



Budget Vote Speech Presentation

By

The Speaker of the Free State Legislature,

Hon. N.B. Sifuba

2023/2024

05 May 2023

Bloemfontein, Welkom

Deputy Speaker, Hon Lucy Mapena

Premier, Hon Mxolisi Dukwana

Hon Members of the Executive Council,

The Chief Whip, Hon Thembeni Nxagisa

Deputy Chief Whip, Hon Sarah Moleleki

Chairperson of Chairpersons of Committees, Hon William Bulwane

Hon Members of the Legislature and NCOP Delegates,

Distinguished Guests,

Members of the Fourth Estate

Dumelang! Sanibonani! Good Day! Goeie Dag!

Striding egalitarianism: Taking forward the good Legacy

We are gathered here today one year before the General Elections. The Seventh Democratic Legislature will mark a great progress since our Constitutional Democracy. The Legislature intends to build up on this progress and our healthy developmental agenda to strengthen nation building and unite our people – it is **our legacy**. Over the past four years, we have built a good legacy, we have covered so much ground together, yet our path is lengthening before our eyes. Our goal of building a flourishing egalitarian society must not succumb in the face of adversity. At any rate, the fruits of our work must stand the test of time for future generations.

From the successful coordination of the State of the Province Address in Bloemfontein, the Provincial Budget Speech in Gariiep Dam, to the “*Taking the Legislature to The People*” in the form of Departmental Budget Votes tabling across five districts – we can claim that we are on cause with the Legislature having assumed all constitutional responsibility in the events of the Legislature.

We enter the Workers Month 2023 exactly three years since the advent of the Covid-19 disease outbreak with its devastating effects on humanity and economy. The kind of lessons the workers of the world can deduct from the impact of Covid-19, is that

they are all connected. Workers across the world worked tirelessly to protect humanity from destruction, by producing ideas and innovations that brought the scourge to a halt. During this month, we will **take forward the legacy**, quicken the progress made in protecting the workers' rights and social justice. We will therefore use the upcoming workers parliament to take stock of progress made since our last summit to address key concerns raised by different federations in province.

Deputy Speaker, we draw lessons from the bleak picture that characterised the past few months. Among the events of the past few months is the Jagersfontein disaster where a mine tailing dam wall collapsed, causing devastation, loss of lives and many injured. It also brought other pressures to the local economy such as prolonged health conditions, the environmental degradation and destruction of required infrastructure for sustainable livelihood. This kind of disaster was the first in the province since the Merriespruit Disaster of the 22 February 1994, in Meloding, Virginia, in which 17 people lost their lives and several houses were demolished. Consistent with **our legacy** of oversight, we joined other stakeholders to provide relief to the area as soon as the crisis occurred. We will remain in close contact with the people of Jagersfontein by working closely with the Provincial Government, the Municipality and social partners until the social conditions of the people improve convincingly.

Honourable Members, during the period under review, the Legislature bemoaned the loss of one of our hard-working Member and Chairperson of the Portfolio Committee on Cooperative Governance, Traditional Affairs, Office of the Premier. We will always remember Hon Smit, otherwise known as Sandlana, for his commitment to the struggle, his love for the people and his idiosyncratic jokes. A special dedication to another former Member of this House, Mr Pule Herbert Isak "Tate" Makgoe or "*Simply the Best*," as he was affectionately known, who left us unceremoniously two months ago. Not only did we become the best performing province in matric results during his tenure, but he also engraved **the legacy of success**. He invigorated a new sense of belief in our children, that everyone has the potential to become the best. We will remain indebted to his wonderful work ethic as the MEC for Education. Recently, we also lost a former Member of this House and Premier, Ms Frances Beatrice Marshoff. As a Premier and throughout her professional career, an activist and leader, was an embodiment of a true servant of the people. Lastly, we also remember Dr Frene

Ginwala, founding Speaker of Parliament of South Africa, passed away on 12 January 2023. In his tribute to Dr Ginwala, President Cyril Ramaphosa said, “Frene Ginwala epitomised the ethos and expectations of our then fledging Constitution and played an important role in building the capacity of Parliament through transformation of activists and leaders into lawmakers who were in turn able to transform our country.” We remain proud of this good legacy left by Dr Ginwala. May the Souls of the departed Rest in eternal Peace.

Honourable Members, the presentation of this budget comes at the time when the country is still battling with effects of gender-based violence and femicide which continue to haunt us. As part of our advocacy campaigns, we called for strong legal action to be taken against the perpetrators of Gender-Based Violence. Despite the observable or perceived leniency of the law in matters of this nature before the courts, this should serve as a true lesson to many abusers, that Gender Based Violence is not an option.

Our participation within the established sector forums such as the Speakers’ Forum, Secretaries Association of South Africa, and CPA South African Branch, as mechanisms for cooperative governance is critical. Within the platform of the Speakers’ Forum, we continue to seek solutions to the legislative sector budget challenges within complex fiscal environment. Working together with our Presiding Officers, Portfolio and Ad-Hoc Committee Chairpersons, our Whips, Members of Committees and highly competent staff component, we continue to raise the torch for many South Africans.

Honourable Members, Chapter 13 of the National Development Plan (NDP) – Vision 2030 articulates mechanisms for South Africa’s quest in developing a capable developmental state. The NDP focuses on sustainable economic growth and development within the context of thriving constitutional democracy. It recognises the importance of all branches of the state working together within a cooperative governance framework to deliver on this country vision. Within this framework, a strong, independent South Africa Legislative Sector (SALS) is vital to success.

Deputy Speaker, a philosophical account of an egalitarian society, “*is a society where all people are considered equal, regardless of gender, race, religion, or age. There is no class system in an egalitarian society but relatively equal access to income and wealth.*” This vote depicts our efforts of continuously seeking to improve our systems to influence outcomes in order to change the lives of our people for the better. We consider institutional leadership critical in driving and shaping policy directives, developing contingency plans, impact analysis and the growing risks amid budget constraints. Essentially, we have classified our institutional programmes to remain within the policy regime of government and the sector and to ***maintain a good legacy*** of our democratic breakthrough.

Honourable Members, it remains a singular honour for me to be able to present the Budget Vote for the Free State Legislature in this August House.

Constitutional Mandate

The Free State Legislature derives its mandate from the Constitution of the Republic of South Africa, 1996. The Constitution confers on the Free State Legislature the power to pass laws for the Free State Province to the extent indicated in the Constitution in schedule 4 and 5 thereof to read with section 104 and 114(1) of the Constitution. The Constitution also confers upon the Free State Legislature the power to conduct oversight over the provincial executive council and other provincial organs of state in terms of section 114(2) of the Constitution. To give effect to oversight and law making, the Legislature is required by section 118 of the Constitution to facilitate public involvement in the legislative and other processes of the Legislature.

On the 20th of April 1964, Nelson Mandela delivered a speech during the treason trial, in which he responded to the accusation by the apartheid regime that the South African struggle was influenced by foreigners and communists. He said (paraphrased):

“I admire the British and American democratic systems. I admire the doctrine of separation of powers, as well as the independence of its judiciary, the Magna Carta, the Petition of Rights and the Bill of Rights never fail to arouse my admiration.”

It is these ideals, firmly engraved in our Constitution that we seek to protect and to defend. The role of three arms of the State, namely, (i) Parliament, (ii) the Executive and (iii) the Judiciary, must be respected and safeguarded. Therefore, there cannot be any justification to continue having certain powers and authority concentrated in a single arm of the State. Each arm must be supported and allowed to independently execute its Constitutional obligations without fragmentation of mandates. Parliament makes laws and, the Executive executes the laws, and the Judiciary interprets the law. We will continue to maintain oversight over the executive in terms of section 114 of the Constitution.

We however remain concerned that our core mandate of law making, public participation and oversight continue to be impeded by budget constraints. While our members must be commended for the sterling work, they continue to do through portfolio committees and other established mechanisms, the continuously decreasing baseline is a serious concern.

Programme 1: Institutional Leadership

Strategic Focus

We have started the 2022/2023 financial year with a deeper focus on comprehensive analysis of our spending versus outcomes. We looked at the degree for which our plans are intertwined with the needs of the people. This vote depicts our efforts of continuously seeking to improve our systems to influence outcomes. We consider institutional leadership critical in driving and shaping policy directives, developing contingency plans, impact analysis and the growing risks amid budget constraints. Essentially, this is how we have classified our institutional programmes in order to remain within the policy regime of government and the sector.

The sectoral engagements we embark on as the Legislature also ensure that we interact with different sectors and stakeholders in our province. These platforms play a critical role in giving our people the opportunity to suggest solutions to take the institution forward. In this way we eliminate social distance between the Legislature,

government and the people. This is in line with our operating procedure to involve government as members of Executive in addressing matters of public importance.

We strive to develop plans that have visible impact in the work of the Legislature to the citizens of this Province and our stakeholders. We have undertaken a review of our Annual Performance and aligned our strategic document as per recommendations of the Auditor General. We cited strong financial management and performance information as critical to the functioning of the Legislature. We dedicate considerable time to development and review of organisational policies most of them are now at final stage of the consultation processes. The report from the bargaining management team is due for submission to the Accounting Officer.

We continue to strengthen our administrative capacity by focused recruitment when new vacancies arise. Recently, approval has been granted for advertising of eight (8) funded vacant positions. They include (i) Hansard Editor (ii) Deputy Secretary (iii) Admin Assistant Hansard (iv) Procurement Officer (v) Senior Assets Officer (vi) Constituency Liaison Officer, (vii) Chief Audit Executive, (viii) Admin Assistant Institutional Support Services. We have also earmarked six (6) vacant and unfunded posts to be filled this financial year. They include (i) Risk Management Officer (ii) Manager Research (iii) Marketing & Media Officer (iv) Performance Information Officer, (v) Archives and (vi) Photo & Videography Officer. We have not been able to fill unfunded vacancies due to financial constraints.

Honourable Members, our commitment to clean governance is undisputed and clean audit remains our goal. The Legislature received an unqualified audit opinion for the period of 2021/2022 financial year. In the main, the Auditor General insisted that the Legislature need to improve on consequence management to achieved clean audit status. We have since managed to reduce our irregular transaction with fifty percent (50%) arising from 2021/2022 financial year to forty three percent (43%) for the 2022/2023 financial year. A clear post-audit action plan addressing matters raised by the Auditor General has yielded positive results with the improvement in financial statements and performance information. Our governance structures such as the Audit Committee is functional and monitors progress on administration very closely. Furthermore, our Budget and Oversight Committee continues to play a pivotal oversight role over financial administration.

Organisational Development Environment

Deputy Speaker, the Free State Legislature currently has 194 approved posts on its Organisational Structure and has 158 posts filled, 139 permanent employees, 13 contract employees linked to the term of office in the Office of the Speaker and 6 contract employees which equates to 81%. For this Financial Year, the institution absorbed 4 individuals on an internship programme with the purpose of giving them exposure and vital work experience.

We are in the process of conducting an overhaul review of the organisational Structure to determine how the organisation needs to improve and best conducted in line with annual business and workforce planning processes or in response to key events such as changes in technology processes and priorities. The review will also investigate the grading system and disparities which exist in the institution.

Capacity Building and Training and Development

Honourable Members, it is through education that we can help build sustainable livelihoods and eliminate dependency welfare across all levels of society. To achieve this feat, we learn from one of leading philosophers of the 20th century, Paulo Reglus Neves Freire, when he wrote that:

“For apart from inquiry, apart from the praxis, individuals cannot be truly human. Knowledge emerges only through invention and re-invention, through the restless, impatient, continuing, hopeful inquiry human beings pursue in the world, with the world, and with each other. True generosity consists precisely in fighting to destroy the causes which nourish false charity.”

In addition to the internal Work Skills Plan, the Legislature is part of the Capacity Building Programme initiated by the Legislative Sector Support (LSS). The purpose of the LSS programme is to strengthen the skills and knowledge of not only Members (MPL's) but also that of staff across all levels. The Free State Legislature identified and helped 9 management officials to register in a one-year Advanced Certificate in Governance and Leadership Programme offered by University of Witwatersrand, NQF

level 7. The overall purpose of the programme is to enhance the performance of Legislators to execute their constitutional responsibilities through a professional development programme anchored in the core functions of the Legislature.

Our Financial Aid Programs is bearing fruits as our officials are increasingly taking advantage of this benefit. Through hard work and commitment, more managed to achieve their higher qualifications in recent years. Currently, 15 of our staff members are furthering studies and 90% of those are post-graduation qualifications and 6 officials completed their qualifications for the 2022/23 financial year. Through our Financial Aid Programme, the Legislature has been able to produce PhD, Masters Degrees, Post Graduate Diplomas, Degree and Certificate holders from various universities. We wish to congratulate all our employees who formed graduate during this graduation season.

Public Procurement to Support Local Communities

The revised preferential procurement regulations framework regulations are now in place, following the declaration of invalidity by the court in 2021. However, this does not negatively impact on our commitment to *competitive, fair, transparent, equitable* and *cost-effective* public procurement. Through these principles, previously disadvantaged groups such as blacks, women and people with disability are enrolled into mainstream economy. We continue to support local economic development by encouraging and supporting suppliers in rural areas of our Province to take advantage of economic opportunities arising from our people centred supply chain process.

Programme 2: Core Business

Legislative Sector Matters

Honourable Members, the slow process in finalising and adopting the Legislative Sector Bill within the sector is hampering the harmonisation of administrative functions envisaged by the sector in attainment of uniform approach to practices, processes and procedures in the sector. When we helped in developing the Bill and further as signatories to a Memorandum of Understanding, we supported the regulatory progress. Firstly, assuring the power of legislatures in determining their own budget

processes. Secondly, the promotion of separation of powers as envisaged by the father of our democracy, Dr Nelson Mandela 59 years ago.

We need to appreciate the importance of the framework and implement it through adoption of annual committee programmes. These programmes extend the existing arrangements beyond consideration of reports, oversight visits and public hearings on proposed legislation before committees. This we do to realise the provisions of Section 118 of the Constitution that calls for the Legislature “to facilitate public involvement in the legislative and other processes of the legislature and its committees,” as also outlined in the Sector Oversight Model.

Legislation and Oversight

To ensure that this constitutional mandate is achieved, our work is guided by the Sector Oversight Model (SOM). SOM is a framework by which the oversight is informed by performance evaluation and budget analysis. All Portfolio Committees, which are constituted by proportional representatives of the parties in the Legislature, have generic powers and functions and they include, inter alia, the following: (1) *monitor and oversee the work of the Departments and provincial entities* (2) *consider Bills referred by the House or the Speaker* (3) *conduct site visits to government projects and provide recommendations.*

The Portfolio Committees have the power to summon any person to appear before them, give evidence or produce documents. They may require any person or institution to report to them.

Law Making

- a) Honourable Members, during the last financial year, we made a commitment to give urgent attention to the process of review of the Rules and Orders of the Legislature. We are pleased to report to this House that, a comprehensive review of the Rules and Orders of the Legislature was conducted and concluded in June 2022. The Speaker has also framed the Rule as required, in order to respond to gaps identified during the application. Following the adoption of these Rules, we are guaranteed of smooth running of the House and its committees until the sector attains uniformity.

b) Relations with stakeholders

Honourable Deputy Speaker, our regular meetings with Office of the Public Protector continue to sharpen our cooperation and collaboration as encapsulated in the Memorandum of Understanding. Our recent meeting addressed among other issues (1) implementation of remedial action recommended by Public Protector (2) petitions (3) all other matters of concurrent oversight competence. We maintain this relationship with other Chapter 9 and 10 institutions, and with stakeholders such as the House of Traditional Leaders and civil society organisations. Working together with the Commission for Gender Equality and the African Women in Leadership Network, we will host an event to celebrate the life Ms. Frene Ginwala, first Speaker of our Democratic Parliament.

We will continue to work with all organisations that support democracy in order to ensure that we champion democracy as envisaged in our vision. We must work together to build together a society based on the principles of ubuntu, respect and dignity for all. We will continue to work with different stakeholders, chapter 9 & 10 institutions, Traditional Leaders, faith-based organisations, youth formations, community-based organisation to shape the future of our province. We will also continue to educate our people through our public participation and education programs for the people to know their rights and responsibilities.

Public Participation and Education

In terms of the SOM, “a unit responsible for public participation in a legislature should play a key role in assisting with the co-ordination and liaison with civil society groups.” During the period under review, the Office of the Speaker with help of public participation unit, successfully hosted the following activities across the province:

- a) Workers Parliament
- b) Youth Parliament
- c) Gender Based Violence Summit
- d) Heritage Day Celebrations
- e) Disability Parliament

A multi-stakeholder team has been established to prepare reports of all activities and to track progress on implementation. These activities remain important mechanisms to eliminate social distance between the State and our communities. However, public participation is impeded by inadequate budget to the Legislature. We are, at the level of the Speakers' Forum, working to address anomaly, to ensure greater consultation before annual allocations to the legislature are finalised.

Maintenance of the Fourth Raadsaal

Deputy Speaker, the conditions of the Fourth Raadsaal building have deteriorated to an unprecedented level due to neglect. An amount R2,5 million rand was allocated towards maintenance of the Fourth Raadsaal by the Provincial Treasury during 2022/2023 financial year. We are not happy regarding the progress towards the maintenance of the Fourth Raadsaal.

Modernisation and Refurbishment of the Fourth Raadsaal Chamber

The modernisation process of the Fourth Raadsaal has been re-activated with the installation of the electronic sound system commencing this week and it is expected to be completed in the first week of July 2023, or earlier. The process of refurbishment of furniture is ongoing. All this work shall restore the Fourth Raadsaal as an esteemed plenary facility, a magnificent heritage and a tourism attraction site.

Programme 3: International Relations

Deputy Speaker, this programme has not yet been incorporated in the Appropriation Bill as a separate programme. Therefore, its activities will continue to be funded under programme 1: Administration until the decision of the Legislative Sector to effect separate funding for this programme is approved and gazetted by Treasury.

We wish to report under international work, that the Constitution of the Commonwealth Parliamentary Association (CPA) Free State sub-branch was adopted by the House during 2022 and that CPA sub-Branch has also been launched in 2022. The CPA Constitution provides among other issues: clarity on the roles, rights, and responsibilities of current Members to the Legislature, Members of the Executive and the Associate Members, and their participation at all levels. These levels include the

Commonwealth Women Parliament (CWP), which is also due to be launched upon election of the steering committee members of the CWP. We consider a launch for a CWP to be long overdue, and therefore, the finalization of this outstanding matter is critical in operationalising the CPA matters in full.

Members and Political Parties Support

Section 116(2) of the Constitution requires that we provide administrative and financial support to members and political parties. In addition, the Political Party Funding Act, (Act no. 6 of 2018, was operationalised in 2018 to regulate public and private funding of political parties. For the purpose of this support, we use budget Programme 2 called Facilities for Members and Political Parties. While funding elections to political parties represented in the Legislature came to an end, the Act still provides for members to receive extensive support to enable parties and members to perform work within their political party structures. Whilst we announced to the House at the previous budget tabling, that financial assistance towards political parties have increased substantially due to the introduction of the Political Party Funding Act, we warned of unintended consequences. As a result, the increase has proven to be unsustainable as there is a recorded shortfall over the MTEF period. Political parties have a vast range of areas which they must cover such as constituency, research, offices and support staff.

It is expected that parties will be more responsive in their constituency work to conduct oversight work of the Legislature by giving the necessary audience to their constituencies. This should also be in line Rule 36 of the Standing Rules and Orders of the Legislature in terms submission of constituency reports. Tabling of constituency reports in the House is one of the many mechanisms we employ to hold the executive accountable, individually and collectively. We will henceforth administer the process governing constituency report to ensure that they tabled before the House as required.

Appropriation: Budget Tabling

Honourable Members, The Budget for Vote 2 to be appropriated amounts to **two hundred and sixty million and fifty-nine thousand rand** (R260,059 million) with a further statutory amount of **twenty-seven million and seventy-six thousand rands** (R27.076 million). The total budget allocation, therefore, amounts to **two hundred and**

eighty-seven million and one hundred- and thirty-five-thousand-rand (R287,135 million) This constitutes a 4,8% decrease compared with the previous financial year's allocation.

We appreciate the support from the Provincial Treasury, in ensuring that the additional programme of International Relations introduced by the Sector will be reflected in Vote 2 of the Legislature in the Appropriation Bill. Therefore, our budget structure will soon reflect all 4 programmes and not only 3 programmes as it is the case now.

The allocated funding per programme is as follows:

- Programme 1 - Administration: We have allocated an amount of **one hundred and sixty-one million, nine hundred and eighty-three thousand rand** (R161.983 million). The budget caters for the (1) Office of the Speaker (including the budget allocations to Portfolio Committees), (2) Office of the Secretary to the Legislature, (3) Finance Division.
- Programme 2 – Facilities and Benefits for Members and Political Parties: We have allocated an amount of **fifty-one million four hundred and nineteen thousand rand** (R51,419 million).
- **Programme 3 - Parliamentary Services:** We have allocated **forty-six million, six hundred and fifty-seven thousand rand (R46,657 million)**. The purpose of this programme is to ensure that the core procedural services such as Hansard, Legislation and Oversight and Legal Services are catered for.
- Direct Charge: Members Remuneration is budgeted at **twenty-seven million and seventy-six thousand rands** (R27.076 million). This allocation is aligned with the recommendations by the Commission on Remuneration of Public Office Bearers.

In executing this budget, we want to impress on the constitutional mandates vested with the Legislature and the fact that we require a well-resourced budget to carry out these mandates of oversight, public participatory and law-making. The practice where the Executive historically assisted in funding the Legislature events such as budget votes and State of the Province have ceased. This was done to fulfil the constitutional responsibilities of the Legislature in terms of the law-making process and public participation. The Legislature is now solely responsible for these costs. However, the budget allocation did not provide for these additional costs.

Pursuant to the legislative requirements that consultation must take place between the Speaker and the MEC for Treasury regarding the allocation to the Legislature, the allocations remain unsatisfactory. During the engagements between the Premier, MEC for Treasury and the Speaker in 2022, an undertaking was made to discuss the budget of the Legislature. The purpose of this engagements was to address the underfunding in the adjustment. We are looking forward to those engagements.

In conclusion

Let me thank all Presiding Officers and Members of the Legislature for their commitment and dedication to the work of the Legislature and its committees. In this environment, your nights are shorter, and your days are desecrated; you are governed by penitential thoughts, away from your families; still, you bear a thankless work; and at any measure, your adversaries are always lurking. By standing with our people, you have held the fort. As it was explicated by Noam Chomsky, *changes and progress very rarely are gifts from above. They come out of struggles from below.*"

Thank you, Members of the Executive for your continued attendance to the plenaries of this House and committees of the Legislature when called upon to do so. Thank you to the Secretary of the Legislature, Mr Joseph Machaka, Management and Staff of the Legislature.

Thank you for your attention.