

UNION INTERPARLEMENTAIRE

INTER-PARLIAMENTARY UNION

ASSOCIATION DES SECRETAIRES
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*ASSOCIATION OF SECRETARIES
GENERAL OF PARLIAMENTS*

COMMUNICATION

by

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on

“An Oversight Committee on the Presidency”

Istanbul Session
April 2026

Introduction

This paper outlines the evolution of parliamentary procedure in the House of Assembly in the South African Parliament concerning legislative oversight over the Presidency as a department of State. By way of introduction, the Republic of South Africa became a constitutional democracy in 1994,¹ just over three decades ago. The final Constitution (1996) established a bi-cameral Parliament, consisting of the National Assembly and the National Council of Provinces² (NCOP) (previously the Senate). The Assembly for its part is elected by proportional representation with a mandate to –

“...ensure Government by the people under the Constitution. It does this by choosing the President, by providing a national forum for public consideration of issues, by passing legislation and by scrutinizing and overseeing executive action.”³

The writers of the Constitution understood that democratic government must be built on the principles of transparency and accountability.⁴ Moreover, they realized that the law and parliamentary procedure must leave no ambiguity as to the respective obligations of Parliament and the Executive. To this end, section 42 of the Constitution mandated the Assembly to scrutinize and oversee Executive action. Conversely, the Constitution stated that the Executive must be accountable collectively and individually to Parliament and must provide members with full and regular reports.⁵

During the first years of the democratic order, Parliament considered a plethora of statutes and regulations to foster oversight and accountability. These included, *inter alia*, laws to empower

¹ The Final Constitution was adopted by Parliament in 1996.

² The NCOP has 90 delegates, ten delegates from each of the nine provincial legislatures, and is mandated to –

“...represent the provinces to ensure that provincial interests are taken into account in the national sphere of government. It does this mainly by participating in the national legislative process and by providing a national forum for the public consideration of issues affecting the provinces.”

³ Section 42 (3) of the Constitution.

⁴ See Section 1 of the Constitution: the Founding Provisions.

⁵ Section 93 (3) of the Constitution.

members, to regulate the public service and state finances and to consolidate other independent institutions to support the system of checks and balances.⁶ As part of the steps to empower members, Parliament adopted the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act, 2004 (Act 4 of 2004).⁷ This Act amplified the constitutional right of members to speak freely in Parliament without fear of prosecution. It also laid down procedures to allow Parliament and its committees to summon any person or organization to appear or give evidence and made it an offense for any person to refuse a summons, refuse to give evidence or willingly mislead Parliament.

In 1999, Parliament adopted the Public Finance Management Act (PFMA) (Act 1 of 1999).⁸ In terms of the PFMA (supplemented by National Treasury regulations), the National Budget must be divided into separate Votes, one for each Government department (the 2026/27 Main Appropriation Bill⁹ currently before Parliament, contains 42 separate Votes). Additionally, each department must submit a strategic plan with measurable objectives for their respective Votes. In terms of parliamentary procedure, the Assembly must consider each Vote individually before it can pass the Budget. Importantly, the Assembly can only amend Budget Votes in accordance with specific procedures as set out in the Money Bills and Related Matters Act (2009). These procedures require that, *inter alia*, any amendment to a departmental budget can ordinarily only come about following detailed scrutiny and report by an oversight committee.

The Constitution also stipulated that Parliament, as an independent arm of State and an oversight body, could determine and control its own internal arrangements, and make rules and orders concerning its business with due regard to representative democracy, accountability, transparency and public involvement.¹⁰ To this end, the Assembly must create mechanisms to ensure that all executive organs of state in the national sphere of Government are accountable to it and to maintain oversight over the exercise of National Executive authority.¹¹ Given the

⁶ These institutions are known as the State Institutions supporting Constitutional Democracy and fall under Chapter 9 of the Constitution.

⁷ Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act (Act 4 of 2004) (as amended).

⁸ Public Finance Management Act (Act 1 of 1999) (as amended).

⁹ Bill 4 of 2026. The Bill can be accessed on Parliament's website.

¹⁰ Sections 57 and 70 of the Constitution.

¹¹ Section 55 (2) of the Constitution.

constitutional imperatives, the post-1994 Parliament had to adopt new rules. As one tool to promote accountability, the revised rules put in place an array of portfolio committees to oversee each national department. In terms of the functions of portfolio committees, the rules state, inter alia, that a portfolio committee –

*“may monitor, investigate, enquire into and make recommendations concerning any such executive organ of state, constitutional institution or other body or institution, including the legislative programme, budget, rationalisation, restructuring, functioning, organisation, structure, staff and policies of such organ of state, institution or other body or institution....”*¹²

Over and above committees, the rules provide for questions to the Executive including the President, the Deputy President and respective ministers. Over the intervening decades, the rules and practices of the Assembly have continued to evolve, building on best practices both domestically and from other legislative assemblies. Among the procedural and oversight issues raised over time, however, was the absence of a committee to oversee the Presidency.

Oversight over the Presidency

The Presidency stands at the apex of the National Executive. It comprises the office of the President, currently Mr M C Ramaphosa, who is both the Head of State and Government;¹³ the

¹² National Assembly Rule 227 (1)(c).

¹³ Section 84 of the Constitution details the Powers and functions of the President -

84. (1) *The President has the powers entrusted by the Constitution and legislation, including those necessary to perform the functions of Head of State and head of the national executive.*

(2) *The President is responsible for—*

- (a) *assenting to and signing Bills;*
- (b) *referring a Bill back to the National Assembly for reconsideration of the Bill's constitutionality;*
- (c) *referring a Bill to the Constitutional Court for a decision on the Bill's constitutionality;*
- (d) *summoning the National Assembly, the National Council of Provinces or Parliament to an extraordinary sitting to conduct special business;*
- (e) *making any appointments that the Constitution or legislation requires the President to make, other than as head of the national executive;*
- (f) *appointing commissions of inquiry;*
- (g) *calling a national referendum in terms of an Act of Parliament;*
- (h) *receiving and recognising foreign diplomatic and consular representatives;*

Deputy President, Mr P S Mashatile, who is the Leader of Government Business (in Parliament)¹⁴ and the Minister in the Presidency, responsible for coordinating Government strategy and overseeing key administrative entities.¹⁵ The Cabinet Office and the legal and research services offer administrative and advisory services in the Presidency. The budget of these offices is consolidated as Vote 1 – The Presidency, in the National Budget.¹⁶

Together with these offices, the Presidency houses several other strategic departments and State agencies including the Department of Planning, Monitoring and Evaluation; the Department of Women, Children and Persons with Disabilities; the Government Communication and Information System (GCIS), Statistics South Africa; and the State Security Agency.¹⁷ Notably, these different departments have separate budget allocations and Votes, and do not fall under Vote 1. In short, the functions of the Presidency could be said to encompass the overall implementation and co-ordination of Government’s policy agenda, managing the work of Cabinet and facilitating the Executive’s legislative programme.¹⁸

Parliament has devised various means to oversee certain functionaries and entities within the Presidency. For a start, the President must report to Parliament on the plans and performance of the State when he or she delivers the annual State of the Nation Address, which is the subject of extensive debate within the Legislature. As mentioned, the President and Deputy President

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- (i) *appointing ambassadors, plenipotentiaries, and diplomatic and consular representatives;*
 - (j) *pardoning or relieving offenders and remitting any fines, penalties or forfeitures; and*
 - (k) *conferring honours.*

¹⁴ Joint Rule 192 (which applies to both the Assembly and NCOP) elaborates on the functions of the Leader of Government Business (also called the LOGB).

¹⁵ It may be of interest to note that the President and Deputy President can each designate a member of the Assembly as a special counsellor. In accordance with Assembly Rule 34, these functionaries must “*facilitate communication between the National Assembly and the offices of the President and Deputy President, respectively.*”

¹⁶ The proposed budget for the Presidency for the 2026/27 financial year was approximately R820 million, increasing to R900 million in 2028/2029. See the Main Appropriation Bill 2026/27.

¹⁷ Other acts expand on the functions of the Presidency such as the Independent Commission for the Remuneration of Public Office-Bearers Act (Act 92 of 1997); the Remuneration of Public Office Bearers Act, (Act 20 of 1998, as amended); and the Executive Members’ Ethics Act, 1998 (Act 82 of 1998), including the Executive Ethics Code.

¹⁸ See also the Annual Reports of the Presidency which can be accessed on the Presidency of South Africa’s website.

respectively are also obligated to answer oral questions in the Assembly four times every year (usually once per quarter). Such sessions can extend to three hours on each occasion. This is in addition to written questions which members pose on a weekly basis. The President also introduces Budget Vote 1 in the National Assembly as part of the budget process. Significantly, the Assembly has ensured that the budgets and operations of some departments and entities within the auspices of the Presidency – those which have their own Budget Votes – are subjected to scrutiny within portfolio committees. This has nevertheless not been the case with Vote 1.

During the Sixth Parliament (2019-2024) some political parties argued that the absence of committee oversight over Vote 1 was contrary to the demand of law.¹⁹ Others suggested that the Presidency had grown apace in recent years and now incorporated a host of projects and advisors, which necessitated closer oversight.²⁰ *The Judicial Commission of Inquiry into allegations of State Capture, Corruption and Fraud* (the State Capture Commission) – instituted by former President, Mr J G Zuma to investigate instances of corruption within the State – also recommended that Parliament should consider whether it would be desirable to establish a committee whose function would incorporate oversight over acts or omissions by the President and Presidency, which were not overseen by existing portfolio committees.²¹ Former Chief Justice R Zondo, who chaired the State Capture Commission, opined that –

"It is not correct that everything for which the President is responsible [is delegated] to a Minister or department outside the Presidency. Our recent history also shows that the President's conduct is not always subjected to adequate oversight by the existing portfolio committees. A process to enable the President and Presidency's conduct to be

¹⁹ Especially Section 55 (2) of the Constitution which requires the National Assembly to, *inter alia*, “provide mechanisms to ensure that all executive organs of state in the national sphere of government are accountable to it; and to maintain oversight of the exercise of national executive authority, including the implementation of legislation.”

²⁰ On this point, reference could be made to various advisory councils and forums instituted by the Presidency such as the Presidential Economic Advisory Council, the Presidential Climate Commission and National Anti-Corruption Advisory Council among others. Some opposition parties have criticized these initiatives as an attempt to unduly centralize policy making.

²¹ The terms of reference of the Commission were issued by proclamation in the *Government Gazette* on 25 January 2018 (Gazette number 41436). The Commission reported to the President who tabled the report in Parliament on 23 October 2023.

subjected to more probing scrutiny than is feasible in a plenary session of the National Assembly would therefore appear to be beneficial.”²²

Considering these propositions, the National Assembly Rules Committee (the Rules Committee) requested the Parliamentary Budget Office (PBO) to undertake preliminary research into the matter. The PBO concluded that it was clear that the budget of Vote 1 was not excluded from any of the applicable regulatory and legislative prescripts in existence. The PBO also found that some other parliaments made use of permanent or ad hoc committees as forums of inquiry, although there were limited examples of stand-alone committees to scrutinize the office of the Head of State or Government.

Based on these observations, the Rules Committee undertook a study tour to assess practices in other jurisdictions. With the evidence of the PBO and the study tour, the matter was again raised soon after the inception of the Seventh Parliament in 2024, when two options were advanced: that the Rules Committee could mandate an existing portfolio committee to oversee the Presidency or establish a dedicated committee for this purpose. At the meeting of 31 October 2024, the Rules Committee endorsed the latter approach and resolved that the House should create a special committee.

An Oversight Committee on the Presidency

While the Rules Committee had decided on the need for a dedicated committee, certain questions of procedure and practice remained. First, there was the question of whether the committee should take the form of a portfolio committee (the Rules Committee establishes portfolio committees at the start of every Parliament) or be otherwise provided for in the rules with a distinct orientation.²³ Another question was whether, and to what extent, the committee

²² State Capture Commission Report: Part VI, Volume II, paragraph 1003.

²³ National Assembly Rule 225 states that: “*The Speaker acting with the concurrence of the Rules Committee must —*

(a) establish a range of portfolio committees;

should delve into matters beyond the budget and administration of the Presidency. During subsequent deliberations divergent views also emerged about how frequently the President and Deputy President would be expected to appear, and the scope of questions they would be expected to answer. There was also an argument that, given the status of the President and the functions of the Presidency, the committee should have a larger membership compared to other committees to ensure wider participation (the Assembly currently has eighteen political parties).

Following extensive deliberations between parties, the Rules Committee met on 26 November 2025 when it adopted new rules to establish a Committee on the Presidency (the Committee).²⁴ The rules were later ratified by the House on 2 December 2025. In so doing, the Rules Committee determined that the Committee would consist of eleven members – the same number as portfolio committees – with seven parties represented based on the principle of proportionality. In terms of its specific functions, the rules determined that the Committee –

- (1) *must maintain oversight over the budget and work of The Presidency in accordance with the applicable law, the rules and the delegation of functions in the Executive;*
- (2) *may call upon the member of the Executive designated by the President to account for the budget and administration of The Presidency;*
- (3) *may call upon the President and Deputy President once per year within the annual programme of the Assembly to discuss policy matters of national or international importance;*
- (4) *must perform any other function assigned to it by legislation, other provisions of these rules, resolutions of the Assembly or referred by the Speaker; and*

(b) assign a portfolio of government affairs to each committee; and

(c) determine a name for each committee”

The generic functions of portfolio committees are set down in Assembly Rule 227. Portfolio committees in the Assembly can therefore be contrasted with standing committees whose existence and functions are explicitly provided for in law or the rules.

²⁴ The rules were published in the parliamentary journal called the *Announcements, Tablings and Committee Reports* (or ATC) on 28 November 2025. The ATC is available on Parliament’s website.

- (5) *may adopt guidelines regarding the execution of its mandate including the guidelines to provide for liaisons with the President and Deputy President.”*

In adopting these procedures, the Rules Committee also proposed possible guidelines to support the Committee. These draft guidelines stated that -

- (1) *In the determination of its annual programme, the Committee must liaise with The Presidency to prearrange dates for the President and Deputy President to appear before the Committee.*
- (2) *The Committee’s annual programme must be developed with due regard to the budget and oversight cycle, as determined by the Money Bills and Related Matters Act (2009) and the rules.*
- (3) *The Committee must, at least 15 working days before the Committee is scheduled to meet the President or Deputy President, provide notice on the subjects to be discussed in the meeting.*
- (4) *The President or Deputy President may, with the approval of the Chairperson, defer a matter for discussion that requires details which are not immediately available. In this event, the Chairperson must make a ruling as to the timeframe in which the President or Deputy President should address the Committee in writing.*
- (5) *The Chairperson may, subject to the principle of proportionality, impose limitations on the time used by political parties to pose questions to the President and Deputy President.*

In the context of the conceptual issues listed above, the rules and draft guidelines contain several notable features. First, it is evident that the day-to-day work of the Committee will be to scrutinize the budget and operations of the Presidency falling under Vote 1. For this reason, the President must designate a member of the Executive to account to the Committee. In this way, the Committee will work in a similar fashion to a departmental portfolio committee, except in so far as the Presidency has unique functions.

Over and above the ordinary work of the Committee, the rules recognize that the President has a special role in the strategic orientation of the Presidency and the State as a whole. Consequently, the Committee can call upon the President and Deputy President every year

“to discuss policy matters of national or international importance”. How these terms will be interpreted by the Committee will become more certain as practices evolve. As one source of guidance, the Committee may draw on the accepted questions procedure,²⁵ which limit the scope of matters which members can raise with the President and Deputy President (and ministers). In the case of the President, for example, members may only pose questions on, *inter alia*: *“matters in respect of the powers and functions of the President and the executive authority of the Republic that he represents, and matters for which the Government is responsible – this may include line function responsibilities of Ministers where they give rise to issues of national or international concern.”*²⁶ The principles informing questions to the Deputy President may nevertheless not be equally applicable as such questions must relate to responsibilities assigned by the President.²⁷ As another point, the interaction with the President and Deputy must be a “discussion”, which implies an expression or exchange of views, instead of an inquisitorial dynamic.

On a practical level, the rules and proposed guidelines provide that liaisons with the President and Deputy President must be pre-arranged so that all concerned can have adequate notice and can prepare for the subjects to be discussed. The guidelines also take account of the fact that, even with proper notice of the agenda, the President and Deputy President may not always be able to reply to questions of detail concerning affairs in a particular department or entity (outside of the Presidency). For this reason, the guidelines state that the *“President or Deputy President may, with the approval of the Chairperson of the Committee, defer a matter for discussion. In this event, the Chairperson must make a ruling as to the timeframe in which the President or Deputy President should address the Committee in writing.”* Again, the application of these provisions will evolve. Second, the guidelines anticipate that the time given to members to pose questions to the President or Deputy President during a meeting would likely have to be regulated. This point arose, in part, from Assembly Rule 185 which states that: *“A member who is not a member of a committee or subcommittee may be present at a meeting of the committee or subcommittee.”* These members may *“speak on a matter*

²⁵ See Chapter 10 of the National Assembly Rules, read with the guidelines for questions as contained in the ATC of 25 November 2016.

²⁶ Guidelines for Questions ATC of 25 November 2016, section 4 (1).

²⁷ Guidelines for Questions ATC of 25 November 2016, section 5.

before the committee or subcommittee subject to any reasonable restrictions the chairperson may impose....” Given the political interest in meeting with the President, the absence of a limit on speaking time could lead to an unreasonable number of discursive-style questions and statements.²⁸ The guidelines accordingly suggest that *“The Chairperson may, subject to the principle of proportionality, impose limitations on the time used by political parties to pose questions to the President and Deputy President.”*

Concluding Remarks

The South African Parliament has undertaken meaningful reforms to reinforce its ability to oversee and hold the Executive to account. This has involved, among others, statutory powers to call upon Government office-bearers and witnesses to give evidence as well as legal authority to amend budget proposals. The rules have also undergone extensive revisions to enable parliamentarians to pursue matters of public interest with those in authority. Notwithstanding the efficacy of prevailing procedure, the National Assembly has affirmed that articles of procedure should be the subject of constant review to ensure that the Legislature can respond to changing political and societal circumstances.²⁹ In this context, the Committee on the Presidency must be understood as a novel and important development in Parliament’s endeavours to foster accountability.

The Committee on the Presidency was convened for the first time earlier this year and its composition includes senior and experienced members of Parliament, such as the leader of a political party, chief whips of different parties and chairpersons of committees. One of its initial tasks will be to examine the budget for Vote 1 for the forthcoming year. Concurrently, the Committee can begin liaisons with the offices of the President and Deputy President, with a view to calling upon these office-bearers at the opportune moment in the parliamentary

²⁸ Notwithstanding Rule 185, the practice of limiting time has, in fact, already found application in various committees and inquiries.

²⁹ The Rules Committee has repeatedly articulated this point. As a recent example, the Rules Committee, in its report emanating from its study into how other parliaments exercised oversight over the Head of the Executive, highlighted that: *“while the South African Parliament already has comprehensive procedures to facilitate oversight and accountability, there remain features of the rules and practices that could be enriched, the National Assembly should remain proactive and open to reforms to support its systems and practices.”*

calendar. Given that this is a new committee with distinct functions, it is certain that questions of procedure will arise; and the resolution thereof will serve to consolidate best practices going forward both for the Seventh Parliament and for the future.

Selected References

- (1) The Constitution of the Republic of South Africa (1996).
- (2) The Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act (2004).
- (3) The Money Bills and Related Matters Act (2009) (as amended in 2019).
- (4) Public Finance Management Act (Act 1 of 1999) (as amended).
- (5) Rules of the National Assembly (9th Edition) (To note: The Assembly is in the process of publishing the 10th Edition of the Rules which will include revised numbering).
- (6) Joint Rules of Parliament (7th Edition).
- (7) Report of Judicial Commission on Inquiry into allegations of State Capture, Corruption and Fraud (2023).
- (8) Announcements, Tablings and Committee Reports (ATC) of 28 November 2025.
- (9) Announcements, Tablings and Committee Reports (ATC) of 25 November 2016.

To note: All these documents are available online. Alternatively, they can be sourced from Mr M Xaso, at mxaso@parliament.gov.za or Mr P Hahndiek at phahndiek@parliament.gov.za