SUBMISSION ON THE FINANCIAL MANAGEMENT OF PARLIAMENT AMENDMENT BILL [2013]

For an Equitable Sharing of National Revenue

INTRODUCTION AND BACKGROUND

- This submission is made in terms of Section 3(2)(b)(ii) of the Financial and Fiscal Commission Act 99 of 1997 as amended.

- The Financial and Fiscal Commission (the Commission) made its initial inputs to the Financial Management of Parliament Bill in 2008.

INPUTS TO 2013 AMENDMENT BILL

- The Commission notes;
  - The proposed title change to Financial Management of Parliament and Provincial Legislatures Act, 2009.
  - The inclusion of the "Provincial Legislature" and "Accounting Officer" in the Bill.
- The Commission fully supports the decision to deal with provincial legislatures in terms of uniform national legislation rather than assignment of such powers to provincial legislatures.
  - This gives effect to the Constitutional requirement of uniform norms and standards (s215 and 216) and benchmarking, monitoring and evaluation of the legislative sector.
  - This amendment is significant, because by implication this legislation will now cover the provinces as well.
  - Any other provincial Bill or Act may need to be overwritten or aligned to remove any conflict with this Bill

INPUTS TO 2013 AMENDMENT BILL

- The following areas may require further refinement:
  - Updating of regulations
    - Who is assigned the powers to regularly review regulations in terms of the Act.
    - Who regulates the programme performance information (to ensure a balance between minimum legislative sector requirements)
  - Hierarchy of legislation
    - It is not clear in this legislation what the hierarchy of regulation is, especially with regard to province specific guidelines issued by provincial treasuries.
  - Intervention
    - How is section 100 of the Constitution interpreted in the light of this Act? for instance how will this act deal with a situation where provincial legislature is unable to fulfill an executive responsibility in terms of the Act?.

THANK YOU

THANK YOU

THANK YOU