

## **ASSESSING THE EFFECTS OF THE SECTOR OVERSIGHT MODEL ON THE PERFORMANCE OF MEMBERS OF THE KWAZULU- NATAL LEGISLATURE**

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### **ABSTRACT**

An assessment of the effects of the Sector Oversight Model on the performance of members of the KwaZulu-Natal Legislature was accomplished through data collected from a sample of sixty members of the legislature and full-time government officials. The objectives of the study were to evaluate the implementation of the Sector Oversight Model within KwaZulu-Natal Legislature, to evaluate the impact of the Sector Oversight Model on management capabilities of members, to assess the effect of the Sector Oversight Model on provincial departments' accountability, and to provide possible recommendations to the members of the KwaZulu-Natal Legislature and other relevant stakeholders. The literature review defined oversight and accountability and dealt with their inter relationship in relation to holding the executive arm of government accountable.

**Key Words:** Assessing, Effects, Sector, Oversight, Model, Performance, Legislature

### **INTRODUCTION**

The KwaZulu-Natal Legislature has implemented the Oversight Model for the South African Legislative Sector. The study investigates the transitions, prospects and outcomes as envisaged in the Sector Oversight Model (SOM) in relation to members' capabilities on legislative oversight work.

Rhodes, Wanna and Weller (2009: 7) states that the notion of a Westminster institution, and more specifically those elements relating to executive government, are captured in five components: (1) the concentration of political power in a collective and responsible cabinet; (2) the accountability of ministers to parliament; (3) a constitutional bureaucracy with a non-partisan and expert civil service; (4) an opposition acting as a recognized executive-in-waiting as part of the régime; (5) parliamentary sovereignty with its unity of the executive and the legislature. The discussion on a democratic state, conceptually deals with matters concerning the legislative sector. This study is based on the South African political dispensation but theoretical issues are based on the Westminster system world-wide.

### **The Aim of the Study**

The study aims to assess the effect of the Sector Oversight Model on the Members of the KwaZulu-Natal Legislature performance.

### **Objectives of the Study**

The following are the objectives of the study:

- To evaluate the implementation of the Sector Oversight Model within KwaZulu-Natal Legislature.
- To evaluate the impact of the Sector Oversight Model on management capabilities of members.
- To assess the impact of the Sector Oversight Model implementation on provincial departments oversight.
- To provide recommendations to the members of the KwaZulu-Natal Legislature and other relevant stakeholders.

### **LITERATURE REVIEW**

Anderson (2006: 141) states that democracies that lack horizontal accountability may have vertical accountability in the form of regular elections, social mobilization, and media oversight, but these are only periodic, irregular, and possibly unreliable. Goetz and Jenkins (2001: 364) however make a point that; vertical accountability systems suffer from many shortcomings, among which is their tendency to blunt the impact of citizen 'voice'. Voting periodically for a party that will pursue policies across the full spectrum of public issues, which no individual citizen is likely to agree with across the board, is the classic example of this syndrome.

A fundamental point in defining accountability is that it is one of those golden concepts that no one can oppose. It is increasingly used in political discourse and policy documents because it conveys an image of transparency and trustworthiness. In the final analysis the bottom line is as stated in Michels and Meijer (2008: 171) that horizontal forms of accountability, just as vertical accountability must meet the requirements of the democratic constitutional state, which is, transparent responsibilities, well-defined interested parties, a good information supply, debate opportunities and sanctioning options.

One challenge for studying accountability is that the concept is used broadly in a number of fields, including philosophy, ethics, political science, and organizational behavior. Authors tend to create their own definitions of accountability with fair generalization. On a broader understanding accountability can be said to necessitate a person to explain and justify against criteria of some kind their decisions or actions. It also requires that the person goes on to make corrections for any error and takes steps towards preventing its recurrence in the future.

## **Accountability to Parliament**

Sisulu (2012: 3) states that; “Legislatures are the guardians of democracy and are institutions that must shape and give meaning to democracy. As elected representatives of the people, parliaments are the link between the electorate and the government and this unique position presents parliamentarians with an opportunity to be change agents through their representational, oversight and legislative roles.”

Members of parliament are elected for a limited period in terms of the Constitution. This guarantees that they are held accountable as they are to seek a new mandate in terms of the constitution directly from the electorate regardless of the electoral system. Unlike public servants who are full-time, the public depend on members of legislature to hold them accountable.

Bratton, Chu, Lagos and Rose (2005: 58) argues that, there is a need for democratic governance that responds to the peoples’ priorities and needs, which amounts to more than people just having the right to vote. It must be about strengthening voice and power through democratic politics that make participation and public participation cut through elite control of institutions.

Levasseur and Phillips (2005: 214) state that, accountability is generally seen to encompass two related but different concepts: answerability and responsibility. First, accountability includes the answerability or the reporting requirement of actors involved in producing and delivering public goods. Further, the responsibility is to be understood not as formal, extremely imposed duty but as a felt sense of obligation. It is not only ‘upward-looking’, in a hierarchical sense, but may be experienced as a pull in other directions to a number of significant others.

There arises the issue of relationships as Griffith (2005: 3), in his definition of the concept argues that; “Accountability is referred to as a ‘relational concept’ which operates along four axes: (a) *Who* is accountable? (b) *For what* is one accountable? (c) *To whom* is one accountable? And (d) *How* can that accountability be enforced? Accountability is a situational concept in that it needs to be specified in context: *who* is accountable *to whom* and for *what*?”

According to Stapenhurst and O’Brien (2005: 1), the prevailing view is that institutions of accountability, such as parliament and the judiciary, provide what is commonly termed horizontal accountability, or the capacity of a network of relatively autonomous powers (i.e., other institutions) that can call into question, and eventually punish, improper ways of discharging the responsibilities of a given official. In other words, horizontal accountability is the capacity of state institutions to check abuses by other public agencies and branches of government, or the requirement for agencies to report sideways.

Wang (2005: 2) indicates that; the policy making function of parliament is seen as the core component of the latter while social legitimacy is believed to strongly impact on the legitimation function of parliament. These are in turn dependent on two sets of key variables which may be categorized into external and internal variables. Further, the analytical framework is constructed by identifying indicators along all the variables and with two basic anticipations in mind: Parliament's basic accountability function is determined by external factors such as social legitimacy, constitutional powers and external agents.

Accountability to parliament or legislatures requires that practical arrangement be put in place to ensure its active role in the policy making process. The executive has to be seen adhering to this constitutional arrangement as it subjects itself to plenary and committee sittings of parliament. Ma (2012: 112) argues that in order to develop social accountability, social consciousness and actions are essential. Accountability is also designed to encourage open government. It serves the function of enhancing public confidence in government and ensures that the government is close and responsive to the people it governs. If the values of accountability and oversight and the purposes they serve in a constitutional democracy are realized, members of the executive will more willingly submit to them, thereby fostering and enhancing the principle of co-operative government contained in the Constitution.

Rose-Ackerman (2010: 523) state that; “Government accountability is an important aspect of popular sovereignty. It is a source of political legitimacy in three distinct senses. It may refer to performance accountability, rights-based accountability, and or policy-making accountability.” Accountability is the final value that should be considered in addressing the political perspective’s evaluation of the implementation of public policy (Rosenbloom and Kravchuk, 2005: 378).

Stapenhurst and O’Brien (2005: 2) argue that; “While parliament is typically considered as a key institution in constructs of horizontal accountability, it is also important in vertical accountability.” Further, citizens and civil society groups can seek the support of elected representatives to redress grievances and intervene in the case of inappropriate or inadequate action by government. In addition, through the use of public hearings, committee investigations and public petitioning, parliament can provide a vehicle for public voice and a means through which citizens and civic groups can question government and seek parliamentary sanctioning where appropriate.” This is true to the fact that parliament is constitutional obliged to put in place necessary arrangements for the people to take part in governance business. The legislature as a key institution of democracy does not only hold government accountable, but is itself also accountable to the people (Sisulu, 2012: 4).

The point is taken further as Stapenhurst and O’Brien (2005: 2) argue that; “An alternate conception of horizontal and vertical accountability relies on the relationship between parties to determine whether one party exercises horizontal or vertical accountability over the other. In instances where there is a classic top-down, principal agent relationship, whereby the principal delegates to the agent, the agent is accountable to their direct superiors in the chain-of-command and this constitutes a form of vertical accountability. For instance the public official answers to the department/ agency minister, the department answers to the minister, the minister answers to parliament (in particular in parliamentary systems), and parliament answers to citizens.”

Wang (2005: 13) point out that; “In any country characteristics of the chamber itself could affect the legislature’s capacity to impact on the policy-making process and thus the accountability function of parliament. The powers, procedures and mode of meeting of the committee of the whole house are potentially of great importance in relation to the policy-process. It is important to note that there is a crucial link between party groups and the chamber in the same way as there is a close binding between party and the committees in parliament.”

## **Accountability of the Executive Arm of Government**

Cloete et al. (2008: 11) states that in democracies elected representatives receive a mandate from the electorate and give content to public policies. Countries like South Africa whose Constitution speaks to the separation of powers doctrine divide the institution of government into three branches; being legislative, executive and judicial. The executive put into operation the laws while interpretation of law becomes the responsibility of the judiciary and the legislature making the law.

Accountability and good governance cannot be separated as nations strive towards betterment of the lives of their people. On the same scale all decisions taken in parliament as part of the legislative process carry the weight equivalent to law in a democracy since parliament is considered as a supreme representative of the people. Griffith (2005: 3) indicates that; "The rise to prominence of accountability is tied in with the discussion about the need to promote 'good governance', a term used as a shorthand for the argument that governments should observe the following principles: (1) openness and transparency, (2) there should be appropriate mechanisms of accountability, whether political, legal, public, or auditing; (3) there should be in place appropriate provisions to maximize the effectiveness of "government; and (4) public participation is to be encouraged."

Folscher (2006: 135) argues that; "Governance can be defined as the exercise of political, economic and administrative authority in the management of a country's affairs at all levels. Good governance may be thought of as a system in which the exercise of such authority is set up so that power is divided constructively across the institutions of society (including the organs of state, civil society and the private sector) and is prevented from being usurped by any singular institution, thereby minimizing the risk of it being abused. Participation, transparency, accountability, the rule of law and equity are instrumental to good governance."

In this way good governance cannot be separated from accountability of the executive arm of government to the legislature. Good governance is expressed through accountability thereby ensuring the prosperity of the community in general being served. As Henry (2009: 3) states that good government rest on the three pillars: honesty, democracy and competency. The executive in conducting its tasks, whether by implementing legislation or policy, acquires considerable power. A condition of the exercise of that power in a constitutional democracy is that the administration or executive is checked by being held accountable to an organ of government distinct from it.

May (2011: 455) states that; "Public service accountability is a large and complex topic. Further that one important aspect of the accountability of a public service provider is that they should be aware of what matters to the recipients of their service." This notion is inherent in the concept of the separation of powers, which simultaneously provides for checks and balances on the exercise of executive power, making the executive more accountable to an elected legislature.

Viewing the role of the legislature in terms of its contribution to the internal efficiency of the public finance system is a narrow perspective, although it is one of particular relevance to senior budget and planning officials (Folscher 2006: 135). Further, it is useful also to consider the broader context in which a functioning public finance system is a necessary component of good governance, and an effective legislature is an essential part of the checks and balances on state power.

Griffith (2005: 4) indicates that; “With the development of administrative law, the decisions and actions of Ministers and public servants can be subject to judicial review. Democratic governments are also held accountable to the *public*, ultimately through the ballot box, as well as to their Party and by the critical scrutiny of the mass media. Accountability is also owed to Parliament or to politicians, a form of accountability that is typically *political* in character and associated with the doctrine of individual ministerial responsibility.”

According to Stapenhurst and O’Brien (2005: 2), “parliament and the judiciary act as horizontal constitutional checks on the power of the executive.” Further, the role of these two institutions can be further delineated in that parliament holds the executive politically accountable, whilst the judiciary holds the executive legally accountable. These classifications stem from the fact parliament is a political institution, while the judiciary can only adjudicate on legal issues. Together, they provide ongoing oversight in order to keep the government accountable throughout its term in office.

The constitutional responsibility of parliament deals with both political and ethical responsibilities. The whole executive including public servants and Ministers have to be subjected to parliamentary accountability. Colleen and Ken (2005: 63) states that; effective scrutiny of the executive underpins the effectiveness of the public sector. Issues include the executive’s role in protecting or perpetrating politicization of the public sector, with significant interest shown by academics, politicians, senior and middle level practitioners, and public service union members.

The executive arm of government has to be accountable to the legislature fully as Stapenhurst and O’Brien (2005: 4) argues that, parliaments are key actors in what has been termed the ‘chain of accountability’. Further, they are along with the judiciary, the key institution of horizontal accountability, not only in their own right but also as the institution to which many autonomous accountability institutions report. They are the vehicle through which political accountability is exercised. Along with civil society organizations and the mass media, they are also important institutions in vertical accountability.

The executive in carrying out its tasks whether by implementing legislation or policy acquires considerable power. This includes the ability to influence or determine individual person’s conduct. A condition of the exercise of that power in a constitutional democracy is that the executive arm of government is checked by being held accountable to an organ of government independent from it. This notion is inherent in the concept of the separation of powers which simultaneously provides for checks and balances on the exercise of executive power, making the executive more accountable to an elected legislature.

According to Folscher (2006: 143) an effective legislature is a necessary building block in a properly functioning public finance management system. Institutional arrangements within the executive should supply information and provide meaningful access, and the institutional arrangements of the legislature (for example legal frameworks, organizational structures and capacity) need to generate the necessary will to demand an effective voice in budget making and implementation.

Legislation is necessary to put into effect in the rules of the House systems and processes that detail the terms of the legislature’s oversight responsibility. Through the House rules the committees of the legislature are accorded the same powers as the full sitting of the

legislature in terms of accountability and oversight. It is in this regard that members of the executive arm of government and or the officials are presumed to be speaking under oath when addressing the committees of the legislature or are sometimes required to take an oath before deliberating in legislature committees.

Friedberg (2011: 541) states that even though the executive will always be the dominant player in parliamentary systems, the legislature can become a more assertive and more effective player while fulfilling its oversight task. Further, oversight potential is, therefore, a valuable concept that not only promotes a neglected area of research but might achieve better governance and democracy in reality as well.

Ordinarily parliamentarians who are not appointed to the executive have at all times to ensure that their approach to matter of oversight cut across party affiliation. While allegiance to party mandate may from time to time count, the responsibility of members serving in structures of legislature has to cut across party lines. It is necessary that this spirit is maintained for oversight to have meaning.

### **Functions of oversight**

Shija (2012: 6) states that in almost every country, governance and oversight functions by parliament are predicated by the provision of the Constitution. Further, the Constitution sets the parameters of legitimacy and the checks and balances for the utilization of the national resources to benefit every citizen.

Oversight is an important governance function and ensures that proper systems are put in place to safeguard the precepts of the Constitution. The concept deals with many elements which may be administrative, ethical, financial, legal or political. Accordingly Yamamoto (2007: 6) argues that; "Through its core oversight function, parliament holds the government to account on behalf of the people, ensuring that government policy and action are both efficient and commensurate with the needs of the public. Parliamentary oversight is also crucial in checking excesses on the part of the government."

Stepenhurst and Pelizzo (2012: 341) remark that given the greater activism and the greater effectiveness of parliament and parliamentary committees in performing their oversight function, it is not surprising that parliament is regarded as a highly trusted institution. Legislatures have an important contribution to make in shifting the focus of oversight from inputs (although that remains important) to the outputs and achievements of spending (Folscher, 2006: 151).

Yamamoto (2007: 9) states that the key functions of parliamentary oversight can be described as follows:

- to detect and prevent abuse, arbitrary behaviour, or illegal and unconstitutional conduct on the part of the government and public agencies. At the core of this function is the protection of the rights and liberties of citizens;
- to hold the government to account in respect of how the taxpayers' money is used. It detects waste within the machinery of government and public agencies. Thus it can improve the efficiency, economy and effectiveness of government operations;
- to ensure that policies announced by the government and authorized by parliament are actually delivered. This function includes monitoring the achievement of goals set by legislation and the government's own programmes; and

- to improve the transparency of government operations and enhance public trust in the government, which is itself a condition of effective policy delivery.

It is important that the power conferred on the legislature by the constitution is safeguarded without compromise. This has to be among others the rule of law and particularly the principle of the separation of powers. Where there is specific insistence on the requirement that no arm of government should interfere in the operations of another. There may be instances where the general application of the law would lead to the executive or the judiciary is veering from its own powers, or is trading with proper operations of parliament. This would require that the constitution should provide for the deadlock breaking mechanism.

Winzen (2012: 7) states that, normally, the fact that senior party figures represent party groups in the government assures parliamentarians of the acceptability of government policy. Yet, circumstances such as coalition government and intra-party conflict interfere with this assurance. Government supporters (and indeed opposition parliamentarians) want electoral scrutiny.

Oversight and accountability help to ensure that the executive implements laws in a way required by the legislature and the provisions of the Constitution. The legislature is in this way able to keep control over the laws that it passes, and to promote the constitutional values of accountability and good governance. Thus, oversight must be seen as one of the central beliefs in building democracy because through it the legislature can ensure that the executive is carrying out its mandate and monitors the implementation of its legislative policy. When seen in this light the accountability and the oversight function of legislatures complements rather than hampers the effective delivery of services with which the executive is entrusted.

Legislatures have to provide within the rules of the House for the executive arm of government to answer questions by members, which may be for oral or written reply. Questions have to be answered within a period of time prescribed in terms of the House rules. The constitutional status of parliament demands that answers to question are truthful and fully disclose what the member requires. Answers to questions can be available not only to the author of the question but also to all parliamentarians in the chamber, most obviously in the case of oral questions for oral reply (Yamamoto, 2007: 49).

It is proof to rigorous engagement between parliament and the executive that is true to effective oversight mechanism. Pelizzo et al. (2006: 11) agree with this point in that liberal democracy needs not only oversight potential, but real and effective oversight implementation. Legislatures have a number of instruments at their disposal through which oversight is conducted. The most common tools include: questions to ministers which may either be for oral or written reply purposes, interpellation, and votes of no confidence as may be provided for in terms of the house rule. Other tools include budgetary oversight, and the possibility for the legislature to establish ad-hoc committees. Pelizzo et al. (2006: 11) also states that this is the major difference between formally democratic and liberal democratic regimes. In formally democratic regimes democratic institutions may have only a cosmetic function.

Wang (2005: 9) makes a point that, it has to be underlined that oversight is especially crucial in relation to accountability. The oversight role has in general had little focus in the theoretical literature. Nonetheless, this function is of prime importance when examining the

committee work as well as the functioning of the plenary assembly, e.g. the question hour in the legislature.

Scholars generally agree that conditions have to be created where there is a balance between strong oversight mechanisms and ensuring sufficient protection of the powers of the executive. The ability of the executive to implement policy objectives is important for representative democracy to succeed. Oversight mechanisms should not become politically expedient tools to defeat the right of the majority to rule as per the will and mandate of the electorate.

### **Parliamentary committee support**

Normally the executive is in control of the public purse and places less emphasis on the importance of increasing funding for parliament budget allocation. Shija (2012: 10) states that, the challenges of parliamentary oversight can be seen in light of the resources available to parliament; the emergence of constitutional reforms; the presence or absence of political will to combat corruption and misuse of public funds; and the necessity to put in place a system of equitable distribution of wealth, including the care of vulnerable people in society. These measures could prevent the possibility of an African Spring, which some social scientists already predict.

In agreement with the trust of the need to ensure that sufficient funds are made available for legislative activity Sisulu (2012: 3) remarks that; “The poor quality of legislation is often the consequence of inadequate scrutiny. As the subject matter of legislation becomes more sophisticated and highly technical, our Parliament and members must become more professional. This requires the necessary capacity both in terms of technical support by the officials and capacity building for Members.”

Henry (2012: 2) states that, the standing committees provide real work for the opposition and for government backbenchers. They provide useful platforms for cross-aisle collaboration and consensus-building for better governance. They should be equipped to work. Further, one of their most basic needs is for data and data analysis. According to Rosenbloom and Kravchuk (2005: 526) for the most part, public administrators do their jobs on full-time basis. Outsiders who would hold them accountable typically are engaged in other activities and cannot devote sufficient time to watching the public administrators. That while oversight by the staff is clearly impressive, it cannot possibly be panoptic or even digest all administrative information and reports.

Part of the challenge faced by members of legislature is raised in Folscher (2006: 150) in that, budgets are highly technical financial and policy tools. The executive is usually staffed with the level of expertise necessary to make budgetary decisions and manage their implementation. Parliaments, on the other hand, especially those that are weak and ineffective in the budget process, have very little capacity for meaningful budgetary scrutiny. Should Parliament's role in the budget process be geared towards improving budgetary outcomes, it must have access to the requisite capacity.

Specialist skills are necessary to support parliamentary work in order to meet the demands of its constitutional mandate otherwise the whole constitutional arrangement is meaningless. In the case where parliaments lack capacity though limited resources it negatively affects the balance of power with the executive arm of government. Parliament's oversight work

becomes less rigorous and members become dependent upon the expertise of government staff whose first allegiance is to the executive. In this case the executive may find ways to bypass parliament altogether in development of policy and legislation. Building capacity for support staff and members of parliament is one area where external assistance in some instances can make a significant impact.

### **Parliamentary public participation in law making**

According to Anton (2008: 8), public participation in law-making functions at the international level serves the same well-proven democratic public policy goals that are served in municipal legal systems. These include: facilitating public accountability, assisting in accurate and informed decision-making, and providing a deliberative process in which the final decision is more likely to be compromissory in nature and better accepted by all parties.

Wang (2005: 10) argues that the place the committees have in the legislative process is also important since studies have shown that whether bills are considered in the committees before the plenary or vice versa may provide them with greater opportunity to influence legislation and thus enhance legislative viscosity.

Law making in a democratic society should not only be about regulation. The law making has to be educative so as for the general population to understand the basis for the law being passed. In this way the public is able to input on the final product of the legislation.

Pelizzo et al. (2006: 8) state that; “In parliamentary systems, where the executive branch of government has the power to introduce a bill, the process through which a bill becomes a law (*the referral of that bill to specific committees, the discussion of the bill within such committees, the debates of a bill in the plenary and the fact that the parliament has ultimately the power to amend, approve or reject a government’s legislative proposal*) gives the legislative branch of government the power to oversee the government plans before they are actually enacted. This point has an obvious implication, namely that several of the activities and tasks that a legislature performs can be viewed as oversight activities.”

Burgess and Malek (2005: 1) state that the most common (but often least effective) form of public participation is the public hearing where government representatives give a presentation on a proposed decision, and then the public is asked to stand up and give short (1-3 minute) speeches indicating their thoughts on the proposal. It is also the case that during committee deliberations on draft legislation that a committee may invite participatory discussions between representatives from the public and the committee whilst the committee is in session (Muntingh, 2012: 31).

Czapanskiy and Manjoo (2008: 17) point out that, communication is a two-way street. In a participatory democracy, as opposed to a representative democracy, legislature must come face-to-face with those who are affected by their decisions, and they must ask them for their opinion. Further, legislators may reject those opinions, but they cannot do so without having exposed themselves to the arguments, the feelings, and the insight of those who are affected by the decision. Czapanskiy and Manjoo (2008: 20) also state that a fairly uncommon criticism of participatory democracy is raised in that it allows the majority to overwhelm minorities while, at the same time, and does not affirm the unchangeable character of certain core values.

## **RESEARCH METHODOLOGY**

### **Target Population**

Welman et al. (2005: 126) define target population as the population to which the researcher ideally would like to generalize his or her results. According to Zikmund (2006: 373), once the decision to sample has been made, the first question related to sampling concerns identifying the target population, that is, the complete group of specific population elements relevant to the research project.

The targeted population was one hundred and twelve (112) participants. Participants comprised of the legislature Speakership, Chairperson of Committees, Represented Political Party Leaders, Whips, Committee Chairpersons, ordinary members of the legislature, and legislature support staff. On the executive arm of government focus was on the senior government department officials who are held accountable in terms of the Public Finance Management Act, No. 29 of 1999 as amended.

Table 3.1: Interview response percentage

<b>Details</b>	<b>No. of Sent Interviews</b>	<b>No. of Received Interviews</b>	<b>Response Percentage</b>
Schedule A	40	38	95%
Schedule B	20	12	60%

### **Limitations of the Research**

There is limited literature on implementation of the sector oversight model. The distance to be covered province-wide to reach participants in their constituencies was a challenge and this was mitigated through interviews conducted telephonically. The KwaZulu-Natal Legislature is a political environment as such participants' responses may have party political influence. The general elections phase had a negative effect on the response rate.

The researcher assured participants that data they provide shall remain confidential and cannot be traced back to them. All data collected was destroyed after the research analysis process.

#### **3.13.3 Ensuring Permission is Obtained**

Degu and Yigzaw (2006: 51) state that consent must be obtained from the relevant authorities, individuals and the community in which the project is to be carried out.

The Speaker of KwaZulu-Natal Legislature gave permission for this study to be conducted.

### **3.14 Conclusion**

The study of research methodology provides us the necessary training in choosing methods, materials, scientific tools and training in techniques relevant for the problem chosen (Rajasekar, Philominathan and Chinnathambi, 2013: 6).

The application of research methodology techniques is important in ensuring that the research project flows. The techniques applied could assist the legislative sector in knowing the appropriate means of obtaining feedback from stakeholders on implementation of SOM. This chapter discussed the methodology selected as a way to find results on the research problem. The quantitative research method was used to obtain data from participants. The research instrument used and the sampling

## **RESULTS, DISCUSSION AND INTERPRETATION OF FINDINGS**

### **Response Rate**

The total population of ninety six was selected to participate in the study. Therefore in total, fifty two questionnaires were administered in the study. For purposes of this study sixty participants were used as a sample. Each of the fifty two administered questionnaires generated the response rate of eighty seven percent.

### **Analysis of data**

According to Krishswamy, Sivakumar and Mathirajan (2006: 33), data analysis deals with the conversation of series of data gathered into information statements.

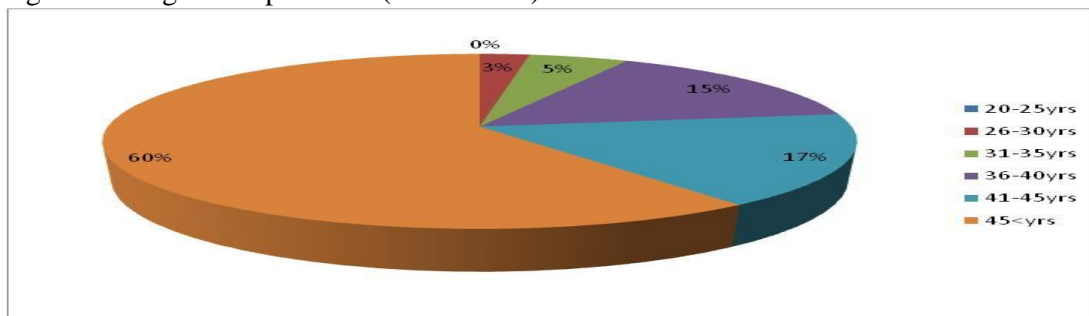
Gupta and Gupta (2011: 81) state that the mass of data collected during field work is to be processed with a view to reducing them to manageable proportions for statistical treatment and meaningful interpretation and conclusion.

The results of the study are categorized and presented according to the layout and structure of the questionnaire. For purposes of this study, two structured questionnaires were used. Therefore, the analysis of the findings indicates the findings generated from Schedule A and thereafter, the findings generated from Schedule B.

### **Demographics**

#### **Age**

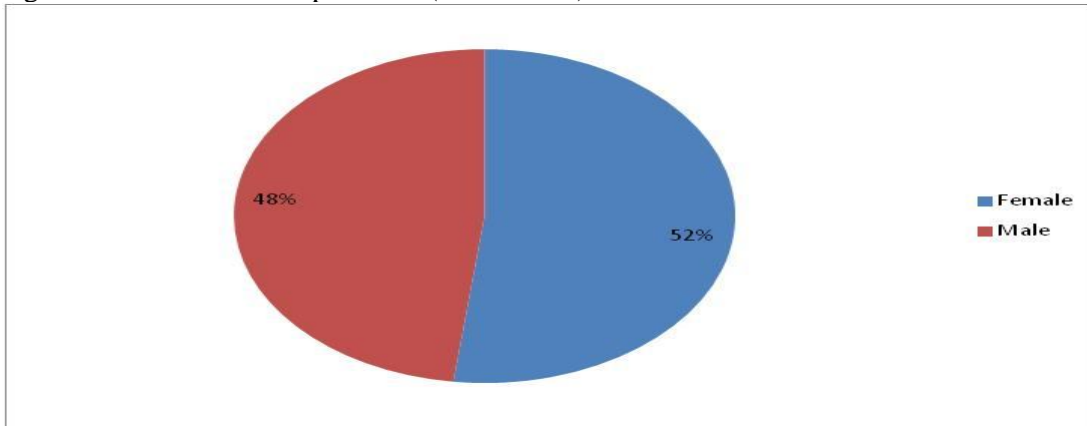
Figure 4.1: Age of respondents (Schedule A)



As illustrated in figure 4.1, three percent of the participants were between the age of twenty six to thirty years old, five percent were between the age of thirty one to thirty five years old, and fifteen percent were between thirty six and forty years old. Seventeen percent were between forty one and forty five years and sixty percent were over forty five years old. No participant was between the ages of twenty to twenty five years old. The data reveal that the majority of participants were over the age of forty five years old.

**Gender**

Figure 4.2: Gender of Respondents (Schedule A)



As shown in figure 4.2, fifty two percent of the participants were female and forty eight percent were male. The data reveal that the majority of participants were female.

**Race**

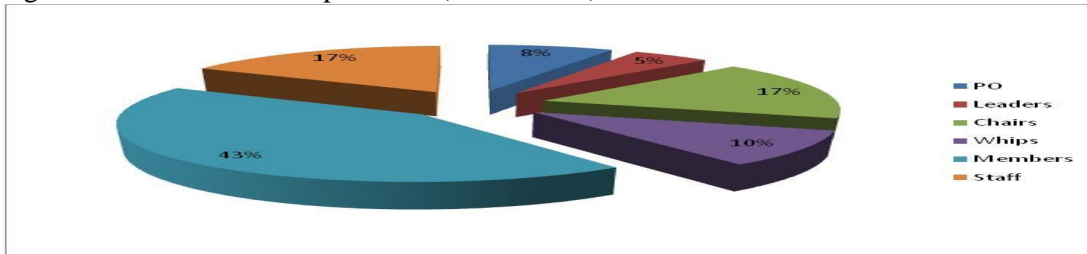
Table 4.1: Race of Respondents (Schedule A)

Race	Frequency	Percentage
African	29	73%
Coloured	0	0
Indian	6	15%
White	5	12%

As illustrated in table 4.1 above no participant could be classified as Coloured race. Seventy three percent of the participants were African, fifteen percent of participants were of Indian origin, and twelve percent were White. The data reveal that the majority of participants were African.

**Positions**

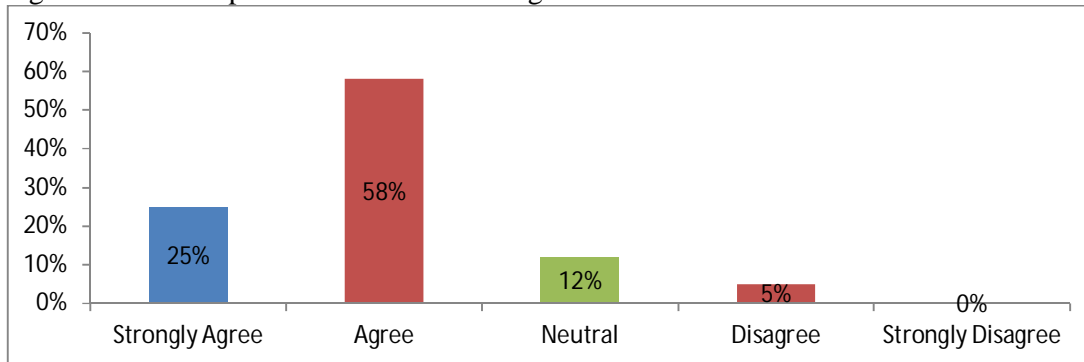
Figure 4.3: Positions of respondents (Schedule A)



As shown in figure 4.3, eight percent of the participants were Presiding Officers, five percent were party leaders, seventeen percent were chairpersons of committee, ten percent were whips of political parties, forty three percent were ordinary members of legislature, and seventeen percent were support staff of the legislature. The data reveal that most participants were ordinary members of the legislature.

**Section B (Schedule A)**  
**Impact of the Sector Oversight Model**

Figure 4.4: The impact of the Sector Oversight Model

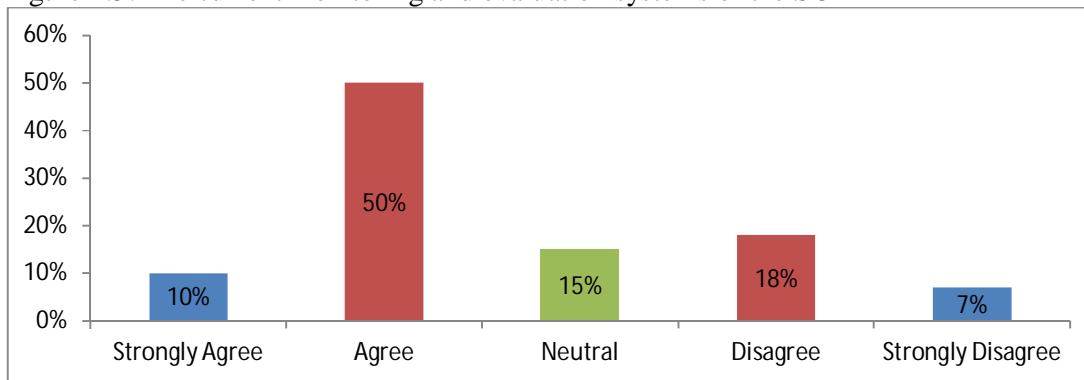


As illustrated in figure 4.4, twenty five percent of the participants strongly agreed, fifty eight percent agreed, twelve percent were neutral, and five percent disagreed. No participant strongly disagreed. According to the data generated participants have indicated positive impact of the Sector Oversight Model.

The introduction of the SOM standardised the manner in which oversight is conducted opposed to Committees in the Legislature performing oversight at varying levels. The Chairperson of Committees is able to monitor legislature committees' performance. SOM has brought about certainty over activities that need to be undertaken as part of oversight work. The model has assisted the legislature in determining the levels of administrative support required in order to give effective support to committees.

**The current monitoring and evaluation systems of the Sector Oversight Model**

Figure 4.5: The current monitoring and evaluation systems of the SOM



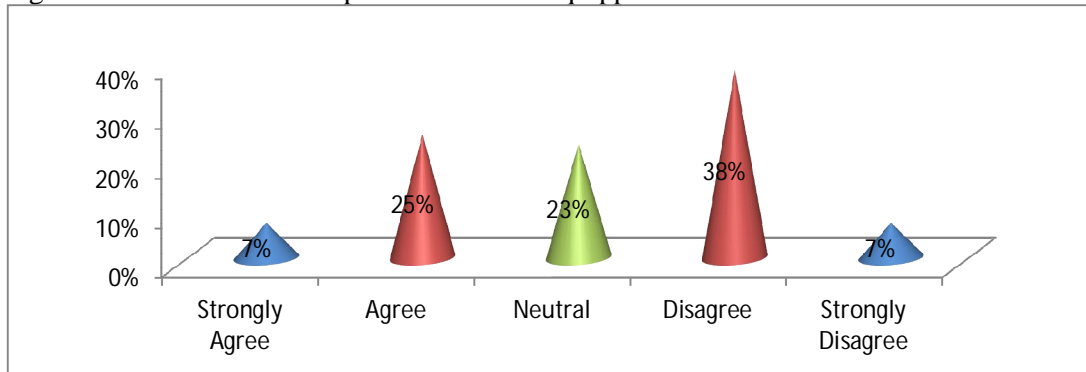
According to figure 4.5 ten percent of the participants strongly agreed, fifty percent agreed, fifteen percent were neutral, eighteen percent disagreed, and seven percent strongly disagreed. The data reveal that 60% of the participants responded positively to the current monitoring and evaluation systems ensuring that there is no lapse in the implementation of the Sector Oversight Model are sufficient.

The model is linked to Public Finance Management Act reporting requirements making it easy to deal with reports from the executive arm of government or departments in a

standardized manner. There is continuity administratively with legislature support staff to ensure that when membership to committees changes the new approach to oversight remain relevant as an institutional procedure.

**Committee chairpersons are well equipped to assist members**

Figure 4.6: Committee chairpersons are well equipped

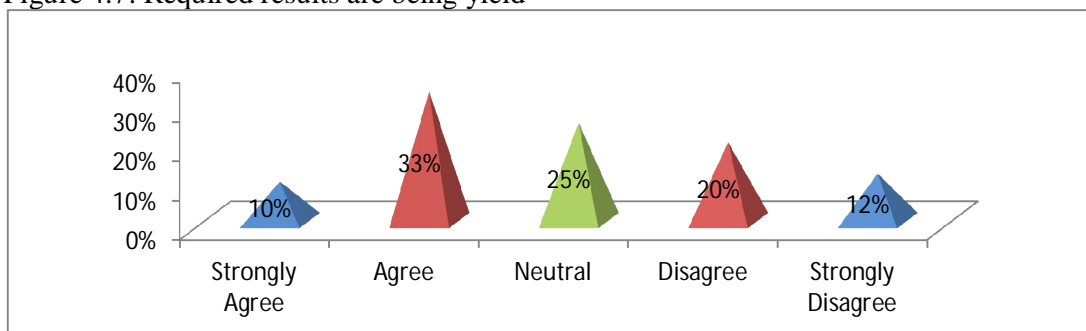


As shown in figure 4.6 above seven percent of the participants strongly agreed, twenty five percent agreed, twenty three percent were neutral, thirty eight percent disagreed and seven percent strongly disagreed. It is important to note that 45% of the participants responded negatively and 23% were neutral. According to the data generated most participants felt that committee chairpersons are not well equipped to ensure members understand the Sector Oversight Model and are therefore not well equipped to lead committees.

Training on the Sector Oversight Model and the tools of analysis has not been given to all committee chairpersons which undermine the decision for all committees to implement the model. The legislature support staff are responsible for driving committees towards compliance with the new approach in most instances.

**The required results are being yield**

Figure 4.7: Required results are being yield

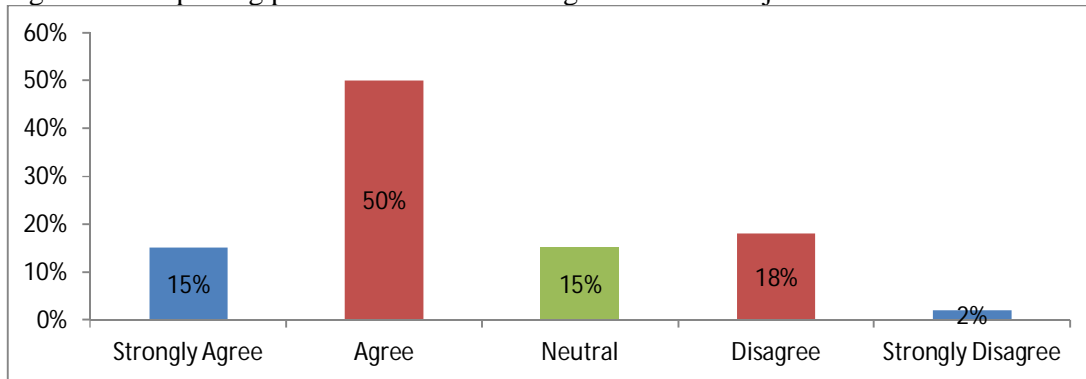


As illustrated in figure 4.7, ten percent of the participants strongly agreed, thirty three percent agreed, twenty five percent were neutral, twenty percent disagreed, and twelve percent strongly disagreed. While data revealed that 43% of participants agreed, it is important to note that a considerable 25% of the participants were neutral. The findings indicated a mixed response to whether the results are being yield.

Committees are now diligent in their planning for oversight and they are starting to work towards achievement of targets reflected in the model and committee annual operational plans. The definitive result of execution of SOM is improvement in service delivery. The model is a pilot and is focusing on perfection of functioning of Committees. The results on the impact of implementation of the model in this regard may not be irrefutable.

**Reporting periods are sufficient to give room for adjustment or corrections**

Figure 4.8: Reporting periods are sufficient to give room for adjustments or corrections

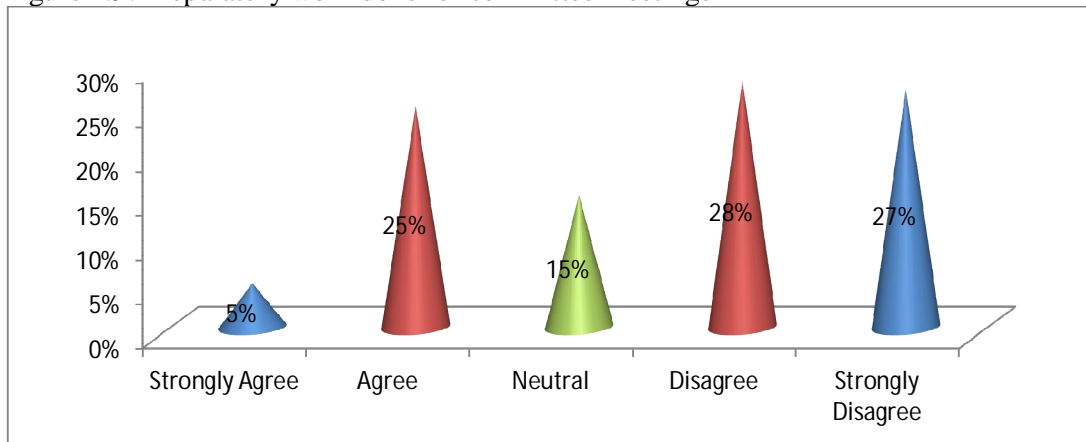


According to figure 4.8 above fifteen percent of the participants strongly agreed, fifty percent agreed, fifteen percent were neutral, eighteen percent disagreed, and two percent strongly disagreed. The data indicated the majority of participants agreed. According to data generated participants agreed that reporting periods are sufficient to give room for adjustments or correction in the process of implementing the Sector Oversight Model.

Committees as guided by the Public Finance Management Act consider monthly financial expenditure and quarterly reports enabling them to have a period of three months within which to take briefings, interrogate issues and verify reported performance before a committee report on findings is produced. Each committee is expected to report quarterly in terms of the oversight model at a political level.

**Preparatory work done for committee meetings get to members in advance**

Figure 4.9: Preparatory work done for committee meetings

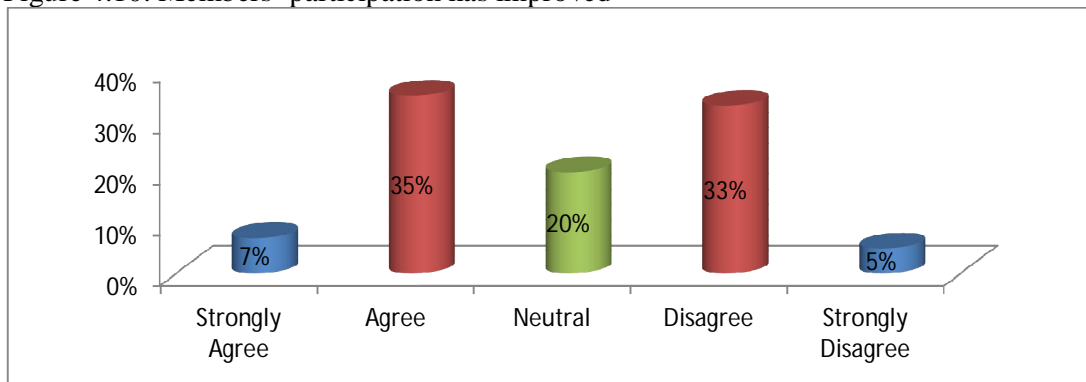


As shown in figure 4.9 above five percent of the participants strongly agreed, twenty five percent agreed, fifteen percent were neutral, twenty eight percent disagreed, and twenty seven percent strongly disagreed. The data reveal that 55% majority of the participants disagreed that preparatory work done for committee meetings get to members in advance.

The major contributory factor is reports not forthcoming early from departments for various reasons. This impact negatively on time for preparing briefing reports for committees. The legislature programme does not at this stage allow for more than one meeting per committee a month. Committees therefore do not hold meetings designated for briefing members before the committee interacts with the department. Briefings sometimes take place a few minutes before the legislature committee interacts with the department.

**The level of member’s participation has improved since implementation of the Sector Oversight Model**

Figure 4.10: Members’ participation has improved

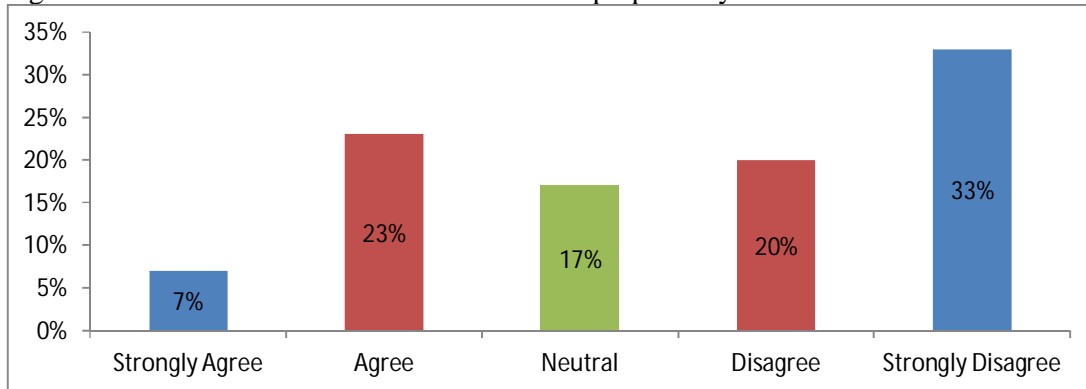


As illustrated in figure 4.10, seven percent of the participants strongly agreed, thirty five percent agreed, twenty percent were neutral, thirty three percent disagreed, and five percent strongly disagreed. The data reveal that most participants agreed. It is important to note that while 42% responded positively of members’ participation, equally 38% had responded negatively. This is a matter of small margin of difference. The findings indicate a mixed response with reference to improvement of members since the Sector Oversight Model has been implemented, or if there is any improvement at all.

Members are gradually realizing the importance of briefing meeting although they are not fully utilizing the inputs from support staff during committee meetings where available. Members are able to identify repetition in departmental reports in case of re-submitted reports from previous meetings without changes. Members contact legislature support staff on individual basis for support documents before meetings.

**Members are contributing to the content in terms of preparatory work**

Figure 4.11: Members contribution to content of preparatory work

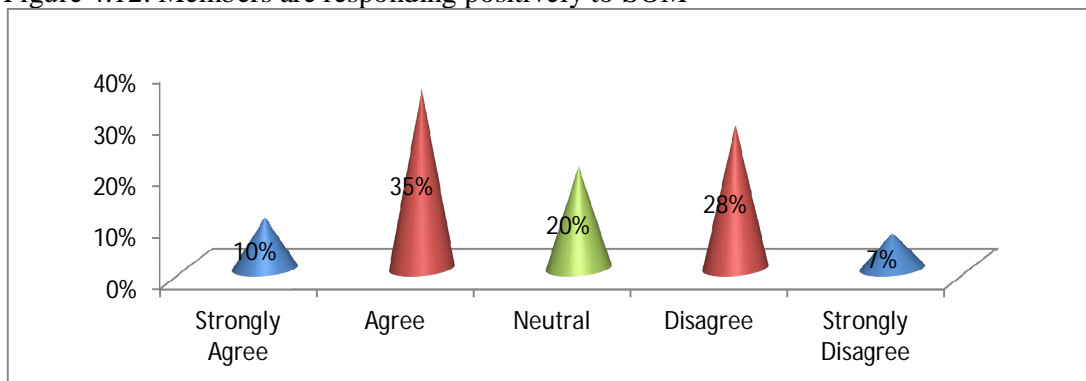


According to figure 4.11, above seven percent of the participants strongly agreed, twenty three percent agreed, seventeen percent were neutral, twenty percent disagreed, and thirty three percent strongly disagreed. The data generated indicates that 53% majority responded negatively. This data is significant in that it is consistent with the negative response in figure 4.9 on members receiving preparatory work in advance. The finding indicates that there is a problem for members' preparations for committee oversight work.

The preparatory work of committees begins with development of plans for oversight work (AOP). Committee members are fully involved and do contribute towards the finalisation of the oversight plan through proposals on priority areas for oversight and areas of focused intervention studies, empowerment and public interaction. At the level of preparing for forthcoming committee meetings only Committee Chairpersons are involved who meet with the support staff and are taken through reports and analysis as well as follow up work done on previous resolutions.

**Members are responding positively to the new approach to oversight Rolled-out**

Figure 4.12: Members are responding positively to SOM

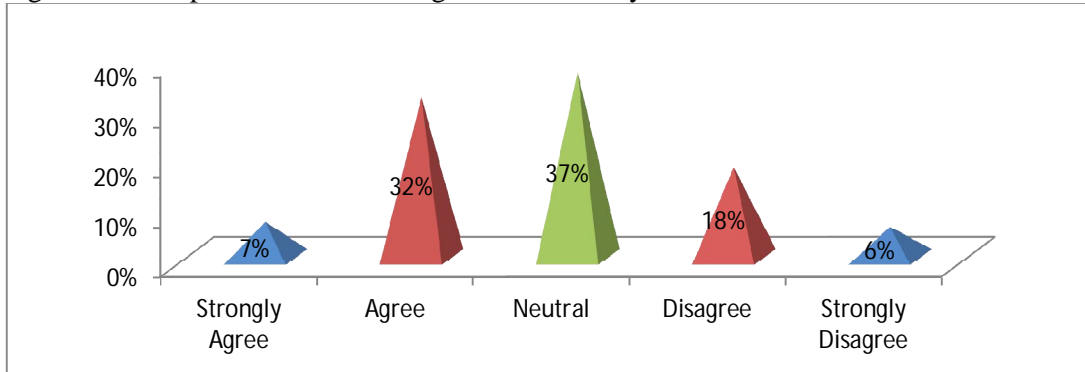


As shown in figure 4.12, ten percent of the participants strongly agreed, thirty five percent agreed, twenty percent were neutral, twenty eight percent disagreed, and seven percent strongly disagreed. The data reveal that the majority (45%) of participants agreed that members are responding positively to the new approach to oversight rolled-out.

At the introductory stage of the model a decision was taken that the model would be piloted through the priority area committees namely Agriculture, Education, Health, Community Safety and Human Settlements. As the model was presented to all members a decision was taken that all committees needed to operate in line with SOM.

**The degree of efficiency of members’ work has improved since the Implementation of the Sector Oversight Model**

Figure 4.13: Improvement of the degree of efficiency of members work

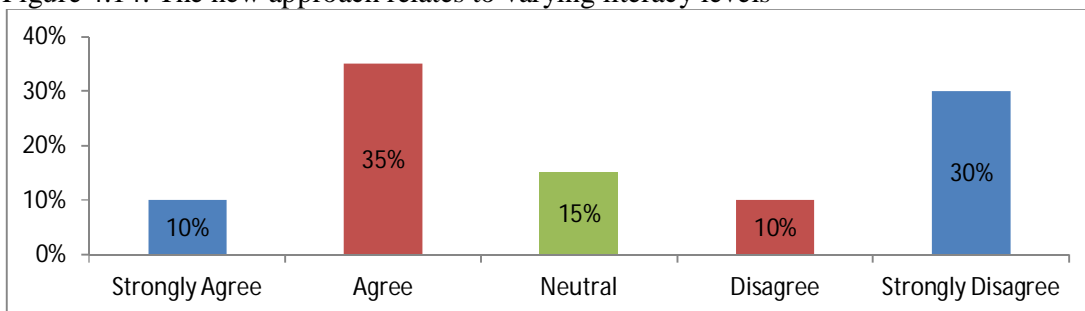


As illustrated in figure 4.13, seven percent of the participants strongly agreed, thirty two percent agreed, thirty seven percent were neutral, eighteen percent disagreed, and six percent strongly disagreed. The data revealed that the majority (39%) of the participants responded positively to the improvement in the efficiency of members work since the implementation, however, a considerable number of respondents remained neutral. The neutral respondents did not feel that members’ level of efficiency had been influenced by the SOM since committee preparatory work had not been possible.

Specialist support staff members attached to committees assists members on their area of specialisation. Such support is dependent on demand. There has not been any degree of sizable change in manner in which members conducting oversight work.

**The new approach to oversight work relates to the varying literacy levels of members**

Figure 4.14: The new approach relates to varying literacy levels



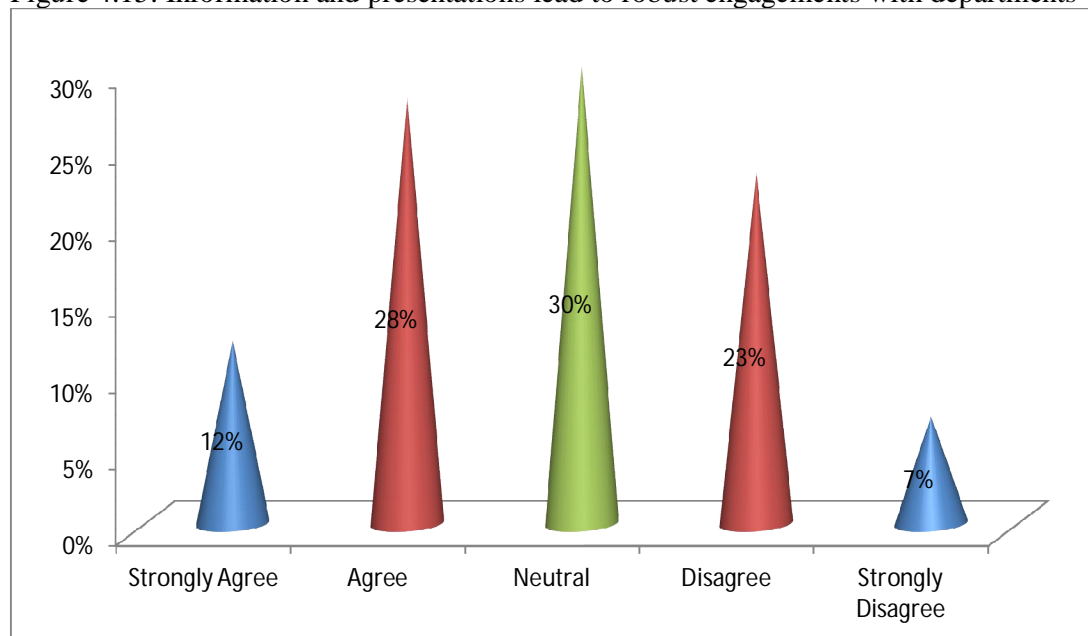
According to figure 4.14 above ten percent of the participants strongly agreed, thirty five percent agreed, fifteen percent were neutral, ten percent disagreed, and thirty percent strongly

disagreed. It is important to note that data revealed that while 45% of the participants responded positively, equally 40% of the participants responded negatively. This is a matter of small margin of difference. The findings indicated a mixed response to the new approach relating to members' varying literacy levels.

The Sector Oversight Model has inbuilt mechanism to take care of information disproportionateness between the executive arm of government and the legislature. There is legislature support staff charged with the responsibility to analyse and simplify the information which in most instances may be submitted couched with technical terms. Members' levels of literacy have to be circumvented by the availability of support staff. The legislature has empowerment programmes in recognition of the demands of legislators' work and required levels of literacy.

**The information and presentations required by members or legislature Committees lead to robust engagement with departments**

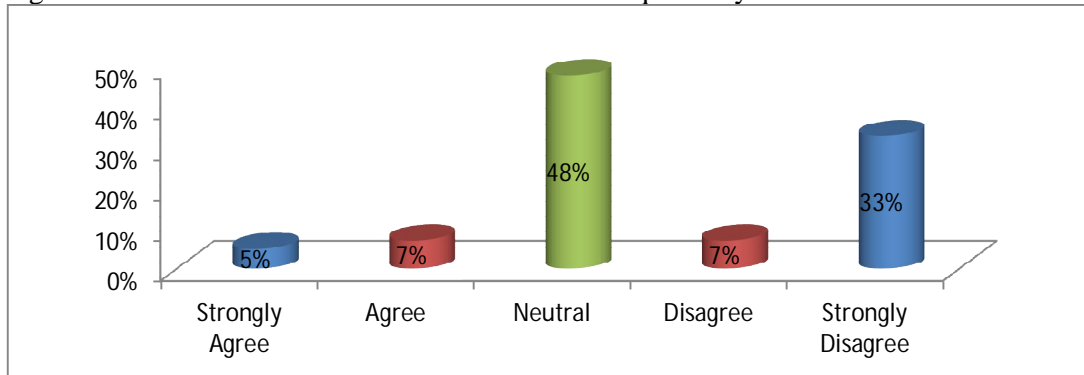
Figure 4.15: Information and presentations lead to robust engagements with departments



As shown in figure 4.15, twelve percent of the participants strongly agreed, twenty eight percent agreed, thirty percent were neutral, twenty three percent disagreed, and seven percent strongly disagreed. The data reveal that most participants were neutral. According to the data generated, 40% responded positively to the increase in robust engagements with departments. However, 30% of participants chose to remain neutral. This reflects consistency of respondents as reports are not received on time and therefore no required committee preparatory work takes place. The percentage of neutral participants indicates that information and presentations required by members or legislature committees does not necessarily lead to robust engagement with departments. The legislature is a political environment and robustness of debate is sometimes influenced by perceived political mileage that can be gained out of raising certain issues vigorously. Information presented by departments in the legislature has less influence on members' pronouncements.

### **Provision of confidential or sensitive information required by members**

Figure 4.16: Confidential or sensitive information required by members

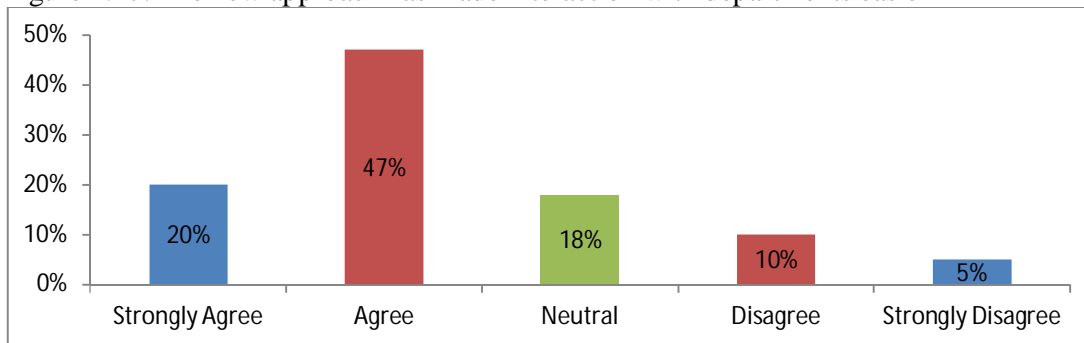


As illustrated in figure 4.16, five percent of the participants strongly agreed, seven percent agreed, forty eight percent were neutral, seven percent disagreed, and thirty three percent strongly disagreed. The data reveal that most participants were neutral. It is important to note that 40% of the participants responded negatively. According to the data generated 48% majority of participants chose to remain neutral on provision of confidential or sensitive information to members by departments as in their view departments should not resist at all.

This issue should not arise at all as members of the legislature take an oath office, before the Judge President, to protect and respect the provisions of the constitution of the republic when resuming. Handling confidential and sensitive information is part of members' constitutional responsibility. There should be no information that is withheld from members for fear of being used for unintended purposes. Members are within their constitutional right and responsibility to ask for whatever information from the executive arm of government and there should be adherence to members' expectations.

### **The new approach has made interaction with departments easier**

Figure 4.17: The new approach has made interaction with departments easier



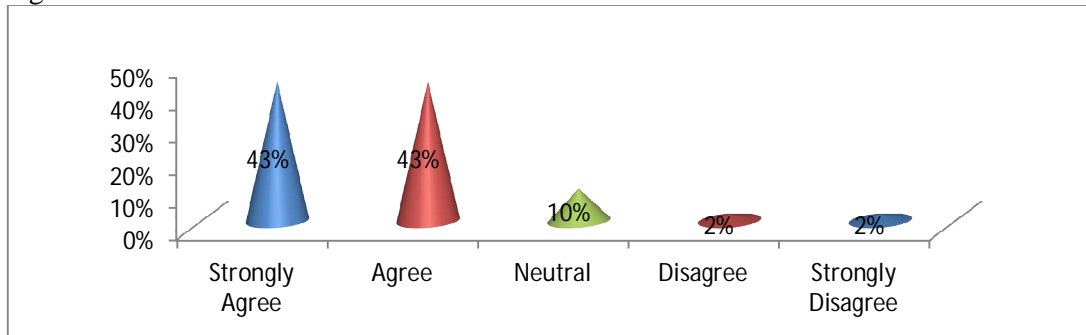
According to figure 4.17, twenty percent of the participants strongly agreed, forty seven percent agreed, eighteen percent were neutral, ten percent disagreed, and five percent strongly disagreed. The data reveal that 67% majority of the participants responded positively to the new approach having made interaction with departments easier. The finding is consistent with the 63% response on the SOM implementation impacting positively and the 45% majority of participants who agreed that members are responding positively to the new

approach to oversight rolled-out. The lack of timely receipt of reports from department lead to the conclusion that it has no much negative effect on members’ response to implementation of the Sector Oversight Model.

Departments are aware in advance of what is expected by legislature committee/s. Committee AOP/s are presented to departments and signed by the MEC/s. There are however internal dynamics within departments which lead to reports not being received timeously by legislature committees.

**There is value in the introduction of the Sector Oversight Model**

Figure 4.18: Value in the introduction of SOM

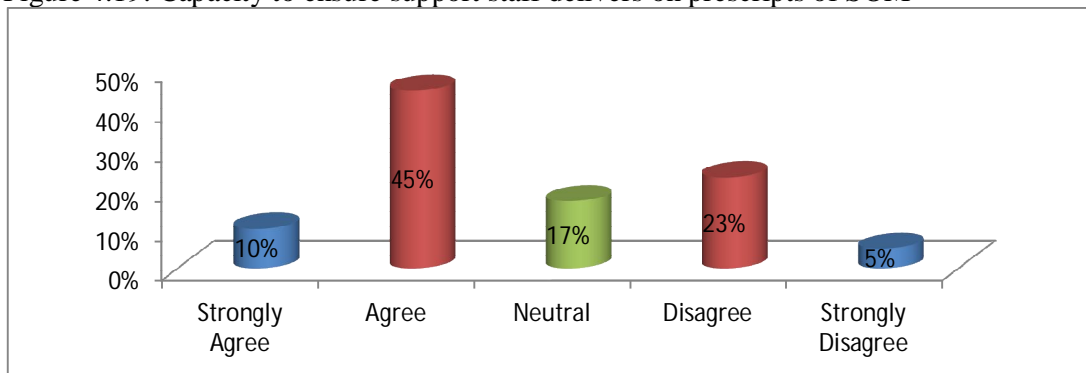


As shown in figure 4.18, forty three percent of the participants strongly agreed, forty four percent agreed, ten percent were neutral, two percent disagreed, and two percent strongly disagreed. The data revealed that the majority of the participants responded positively. This is consistent with findings generated in figures on the impact of the implementation of the Sector Oversight Model, the current monitoring and evaluation systems of the SOM, required results being yield, the reporting periods sufficient to give room for adjustments or corrections, members responding positively to the SOM, and the new approach having made interaction with departments easier.

The benefits of introduction of oversight model once entrenched will result in improvement in oversight work and accountability as well as ultimately service delivery. It has become necessary that legislature committees follow a uniform approach when conducting oversight work.

**There is sufficient capacity to ensure that legislature support staff delivers on the prescripts of the Sector Oversight Model**

Figure 4.19: Capacity to ensure support staff delivers on prescripts of SOM

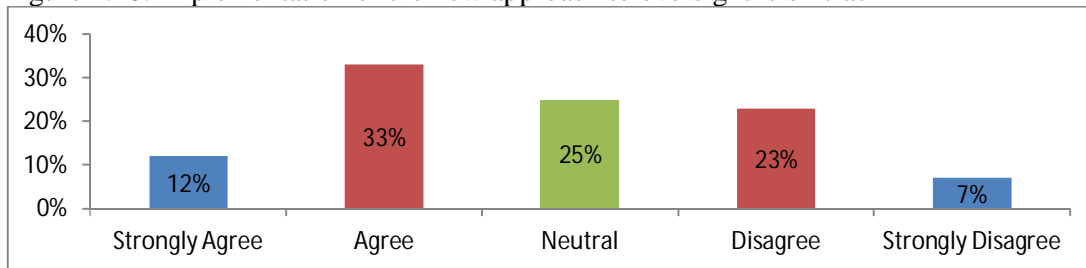


As illustrated in figure 4.19, ten percent of the participants strongly agreed, forty five percent agreed, seventeen percent were neutral, twenty three percent disagreed, and five percent strongly disagreed. The data revealed that the majority of participants responded positively.

The 55% positive response recognises that there is sufficient capacity to ensure that the legislature support staff i.e. researchers, budget and content analyst, and cluster managers who were employed. There are areas however of the model where there are gaps that need to be addressed in terms of capacity to perform such as finance information systems and the tools of analysis. There is continuous training taking place to empower legislature support staff to meet the prescriptions of the Sector Oversight Model.

**The implementation of the new approach to oversight is on track**

Figure 4.20: Implementation of the new approach to oversight is on track

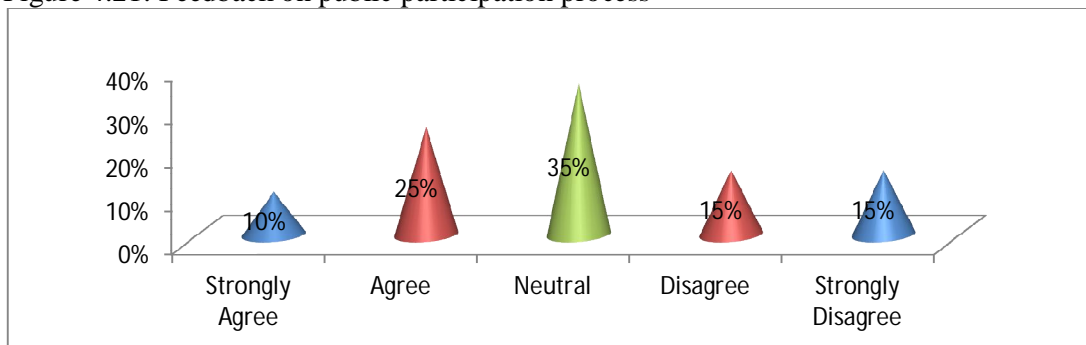


According to figure 4.20, twelve percent of the participants strongly agreed, thirty three percent agreed, twenty five percent were neutral, twenty three percent disagreed, and seven percent strongly disagreed. It is important to note that a 25% of the participants chose to be neutral and 23% responded negatively. The data reveal that 45% of the participants responded positively to the new approach to oversight being on track.

There is a problem in the relation responsibility and ownership of the process of implementation of the Sector Oversight Model between managers and junior support staff, and between presiding officers of the legislature and committee chairperson. The consultation process toward adoption of the model has much to do with lack of ownership. The Speakers' Forum took a decision to continue with the piloting of the model.

**There has been feedback on public participation process and the effect thereof**

Figure 4.21: Feedback on public participation process



As shown in figure 4.21, ten percent of the participants strongly agreed, twenty five percent agreed, thirty five percent were neutral, fifteen percent disagreed, and fifteen percent strongly disagreed. The data reveal that most participants were neutral. It is important to note that a sizable 35% of the participants responded positively, 35% chose to be neutral and 30%

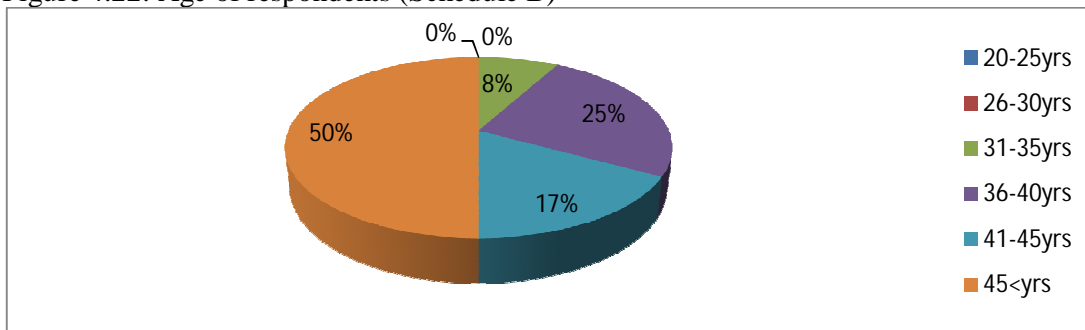
responded negatively to feedback on the public participation process. The 35% of respondents who chose to be neutral demonstrate that there can be no explicit feedback on public participation process being influenced by the implementation of the Sector Oversight Model, while equally 35% had a confirmatory view.

The legislature has numerous public participation programmes focused on its mandate. The most efficient is Taking Legislature to the People (TLTP) which has resulted in communities being able to raise service delivery issues directly with members of the legislature. Preparatory for TLTP educate communities and make them ready to engage government. The legislature holds Sector Parliaments involving ordinary citizens of the province during government sector focus months.

### **Demographics**

#### **Age**

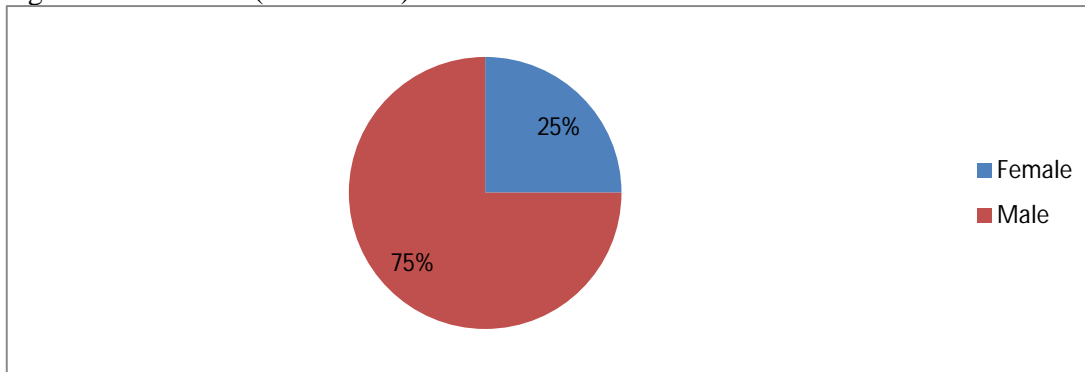
Figure 4.22: Age of respondents (Schedule B)



According to figure 4.22, no participant was between the ages of twenty to twenty five years old, and twenty six to thirty years old. Eight percent of the participants were between the age of thirty one to thirty five years old, twenty five percent were between thirty six and forty years, seventeen percent were between forty one and forty five years, and fifty percent were over forty five years old. The data reveal that most of the participants were over forty five years old. The finding is consistent with the age categories of people who are part of the executive arm of government.

#### **Gender**

Figure 4.23: Gender (Schedule B)



As illustrated in figure 4.23, twenty five percent of the participants were female and seventy five percent were male. The data reveal that the majority of participants were male which prove that males still dominate senior positions in KwaZulu-Natal provincial government.

**Race**

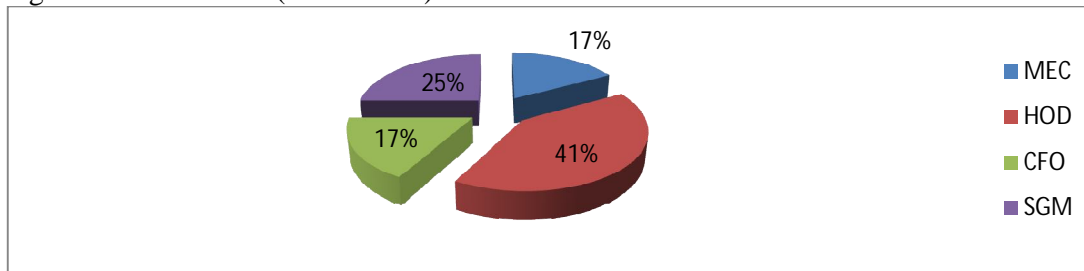
Table 4.2: Race of the respondents (Schedule B)

Race	Frequency	Percentage
African	9	75%
Coloured	0	0
Indian	2	17%
White	1	8%

As illustrated in table 4.2, seventy five percent of the participants were African, seventeen percent participants were of Indian origin, and eight percent were White. No participant could be classified Coloured. The data reveal that the majority of participants were African.

**Positions**

Figure 4.24: Positions (Schedule B)

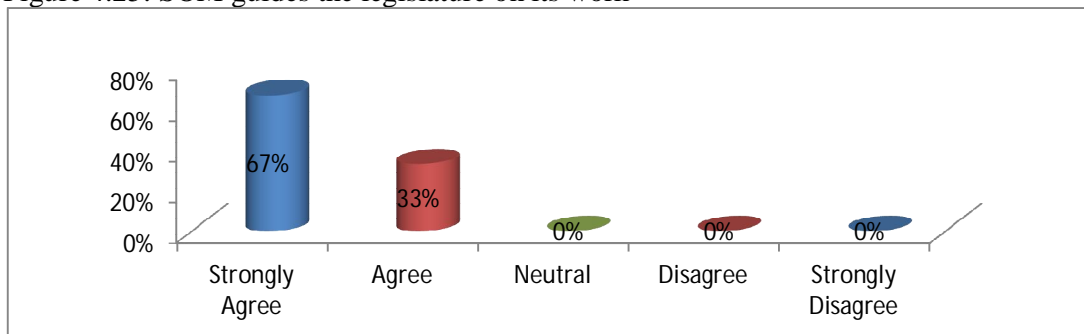


As depicted in figure 4.24, seventeen percent of the participants were Members of the Executive Council (MECs), forty one percent participants were Heads of Department (HODs), seventeen percent of the participants were Chief Financial Officers (CFOs), and twenty five percent participants were Senior General Managers (SGMs). According to the data generated the senior positions in government are still dominated by old males that females.

**Section B (Schedule B)**

**The Sector Oversight Model guides the legislature on its work**

Figure 4.25: SOM guides the legislature on its work

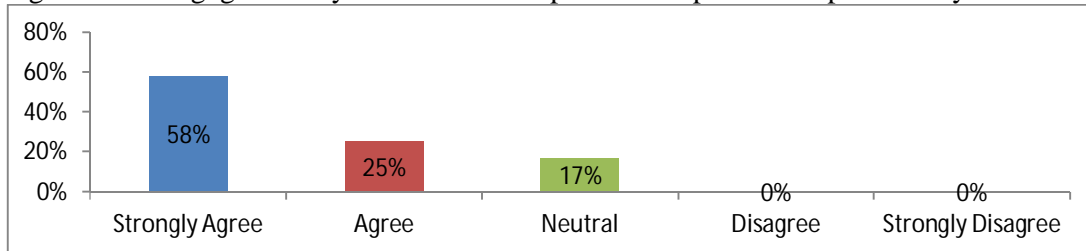


As illustrated in figure 4.25, sixty seven percent of the participants strongly agreed and thirty three percent agreed. There were no participants who were neutral, or who disagreed or strongly disagreed.

The data generated indicates that members of the executive arm of government are in firm agreement of the positive impact of the Sector Oversight Model in guiding the legislature on its work.

**The level of engagement by members of the legislature has improved compared to the past three years**

Figure 4.26: Engagement by members has improved compare to the past three years

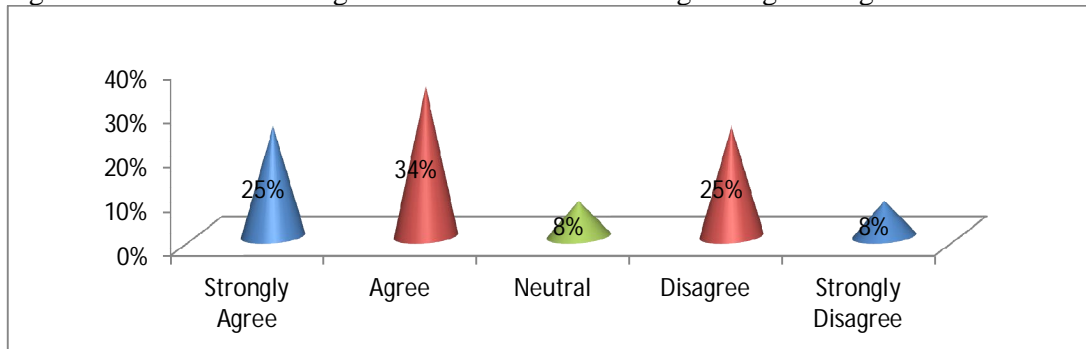


According to figure 4.26, fifty eight percent of the participants strongly agreed, twenty five percent agreed, and seventeen percent were neutral. There were no participants who disagreed or strongly disagreed.

The data indicates that the majority of the participants are positive of the Sector Oversight Model and how the implementation has positively impacted on the engagement by members compared to the past three years.

**Members of legislature are more demanding on the volume and content of preparations during oversight interaction**

Figure 4.27: Members of legislature are more demanding during oversight work

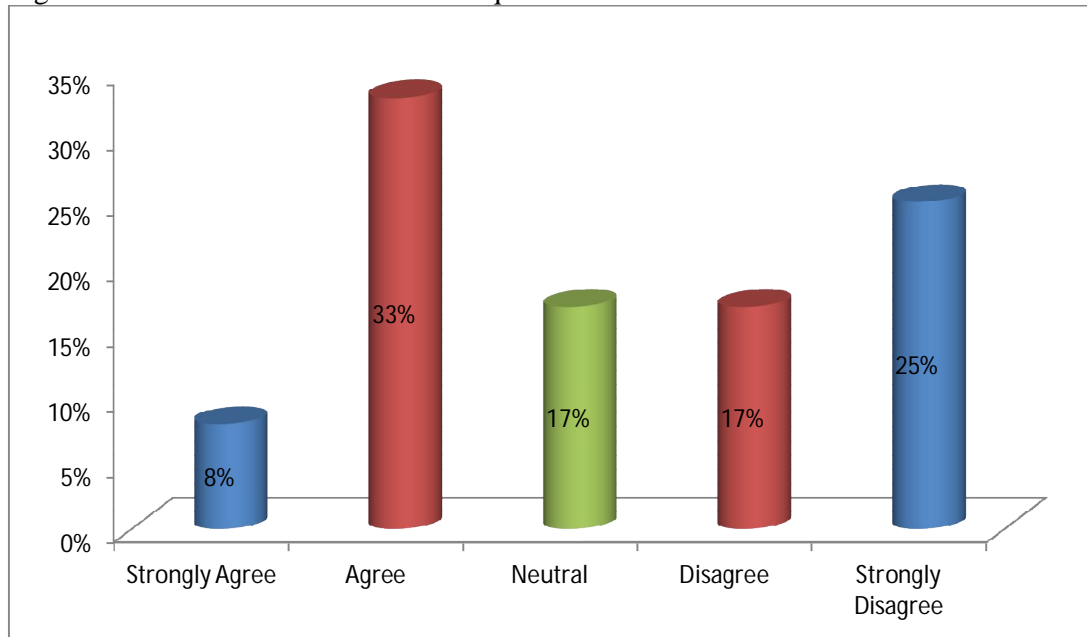


As shown in figure 4.27, twenty five percent of the participants strongly agreed, thirty four percent agreed, eight percent were neutral, twenty five percent disagreed, and eight percent strongly disagreed. The data revealed that 59% majority of participants responded positively to members of legislature being more demanding on the volume and content of preparations during oversight interaction.

Departmental official now have to be well prepared each time a portfolio committee meeting is held. There are instances where members would venture into issues considered to be more operational. These are issues that should be dealt with by accounting officer of departments as per the Public Finance Management Act and other legislative prescripts.

**Members of legislature or committees sometimes require information that is too sensitive for consumption of members of legislature committees**

Figure 4.28: Members or committees require too sensitive information

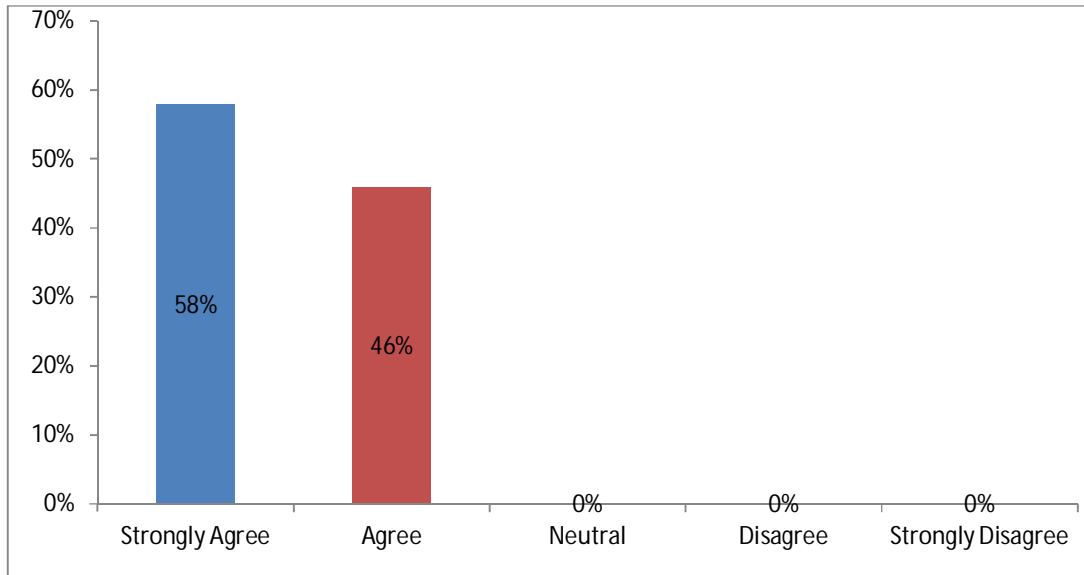


As illustrated in figure 4.28, eight percent of the participants strongly agreed, thirty three percent agreed, seventeen percent were neutral, seventeen percent disagreed, and twenty five percent strongly disagreed. The data generated revealed that 41% of the participants responded positively and 42% responded negatively to members of legislature or committees sometimes requiring information that is too sensitive for consumption of members of legislature committees. There is a small margin of difference on sensitive or confidential information required by members.

Departments sometimes deal with sensitive information pending ongoing investigations. Parliamentarians would require to be informed on issues that might sometime compromise the investigations. Political agendas lead to requests of sensitive information which may be used against the ultimate goal of clean governance and the fight against corruption.

**The information and presentation required by members or legislature committees is positive proof to efficient oversight work**

Figure 4.29: Information and presentation required by members is positive proof to effective oversight



According to figure 4.29, fifty eight percent of the participants strongly agreed and forty six percent agreed. No participants were neutral, disagreed or strongly disagreed. The data reveal that the majority of participants strongly agreed. Information requested by members of legislature is positive proof to effective oversight in the view of the KwaZulu-Natal executive arm of government.

## **Conclusion**

### **CONCLUSIONS AND RECOMMENDATIONS**

#### **Findings from the Study**

#### **Findings from Literature Review**

#### **Accountability**

In dealing with the core issues of government relationship with the people Ma (2012: 111) states that; “Accountability lies at the core of state governance. In recent years, with growing international interest in civic engagement, there has emerged so-called social accountability, in which ordinary citizens, civil society organizations, and the media rise to improve accountability. According to Schillemans (2010: 303), the result is that accountability seems to be an ever-expanding concept, which has come to stand as a general term for any mechanism that makes powerful institutions responsive to their particular publics. Michels and Meijer (2008: 165) indicates that, “accountability arrangements must meet the requirements of the democratic constitutional state to provide adequate checks and balances.”

Accountability is essential in relation to inner being of governance and the people. It has a directly positive impact on transparency and the general confidence of the public on government. Accountability leads to an on-going evaluation and effectiveness of public officials and public bodies ensuring that they are performing to their full potential. In order to ensure that government is accountable there has to be institutions as may be prescribed in the constitution that seek to safeguard this obligation. Accountability cannot exist without proper accounting practices.

Sisulu (2012: 3) states that; “legislatures are the guardians of democracy and are institutions that must shape and give meaning to democracy. As elected representatives of the people, parliaments are the link between the electorate and the government and this unique position presents parliamentarians with an opportunity to be change agents through their representational, oversight and legislative roles.” According to Wang (2005: 2), the policy making function of parliament is seen as the core component of the latter while social legitimacy is believed to strongly impact on the legitimation function of parliament. Further, these are in turn dependent on two sets of key variables which may be categorized into external and internal variables.

Accountability to parliament requires that practical arrangement be put in place to ensure its active role in the policy making process. The executive has to be seen adhering to this constitutional arrangement as it subjects itself to plenary and committee sittings of parliament. Ma (2012: 112) argues that in order to develop social accountability, social consciousness and actions are essential. Further, accountability is designed to encourage open government and serves the function of enhancing public confidence in government and ensures that the government is close and responsive to the people it governs.

Accountability and good governance cannot be separated as nations strive towards betterment of the lives of their people. On the same scale all decisions taken in parliament as part of the legislative process carry the weight equivalent to law in a democracy since parliament is considered as a supreme representative of the people.

### **Oversight**

Muntingh (2012: 30) states that oversight has a broader meaning than accountability and includes a wide range of activities and initiatives aimed at monitoring the executive. Further, while accountability and oversight may differ in respect of scope and focus, it is also clear that the two are closely linked and mutually reinforcing. In this definition it is clear as scholars generally agree that while oversight is a broader concept, it cannot be addressed while entirely excluding accountability.

Oversight is an important governance function and ensures that proper systems are put in place to safeguard the precepts of the Constitution. The concept deals with many elements which may be administrative, ethical, financial, legal or political. Yamamoto (2007: 9) states that the key functions of parliamentary oversight can be described as follows:

- to detect and prevent abuse, arbitrary behaviour, or illegal and unconstitutional conduct on the part of the government and public agencies. At the core of this function is the protection of the rights and liberties of citizens;
- to hold the government to account in respect of how the taxpayers’ money is used. It detects waste within the machinery of government and public agencies. Thus, it can improve the efficiency, economy and effectiveness of government operations;
- to ensure that policies announced by the government and authorized by parliament are actually delivered. This function includes monitoring the achievement of goals set by legislation and the government’s own programmes; and
- to improve the transparency of government operations and enhance public trust in the government, which is itself a condition of effective policy delivery.

It is important that the power conferred on the legislature by the constitution is safeguarded without compromise. This has to be among others the rule of law and particularly the

principle of the separation of powers. The oversight mechanism is meaningless unless its effects are realized by the public who are served by justification to do otherwise on a case by case basis.

### **Parliamentary Committee/s**

Burman (2012: 6) indicates that; “the committee system is essential to deliberative, focused parliamentary oversight. The structure of the existing committee system is remodeled to allow for greater expertise and focused scrutiny over the executive.” A significant part of parliamentary work is conducted in committees rather than in the parent chamber (Yamamoto 2007: 16).

The legislative process of oversight must not only be about fault-finding on the work of the executive arm of government. It must also involve assisting and ensuring that government promises to the people are realized. As Griffith (2005: 4) argues that an effective system of accountability of the Executive to Parliament, together with rigorous processes of audit, reporting and scrutiny, is fundamental to the proper operation of a parliamentary democracy.

There is great seriousness placed on parliamentary committee oversight work as Shafritz et al. (2011: 199) notes that the oversight function is primarily implemented through the process of hearings that often call for sworn testimony from officials, through consultancy reports, and through public findings.

### **Parliamentary Committee Support**

The executive is normally in control of the public purse, and places less emphasis on the importance of increasing funding for parliament budget. Shija (2012: 10) states that; “the challenges of parliamentary oversight can be seen in light of the resources available to parliament; the emergence of constitutional reforms; the presence or absence of political will to combat corruption and misuse of public funds; and the necessity to put in place a system of equitable distribution of wealth, including the care of vulnerable people in society.” Further, these measures could prevent the possibility of an African Spring, which some social scientists already predict.

Part of the challenge faced by the members of legislature is raised in Folscher (2006: 150) in that; “Budgets are highly technical financial and policy tools. The executive is usually staffed with the level of expertise necessary to make budgetary decisions and manage their implementation. Parliaments, on the other hand, especially those that are weak and ineffective in the budget process, have very little capacity for meaningful budgetary scrutiny. Should Parliament's role in the budget process be geared towards improving budgetary outcomes, it must have access to the requisite capacity.”

### **Parliamentary Public Participation**

Public participation is seen as a process through which an exchange of ideas between government and the electorate takes place. Hence, it is expected for the legislature to promote participatory governance between the legislature and the community. As Sobaci (2010: 229)

states that citizen participation is a process by which the concerns, needs and values of the citizens are incorporated into the governmental decision making process. Further, the basic motive behind citizen participation is that it is valuable and necessary for citizens to take part in the decisions that will affect them.

Quality oversight cannot be separated from meaningful public participation as it lies at the heart of an open democracy. Muntingh (2012: 45) agrees in stating that; “the strategic plans of government departments, the reporting on the use of funds in the past and the reports from other oversight institutions (e.g. Standing Committee on Public Accounts and the Auditor General) are extremely valuable sets of information not only to the portfolio committees but also to the public for the simple reason that they reflect whether the current government is living up to its election promises.”

According to Anton (2008: 8) public participation in law-making functions at the international level serves the same well-proven democratic public policy goals that are served in municipal legal systems.

Law making in a democratic society should not only be about regulation. The law making has to be educative so as for the general population to understand the basis for the law being passed. In this way the public is able to input on the final product of the legislation.

### **Findings from the Primary Research**

The key findings from primary research are presented below and have been done in accordance with the research questionnaires that were administered.

#### **Schedule A**

- The research findings reveal that 75% of the participants believe that the introduction of the Sector Oversight Model impacted positively on members' of legislature oversight work. The legislature is able to monitor committee performance and has determined the levels of administrative support required for members.
- The findings indicate that 60% of the participants are satisfied with the current monitoring and evaluation systems ensuring that there is no lapse in the implementation of the Sector Oversight Model. Appointment of administrative staff attached to committees ensures that there is continuity on committee oversight work.
- The study found that 45% of the participants were not satisfied with the ability of committee chairperson to ensure that the Sector Oversight Model is well understood and 23% were neutral. This indicates that committee chairpersons are not well equipped to ensure members understand the Sector Oversight Model and are therefore not well equipped to lead committees.
- Research shows that 43% of participants believed that the results were being yield and 25% were neutral. This is despite the diligence in legislature committee planning for oversight and working towards achievement of targets reflected in the model and committee annual operational plans. Neutral participants were not convinced of the SOM impact in improving service delivery.
- The research revealed that 65% of the participants believe that reporting periods are sufficient to give room for adjustments or correction in the process of implementing the Sector Oversight Model. Legislature committees are guided by the provisions of the Public Finance Management Act.

- According to 55% of the respondents were of the view that preparatory work done for committee meetings does not get to members in advance. In addition, the legislature programme does not allow for more than one meeting per committee a month which has a negative effect of committee oversight preparations.
- There was disagreement with 42% of the respondents indicated that the level of members' participation has improved since the implementation of the Sector Oversight Model and 38% responded negatively. The findings indicated a mixed response. Members are able to identify repetition in departmental reports in case of re-submitted reports from previous meetings without changes.
- A combined 53% of respondents did not agree that members are contributing to the content of preparatory work for legislature committees. This finding is consistent with the negative response on members receiving preparatory work in advance.
- Respondents amounting to 45% felt that members were responding positively to the new approach to oversight as rolled-out. Members of the legislature directed that all committee should implement the Sector Oversight Model.
- The findings revealed that 39% of the respondents considered members' degree of efficiency to have improved since the implementation of the Sector Oversight Model while 37% chose to be neutral. This indicated a mixed response. Specialist support staff members attached to committees assists members on their area of specialization based on demand. There has not been any degree of sizable change in manner in which members conducting oversight work.
- There was disagreement with 45% of the respondents feeling that the Sector Oversight Model relates to the varying literacy levels of member of the legislature. Equally, 40% felt that felt that the Sector Oversight Model does not relate to the varying literacy levels of member of the legislature. The findings indicated a mixed response to the new approach relating to members' varying literacy levels. The specialist legislature support staff is charged with the responsibility to analyse and simplify the information which in most instances may be submitted couched with technical terms. Members' levels of literacy have to be circumvented by the availability of support staff.
- The research findings reveal that 40% of the respondents felt that information and presentations required by members or legislature committees lead to robust engagement with departments. However, 30% of participants chose to remain neutral and 30% did not feel that information and presentations required by members or legislature committees lead to robust engagement with departments. Information and presentations required by members or legislature committees does not necessarily lead to robust engagement with departments as the legislature is a political environment and robustness of debate is sometimes influenced by perceived political mileage that can be gained out of raising certain issues vigorously.
- The study reveals that 48% of the respondents were neutral on whether departments or the executive arm of government accede to members requisition on confidential or sensitive information. In addition 40% responded negatively. This arose from a view that departments should not resist at all as members of legislature are within their constitutional right and responsibility to ask for whatever information from the executive arm of government and there should be adherence to members' expectations.
- The research findings reveal that 67% of the participants felt that the new approach to oversight has made interaction with departments easier. However, lack of timely

receipt of reports from department lead to the conclusion that it has no much negative effect on members' response to implementation of the Sector Oversight Model.

- Research shows that 86% of the participant agreed that there is value in the introduction of the Sector Oversight Model. The benefits of introduction of oversight model once entrenched will result in improvement of oversight work and accountability as well as ultimately service delivery.
- The research findings reveal that 55% of the respondents felt that there is sufficient capacity to ensure that the legislature support staff delivers on the prescripts of the Sector Oversight Model. Continuous training taking place empower legislature support staff to meet the prescripts of the Sector Oversight Model.
- The study reveals that 45% of the respondents considered the implementation of the new approach to oversight to be on track. However, there is a problem in the relation responsibility and ownership of the process of implementation of the Sector Oversight Model between managers and junior support staff, and between presiding officers of the legislature and committee chairperson.
- The research findings reveal that 35% of the respondents agreed that there has been positive feedback on the legislature public participation process and 35% chose to be neutral. There was 30% of the respondents who disagreed. This indicates a mixed response rate. The legislature public participation programmes focused on its mandate. Preparatory work with communities makes them ready to engage government.

### **Schedule B**

- The findings indicate that participants from the executive arm of government overwhelmingly consider the Sector Oversight Model as guiding the legislature in its oversight work.
- The study reveal that 83% of the respondents believe that the level of engagement by member of the legislature has improved compared to the past three years. The Sector Oversight Model has positively impacted on the level of engagement by members.
- Research shows that 59% of the respondents felt that members of the legislature were more demanding on the volume and content of preparations during oversight interaction. This demand of departmental officials to be well prepared each time a portfolio committee meeting is held.
- The findings of the study reveal that 42% of the respondents did not consider information demanded by members as sometimes too sensitive. However, members of legislature would sometimes require to be informed on issues that might sometime compromise the investigations and goal of clean governance, and the fight against corruption.
- Research findings show that participants from the executive arm of government overwhelmingly agreed that information an presentations required by members of the legislature is positive proof to efficient oversight work.

### **Conclusion**

The study reveals that there has been positive impact on the implementation of the Sector Oversight Model in the KwaZulu-Natal Legislature. The research also reveals that the SOM made interaction with the executive arm of government easier, but there has to be

improvement on the legislature in capacitating committee chairpersons. There is value in the implementation of the Sector Oversight Model.

### **Recommendations**

The recommendations from this study are as follows:

- Members' induction workshops must include the objects and functions of the Sector Oversight Model. Training planned at committee level for members will ensure that the model is internalized and implemented.
- The legislature programme need to create more time slots for committee meetings giving room for preparatory meetings for support staff and members as to strengthen oversight.
- Members' allocation to committees has to be limited so as to create room for members of legislature specialization.
- The legislature has to insist on the executive arm of government providing information and/or reports required by the legislature within the time frame provided for in terms of the rules of the legislature.
- Legislature committees' annual operational plans as an oversight tool have to be aligned to departmental AOPs thereby monitoring targeted outputs regularly.
- Committee chairpersons', coordination and monitoring must to involve continuous training on the Sector Oversight Model.
- Clear lines of responsibility have to be outlined between support staff and management, and the role of politicians on the implementation of the Sector Oversight Model.

### **Areas for Further Research**

The following are areas for possible further research:

- Assessing the impact of members' literacy levels on constitutional oversight responsibility in the legislative sector.
- The relevance of confidentiality and information sensitivity in government when interacting with legislators on oversight work.
- The Sector Oversight Model and its impact in promoting the "Bato Pele" principle.
- A similar study could be conducted in the following legislatures:
  - The National Assembly as the leader of the legislative sector and an institution that has more demanding work for members.
  - The Eastern Cape and Limpopo provinces to ascertain if the legislature could through SOM avert the recent governance and service delivery challenges.

### **Conclusion**

This study analyzed accountability, oversight and public participation in the legislative sector. It investigated the effects of the Sector Oversight Model on matter related with member's management of oversight work and its impact on the executive arm of government. The research found that the implementation of the Sector Oversight Model had a positive

effect on members of the KwaZulu-Natal legislature's performance, though being a political environment. Furthermore, research results also indicate that the executive arm of government does recognize the positive effect brought about by the implementation of the Sector Oversight Model as they interact with members on their constitutional oversight responsibility.

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**Kindly note that the full bibliography is cited in this edited version of the study and the references applicable to the edited version is contained within the full cited bibliography.**

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