



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

Consideration of proposals by Corruption Watch on the appointment process to be followed by the Ad Hoc Committee on the Appointment of the Auditor-General

Presentation to ad hoc Committee on the
Appointment of the Auditor-General

30 July 2020

Corruption Watch makes six proposals:

- a) publish CV's of all candidates on Parliament's website;
- b) facilitate public participation by allocating at least 7 days for the public to comment and provide objections to candidates that have applied for the position;
- c) develop further shortlisting guidelines (in addition to the base criteria provided for in section 193(3) of the Constitution) to ensure that only the strongest candidates are interviewed;
- d) classify candidates in terms of eligibility;
- e) develop a questionnaire to assess the skills, expertise, knowledge and ethics of candidates in order to ensure an objective and standardised comparison;3 and
- f) develop a scorecard to evaluate candidates by weighting the importance of technical skills, leadership and behaviour as was done in the previous appointment process.



Constitution, 1996

- Section 181(e) - Office of the Auditor-General
- Section 193(3) - minimum requirements for appointment
- Subsections 193(4) and (5) of the Constitution set out the procedure for the appointment of the Auditor-General.
- Section 193(6) provides for the discretionary inclusion of civil society in the appointment process as follows:

“193(6) The involvement of civil society in the recommendation process may be provided for as envisaged in section 59(1)(a).”

- Section 59(1)(a) of the Constitution which places an obligation on the National Assembly to “facilitate public involvement in the legislative and other processes of the Assembly and its committees.”



The Public Audit Act, 2004

No significant detail on the appointment process.

Protection of Personal Information Act, 2013

Permits the processing of personal information for justifiable purposes only e.g. in terms of law.

The Constitutional Court

Test for public participation is whether it is reasonable and meaningful within the context of the issue under consideration.

2007 Report of the ad hoc Committee on the Review of Chapter 9 and Associated Institutions (“Asmal Report”)

Involvement of civil society in the appointment procedures to be necessary; particularly as such involvement would enhance the transparency and overall credibility of these procedures and greater public awareness of these bodies.”

**Regulatory
framework
(cont.)**



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

Advice

| Proposals | Committee response |
|---|--|
| 1. Publication of CV's | Meaningful public participation require the same - POPI Act require consent - Constitution. |
| 2. Public comment / objections to candidates | Public be afforded an opportunity to object to short-listed candidates either in writing or orally. |
| 3. Further shortlisting guidelines | Committee may develop any shortlisting guidelines to assist subject to the base requirements as set out in the Constitution. |
| 4. Classify Candidates using an appropriate scale of classification | Similarly to the above, the Committee may develop a scale of classification if it so wishes. |
| 5. Questionnaire to assess candidates | Can be of assistance, but members not limited. |
| 6. Develop a scorecard to evaluate candidates | May certainly develop a scorecard to assist it in its consideration and ranking of candidates. |