stapenhurst, *et al.* (2012) who argue that two sets of factors appear to be critical to the success of a parliamentary oversight system, namely: its design of the institutions of parliament and the conduct of members of the parliament.

5.2.1 POLITICAL ENVIRONMENT OF THE GPL

The study has found that the political environment at the GPL is a complex and paradoxical phenomena (as argued by Madue, 2012) that offers new insights for mainstream legislative theories, with potential for further exploration and breaking new ground on oversight, yet at the same time demonstrates tendencies towards being both a hindrance and an enabler for effective oversight. The first of these complex and paradoxical aspects of the political environment is the nature of the legislature-executive relations at the GPL (Madue, 2012; Malapane, 2019).

The nature of the legislature-executive relations at the GPL, premised on the principle of cooperative and complimentary approach to oversight (new institutionalism theory) offers new insights to the principal-agent theories and models. Contrary to conventional parliamentary oversight practices of confrontation as well as opposition led oversight (games theory), the oversight model of the GPL is based on the understanding that all elected public representatives in the legislative sector are equally and collectively accountable to the people who elected them and therefore it is in their interest that they work together to achieve the commitments that they have made to the people through their manifestos.

To this end, within the parameters of the principal-agent theory, MECs and MPLs have embraced oversight as a democratic governance necessity, as well as a tool to enhance their work. The principal-agent relations at the GPL are therefore premised on shared responsibility for achievement of government priorities. In other words, whereas in most parliamentary systems, the legislature is regarded as the principal, representing the people, and the executive is the agent tasked with implementing service delivery, the GPL arrangement moves from the premise that all MPLs are the agents, acting collectively to attend to the mandate of the people, who are the principals. The deployment of MPLs to provincial cabinet and legislature committees is therefore seen as task allocation to achieve same objectives. Oversight and accountability in this framing is not based on *“Us and Them”*.

This unconventional approach to oversight is embedded in the Sector Oversight Model (SOM) which enjoins the legislature to not only be involved in monitoring and

evaluating government performance throughout the budget cycle but most importantly to make inputs into the process of confirming and resourcing the priorities of the government. The study concludes that this approach to oversight work can serve to enable effective implementation of the budget amendment powers.

The study acknowledges that this conclusion is not a pronouncement on the efficacy of the GPL oversight model, but rather on the conceptual framework of oversight and how it can be effectively used to usher in the envisaged budget amendment powers. There is no doubt that legislatures in South Africa are consistently under public scrutiny to explain the efficacy of their oversight tools (Madue, 2012; Youash, 2014; Malapane, 2019). This is in light of the never ending governance failures as demonstrated through reports on corruption by the media and other institutions as well as reports of the auditor general which have been lamenting effectiveness of oversight in light of rampant maladministration, fruitless and irregular expenditure and lack of consequences for wrong doing in the public sector.

This should bring us to the next aspects of the political environment of the GPL as it relates to the role of political parties: the electoral system and political contestation in constraining the efficacy of oversight tools. The study has found that these three aspects, individually and collectively, impair oversight and may likely have negative effects on the implementation of budget oversight processes. The caucus system in particular, which can be an embodiment of the three aspects referred to above, is the epicentre of party cohesion and discipline and regulates the approach to legislative work for MPLs.

The study found that the caucus system serves to prepare MPLs for legislative work through, amongst other matters, adopting party positions that should be advanced in the multiparty legislature committees and the House. In this regard, MPLs are not expected to deviate from this mandate, lest they are seen to be ill-disciplined and affecting party cohesion and can therefore be punished by not being re-selected back into the party list of MPLs for the next general elections. This political environment can therefore negatively affect any attempts to influence the budget in any other way other than as shall have been agreed by Caucus.

It remains unknown what possibilities will be brought about by predictions of coalition governments and election of independent candidates as MPLs in the future. What is clear today is that the political environment of the GPL can serve to enable budget amendment powers as it relates to the oversight model but at the same can serve to hinder effective use of the budget amendment powers due to dynamics of the role of political parties.

In a sense, the study's findings on the political environment have reaffirmed the assertions of the theories of the rational choice school of thought on the role of the interplay between institutions and political actors in shaping the outcomes of the legislatures. Notably, strong institutional arrangements are necessary for effective implementation of oversight. In other words, it is not enough to have an elaborate oversight model but lack capacity to ensure its effective implementation.

The study findings further confirmed the assumptions of the principal-agent theory as it relates to information power asymmetry wherein the Executive dominates the policy process with complex budget data that MPLs do not have capacity to process on their own and hence the GPL's initiative, through the provisions of section 14(1) of the Gauteng Money Bills Act which calls for the establishment of an independent institution that serves to provide quality information to MPLs during the process of budget oversight at the GPL. This is done with a view of finding the delicate balance in the executive -legislature power relations.

Furthermore, the assumptions of the games theory and the rules-based theory have been confirmed by the data from this study. The acknowledgment by MPLs that they are inhibited and that they make decisions based on the potential repercussions to their political career if they step too far out of line with the party lines reaffirms the two theories mentioned above. The electoral system and caucus system plays a key role in driving MPLs to make decisions that are acceptable to the party leadership.

In conclusion, the rational choice theory has assisted in this study to explain why the behaviour of MPLs is not shifting to the aspirational ideal that is also stated by participants in the study. This suggests that the Gauteng Money Bills Amendment Act

was written with the ‘aspirational’ ideal but has not shown any provision for the realities of how GPL MPLs actually make decisions and behave.

5.2.2 INSTITUTIONAL FACTORS THAT MAY FACILITATE OR CONSTRAIN BUDGET AMENDMENT POWERS

The study has found that institutional arrangements at the GPL such as the current legislature programmes, committee system, standing rules and research capacity, are not currently geared to support the effective implementation of the budget amendment powers. This finding has reaffirmed the Collaborative Africa Budget Reform Initiative (CABRI) review of parliamentary capacity that showed that “African parliaments lack the institutional capacity to exercise the formal powers of fiscal oversight” (McLennan 2018: 4). Resolving these constraining factors will have implications for how the GPL is currently structured and its core business processes.

The study has established that some of the internal constraining factors can be resolved easily by change of organisational culture and mind set. For example, the orientation of research services, particularly the organisational culture of subjecting research report to political influence by chairpersons can be resolved by simply formulating a new research agenda that guarantees the independence of the research services.

Secondly, that there are factors beyond the control of the GPL, such as the national budget framework, the legislative frameworks governing public financial management, and the national parliament programme that impose constraints on the ability and scope of budget amendments powers. This second batch of constraints may require a legislative sector wide approach to resolve because they impact on all legislatures and the national parliament. For example, alignment of the budget cycle to correct the timing of the role of the legislature in the budget process, and by implication the role of the public will require amongst others, review of legislation such as the public finance management legislation which regulates budget planning, execution and reporting as well as review and alignment of the division of revenue legislation.

The study found that the timing of the budget oversight process, and in particular the period at which the legislature is expected to make interventions on the budget, can have the effect of downplaying the critical role of the legislature and the meaningfulness of public participation. This finding confirms the assertion made by Kamahara (2016) who contends that when measuring the role and capacity of legislatures in the budget process, including the power to amend the budget, two critical factors come to the fore, namely; the conditions under which the legislature operates and secondly the timing of the legislature's oversight intervention in the budget process. These constraining factors can thus undermine democratic practices at the GPL.

5.3 CONCLUSION

The study was set out to examine the effects of political and institutional arrangements on the feasibility of implementing the budget amendment powers at the GPL. The findings of the study reaffirmed the existing theoretical frameworks of the school of institutionalism as it relates to the effects of political environment and institutional arrangements on legislative oversight practices. In particular, the study highlighted aspects such as electoral systems and political party dynamics as critical in directing the conduct of MPLs during legislative business of oversight.

Most importantly, the study established that the peculiarity of legislature matters and that in the case of the GPL there are important lessons as it relates to the principles underpinning the executive-legislature power relations and the practice of oversight and scrutiny.

Lastly, the study asserts that the Gauteng Money Bills Amendment Act is aspirational in its approach and thus its implementation requires detailed consideration of the sociology of the GPL. To this end, a set of recommendations are made in the next section of the report which the GPL may wish to consider as steps that are necessary to take in the process of unleashing the budget amendment powers.

5.4. RECOMMENDATIONS AND STEPS THAT GPL SHOULD FOLLOW TO IMPLEMENT BUDGET AMENDMENT POWERS

- 5.4.1 The complementary and cooperative approach to legislative oversight, which is supposed to inform the executive-legislature at the GPL must be institutionalised. The approach is currently enshrined in the principles of the oversight model but with no clear model for implementation. This gap became apparent in the conversations with the study participants who seems to have different interpretations and/or understanding of what this approach to legislative oversight means. A review of GPL House Rules may be considered as a mechanism for institutionalising the approach and thus for guiding and regulating the executive-legislature relations. In this way, the GPL can lay a firm foundation for facilitating the implementation of the budget amendment powers.
- 5.4.2 The role of political parties and their caucus system in the GPL may require further deliberations and theorising with a view of addressing the rules that regulate the conduct of MPLs during legislative business. Whilst the legislature may not control how political parties manage their members, the conduct of MPLs as it relates to legislative business should be focused on enhancing the mandate of the legislature. In other words, establishing minimum expectations of the conduct of MPLs should be regulated through rules to firstly, minimise the role of political parties and secondly to build appropriate capacity of MPLs to interact with budget information.
- 5.4.3 The GPL should as matter of principle, and with a view of strengthening its core business processes, consider supporting party caucuses to build adequate research capacity. This will serve to ensure that MPLs are better prepared and empowered to engage at the level of multi - party legislature committees and the House. The current approach of MPLs from different parties depending on the GPL research is not working and only serves to undermine the quality of the GPL research outputs. The current practice of Chairpersons influencing research outputs at the GPL may suggest that the role of political parties has

been extended beyond controlling their members but also the business of the legislature.

- 5.4.4 The GPL research unit should be independent from political influence and its capabilities should be improved to include additional competencies as envisaged in Section 14(1) of the Gauteng Money Bills Amendment Act. In this regard, the current research capacity can be regarded as the foundation for section 14(1) through which additional competencies can be added on over time. A review of the current orientation, tools and capacity of the research unit should be undertaken with a view of alignment with the provisions of the Gauteng Money Bills Amendment Act. This should serve to strengthen institutional arrangements to facilitate implementation of the budget amendment powers and therefore to address the findings of this study as it relates to current institutional arrangements at the GPL.
- 5.4.5 The GPL should mount a lobby to call for transformation of the national budget framework, strengthening of the NCOP processes; review of the division of revenue and public finance management legislations so as to align the timing of the budget amendment powers. The current roll out of the district development model and the concept of the one budget and integrated approach to service delivery offers more opportunities for the GPL make a strong case for the proposed reviews of national frameworks mentioned above. Lastly, correcting the timing will also serve to safeguard meaningful public participation process during the budget public hearings convened by the budget committee.
- 5.4.6 The roll out of the budget amendment powers is a transformative project with implications for the whole organisation and processes of the GPL, thus requires and organisation wide approach to review and align rules; programme; committee system; public participation and public education; institutional support services to the mandate of the legislature (Finances, Committee support, Research and data support, legal and procedural advise; ICT support), etc. The GPL should draw from its institutional memory and previous reforms during the roll out of the PEBA model to design an elaborative process for the systematic roll out of the budget amendment powers.

5. 5 AREAS FOR FUTURE RESEARCH

This study, like all other research projects can never be exhaustive in its approach and thus this section of the report suggest areas for additional research flowing from the conduction of this study and its findings. The following areas may be considered for future studies:

- 5. 5.1 Exploring the possibilities and implications of setting up a sector wide institution that should support the legislative sector at all levels with quality and independent research information to support the legislative mandates of oversight, law making and public participation in the context of South Africa being a unitary state.
- 5.5.2 A review of the Sector Oversight Model in order to properly theorise and model the concept of cooperative and complimentary oversight approach of the sector
- 5.5.3 Examining the principle of cooperative and complimentary oversight as a viable and effective approach for legislative work.
- 5.5.4 The possible effects and implications of coalition governments in South Africa, in particular focusing on the impact on legislative work.

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