UNIVERSITY OF KWAZULU-NATAL

Exercising Leadership in a Dynamic Context: the Interface between Political and Administrative Leadership

by

Nerusha Naidoo

A dissertation submitted in partial fulfillment of the requirements for the degree of Master in Commerce

School of Leadership
Faculty of Management Studies

Supervisor: Stan Hardman

November 18, 2011

i

DECLARATION

I, Nerusha Naidoo declare that

(i)   The research reported in this dissertation/thesis, except where otherwise indicated, is my original research.

(ii)   This dissertation/thesis has not been submitted for any degree or examination at any other university.

(iii)   This dissertation/thesis does not contain other persons' data, pictures, graphs, or other information, unless specifically acknowledged as being sourced from other persons.

(iv)   This dissertation/thesis does not contain other persons' writing, unless specifically acknowledged as being sourced from other researchers. Where other written sources have been quoted, then:

(a)   their words have been re-written, but the general information attributed to them has been referenced;

(b)   where their exact words have been used, their writing has been placed inside quotation marks, and referenced.

(v)   Where I have reproduced a publication of which I am an author, co-author or editor, I have indicated in detail which part of the publication was actually written by myself alone and have fully referenced such publications.

(vi)   This dissertation/thesis does not contain text, graphics or tables copied and pasted from the Internet, unless specifically acknowledged, and the source being detailed in the dissertation and in the References sections.

Signed: Date:

ACKNOWLEDGEMENTS

ABSTRACT

The legislatures of South Africa are responsible for passing laws, exercising oversight over the executive arm of government and ensuring that the public is involved in the legislative processes of government. Arguably, the legislatures are the vanguard of democracy as it is in the legislatures that the public is represented through their public representatives. Accordingly, to ensure that the legislature is effective, it must be effectively led by both the political leadership as well as the administrative leadership at an institutional level. .

The study focused on the leadership issues in relation to the Speakers and Secretaries in the legislative sector, whilst at the same time considering the impact of various portfolios and leadership positions in relation to addressing impediments or support for leadership The study was conducted under a qualitative research paradigm and considered leadership qualities of political leaders and administrative leaders in the legislatures of South Africa and the constitutional, legislative and operational environment in relation to whether it was conducive to exercising effective leadership within legislatures.

The research showed that the environment is turbulent and leadership has developed organically in the legislatures, with political leaders being elected into positions and administrative leaders being appointed into positions. Administrative leaders are reliant on political leaders for setting institutional policy, whilst arguably; administrative leaders are responsible for implementing policy. Findings revealed that there exists some disconnect between the understanding of the roles and functions between the two groups exercising leadership in the legislature and the mechanisms and structures that are utilized to do so.

Findings revealed that theories of leadership have been exercised by default rather than design, but that the political leadership displays a large capacity for consultation on issues whilst administrative leaders display a largely mechanistic approach and on average, do not display an understanding of political nuances that impact on administrative decisions.

Findings revealed that leadership is an emerging concept with a distributed form of leadership as well as an informal delegated form of leadership amongst political leaders which in instances impacts on the administrative leadership of the legislature.

Findings exposed barriers, which negatively impacted on political and administrative leaders' motivation to perform effectively at a leadership level. These barriers included the lack of a

proper legislative framework that clarifies roles and functions of specific office bearers and enables the legislature to act independently of the executive. In addition, budgetary constraints as well as party politics impacts largely on the leadership roles in the legislature.

Recommendations include, *inter alia*, passage of legislation that addresses the separation of powers and recognizes the role of the legislature, continuous emphasis of leadership roles and functions to transform political organizations and participants in the sector by deepening understanding of leadership at all levels.

TABLE OF CONTENTS

CHAPTER 4 – RESULTS

REFERENCES

CHAPTER 1

INTRODUCTION

1.1   Background

On 27th April 1994, all citizens of South Africa were eligible to vote for new leadership in the country, giving rise to the first democratic state in South Africa. To ensure that systems and structures supporting democracy were created, protracted negotiations were held, ultimately giving rise to the Constitution of South Africa, Act No. 108 of 1996, hereinafter referred to as the Constitution. Nine (9) provinces were established by the Constitution, with each province having a provincial government, within which the Premier and the members of the executive council exercise collective executive power and the provincial legislatures, led by the Speaker, exercise legislative power.

Three arms of government (the executive, the legislature and the judiciary) were created within the National Government and each of the nine provinces with the purpose of ensuring that there was a check on the balance of power. This is commonly known as the principle of 'separation of powers'.

The South African Constitution, therefore, created separate spheres of government (national, provincial and local) and distinct arms of government (executive, legislature and judiciary) at both national and provincial level. To ensure that the incumbents of portfolios in these spheres and arms of government did not frustrate democracy and service delivery through adopting territorial positions, Section 40 of the Constitution emphasized collegial relations through cooperative government.

Whilst the Constitution established the National Parliament and provincial legislatures for purposes of passing laws and maintaining oversight over the executive, aiming at effective service delivery and transformation of the lives of the citizens of South Africa, the complex nature of the legislature impacts on the outcomes in a manner that could not have been envisaged by the drafters of the Constitution.

As this study focuses primarily on the exercising of leadership within the dynamic context of the legislatures, it is, therefore, necessary to contextualize the power and authority that the legislatures hold by virtue of the Constitution.

The National Parliament and provincial legislatures were established in terms of Sections 44 and104 of the Constitution, respectively. The National Parliament and provincial legislatures were vested with legislative authority (Sections 44 and 104 of the Constitution, respectively) and with the power to exercise oversight over the executive (Sections 55(2) and 114(2) of the Constitution, respectively).   The composition and election of provincial legislatures is governed by the National Electoral Act and 'is based on that province's segment of the national common voters roll' (Section 105(1)(b) of the Constitution). The composition and election of the National Parliament is governed by the National Electoral Act and 'is based on the national common voters roll' (Section 46 (1)(b) of the Constitution).   The National Assembly and provincial legislatures are elected for a term of approximately five (5) years (Sections 49(1) and 108(1) of the Constitution, respectively). The National Parliament, must, in terms of Section 52 (1) of the Constitution, elect a Speaker and a Deputy Speaker and each provincial legislature must, in terms of Section 111 (1) of the Constitution, elect a Speaker and a Deputy Speaker. Both National Parliament and provincial legislatures have extensive powers to summon witnesses (Sections 56 and 115 of the Constitution respectively). By virtue of Sections 59 and 116 of the Constitution, National Parliament and the legislatures have the power to 'determine and control its internal arrangements, proceedings and procedures; and make rules and orders concerning its business, with due regard to representative and participatory democracy, accountability, transparency and public involvement.' Although National Parliament does differ from the provincial legislatures in respect of the areas in which it can enact laws, at a fundamental level the roles of National Parliament and provincial legislatures are similar in relation to the overall responsibility of passing laws, maintaining oversight over the executive and involving the public in its legislative processes.

The South African democratic system attempts to balance the retention of a Westminster model of parliamentary practice, whilst at the same time embracing the principles of a constitutional democracy. In terms of the Westminster system, Parliament is sovereign, whilst in a constitutional democracy, the Constitution is supreme. The Constitution of South Africa is transformative and provides for representative democracy through the legislatures.

An added area of complexity is the constitutional provision relating to the autonomy of the provinces. Since 1994, legislatures have conducted their affairs independently and within their provinces and, in addition, whilst the roles of the legislatures are similar, practices of operation have evolved in the various provinces through informal discussions rather than conscious and structured design.

Anderson (1999:216) quotes Simon Herbert's definition of a complex system as 'one made up of a large number of parts that have many interactions'. Anderson (1999:216) also cites Thompson who described a complex organization as 'a set of interdependent parts, which together make up a whole that is interdependent with some large environment'.

Each of the legislatures in South Africa is composed as set out below:

National Assembly	:	400 members
National Council of Provinces	:	54 permanent delegates
		36 special delegates
KwaZulu-Natal	:	80 members
Gauteng	:	73 members
Eastern Cape	:	63 members
North West	:	33 members
Northern Cape	:	30 members
Mpumalanga	:	30 members
Limpopo	:	49 members
Western Cape	:	42 members
Free State	:	30 members

As can be seen above, within each legislature there are a varying number of parties, each with its own philosophies and ideologies. The ANC attained a resounding victory for the 2009 elections in the National Parliament and all provinces, except the Western Cape. Although the opposition parties do have an impact on the performance of the legislature, it is dominated by the ANC. This is highlighted by Butler (2004:107) who states that "the key and inescapable fact of political life in South Africa is the degree to which the ANC dominates the country's electoral and political life. Conceiving itself as a 'liberation movement' rather than merely a political party, the ANC currently commands the allegiance of around two-thirds of voters in national elections."

Although a resounding victory for the ruling party has its advantages, it also poses some challenges within the context of the role that it plays in the legislature in terms of the Constitution, *viz*. the ability of members of the ruling party occupying positions of leadership in the executive influencing their fellow members in the legislature in not exercising its oversight role effectively.

Clearly, all of these sub-systems impact on the larger environment of the legislature and the question remains of how leadership and management can be exercised effectively in such a dynamic environment.

To further complicate matters, although the positions of the Speaker and Deputy Speaker have been identified in the Constitution, no clear roles and direction have been provided, which has resulted in the roles having been determined through practice. Furthermore, over a period of time, the Speakers of South Africa have formed an association known as the Speaker's Forum, which is a loose arrangement of bench-marking and networking, which has no accountability, responsibilities or formal reporting structures. However, on 17th March 2010, the Speakers of the National Parliament and provincial legislatures signed a Memorandum of Understanding that created a framework for the legislative sector to work collaboratively and collectively as a sector.

Senior managers (comparable to an Accounting Officer in the Public Sector), with the title of Secretary, were appointed in each legislature to lead the administration so as to ensure delivery of an administrative service to the legislature as well as to support the Speaker. However, the roles and functions of a Secretary have not been standardized or clearly defined. To address the issue of bench-marking and in order to develop the role more fully, the Secretaries of all legislatures formed a voluntary association of Secretaries in 1996, commonly known as SALSA (South African Legislatures Secretaries Association). Because this was also a loose arrangement, it brought with it concomitant difficulties.

1.2   Need for the Study

Legislatures serve an important role in protecting the interests of the citizens and ensuring the success of democracy. If the legislatures do not function effectively, democracy is compromised.

The executives are responsible for delivery of services to the masses and the legislatures have a critical role of maintaining oversight over them. Should the executives not perform their functions effectively, the legislatures must be in a position to hold them accountable. If the legislatures are unable to carry out this function effectively, it would have a negative impact on the citizens of South Africa. It is, therefore, critical for legislatures to function effectively. Effective leadership and management drive effective functioning. There is a need to develop the sector as a whole and the legislatures individually to best deliver on the constitutional mandate to

bring about transformation. To achieve the necessary outcomes, there must be structures and systems in place.

The legislative sector of South Africa has proved to be a dynamic and relatively new facet of discussion for leadership development within the developing democracy of South Africa and the concepts of leadership and management are critical to the sector. There exists very little literature specific to this area and, accordingly, there has been no move towards solving what could ultimately be a leadership and management crisis in a space that affects the lives of millions of citizens. It is therefore necessary to identify the barriers to effective leadership and management within the legislatures.

As a participant in the sector, I felt it would be relevant and beneficial to broadly consider how leadership is exercised in a dynamic context, particularly focusing on the interface between the political and administrative leadership with the emphasis being on understanding the basic tenets of leadership and identifying a grounded theory for leadership, particularly within a political and constitutional context.

1.3   Aim of the Study

The purpose of the study was to analyze the leadership and management roles in the legislature by using an ethnographic, case study design, thus providing a cultural picture or phenomenological description of themes or patterns. It would focus primarily on political leadership *vis-à-vis* administrative leadership, and ascertain whether the constitutional and legislative landscape and the operational environment are conducive to exercising effective leadership in the legislative sector in South Africa. Leadership and management were initially considered generally and then within the context of the legislative environment.

It was therefore necessary to understand the concept of leadership and management, as portrayed through a literature review, to understand the constitutional and legislative landscape and operational environment within which public office bearers function in the legislative sector and to use a specified methodology to ascertain whether the constitutional and legislative landscape and operational environment are conducive to exercising effective leadership and management in the legislative sector.

1.4   Objectives

The legislature, representing of the voice of the people, is the primary institution for ensuring the full realization and sustainability of democracy in South Africa. To this end, good leadership is essential in supporting the important institutional and constitutional role of the legislature. Whilst the research addresses a number of issues, the primary focus is to ensure that the legislature performs effectively and, to this end, the research project limits itself to three objectives as set out below:

1.   To ascertain the impact the complex adaptive nature of the legislature has on it fulfilling its mandate.

2.   To ascertain the leading theorists views on leadership and management and to consider the theories in relation to their relevance within the legislature.

3.   To determine whether the constitutional and legislative framework and operational environment is conducive to exercising effective leadership in the legislature.

1.5   Problem Statement

The roles of the Speakers and the Secretaries of the legislatures have not been clearly defined at a national level. In addition, the roles of other public office bearers within the legislature have also not been clearly defined. Within some of the provincial legislatures (Gauteng and Limpopo) various rules have been developed and, in some instances, legislated to provide direction in respect of these roles. However, in the absence of the standardization of all legislatures, there remains the possibility that there will be different levels of expectation and different deliverables in each of the legislatures, influenced by personality, budget and political stability. The question then arises as to how then can there be effective leadership and management in a scenario with a multitude of changing variables.

The legislature does not have an effective framework to create its independence from the executive. The legislature has to request funding from the executive, yet has to maintain oversight over the executive. Furthermore, leaders of the ruling party are elected to the executive and the members form part of the legislature, thus not only ensuring a dependency of the legislature on the executive, but also creating a philosophy of patronage.

The focus of the study, therefore, was to analyze the leadership and management roles of the Speakers and the Secretaries in the legislature to ascertain whether the constitutional and legislative landscape and operational environment is conducive to exercising effective leadership in the legislative sector in South Africa. An ethnographic, case study design will be used which will provide a cultural picture or phenomenological description of themes or patterns.

It was anticipated that similar challenges exist in all legislatures and that the solutions to the challenges would be through collaborative effort, uniformity and standardization and a clear identification of roles and responsibilities with the letter and spirit of rules being respected by all concerned.

1.6   Research Design

1.6.1   Research Approaches and Paradigms

The questions posed were exploratory in nature and required obtaining the views of various participants. The questions were subjective and dealt with social knowledge. The researcher collected data and developed a theory based on the data. Accordingly, the research was inductive. The researcher acknowledged the fact that reality is subjective and multiple and it was intended that the research take into account the various perspectives of those involved in the study. There was significant interaction between the researcher and the participants and informal language was used. The process was inductive, with categories of patterns and theories emerging through analysis. The paradigm within which the research was conducted was qualitative and emergent.

At the same time, the approach was phenomenological because qualitative research is subjective. Specialized methods of participant selection, solicitation of information, systematic data treatment and assembling of interviews into a final report were used.

1.6.2   Study Methodology

Having considered functionalist, interpretive, emancipatory and postmodern methodologies as discussed by Jackson (2000:211), the researcher found that the interpretive methodology was the most suited and appropriate for the research. According to Jackson (2000:211) it is a soft systems thinking approach, which emphasizes people as opposed to technology, and 'its primary area of concern is perceptions, values, beliefs and interests.' The same author further states that

'Methodology should be geared to getting as close as possible to what is going on, preferably by getting "inside" people's heads to find out and influence what they are thinking' (Jackson, 2000:211). The process of analyzing the leadership and management roles in the legislative sector, as well as the constitutional landscape and the operational environment, was engaged through philosophical enquiry, which entailed the use of critical thinking, as well as clear and rational thinking, to understand from the literature and practice whether the environment is conducive to effective leadership and management.

Soft systems are about improving learning and take into account people learning. The topic also has elements of radical critic structuralism because, according to this theory, we have deeply embedded ideas in society which influence the way we work and the way in which we view the world (our worldview or mental model). Radical structuralism notes that that there are other views as well, and one should open the mind to hear those views.

1.6.3   Methods of Data Collection

Interviews, questionnaires and observation were the tools that were employed in the study. The questionnaire focused, *inter alia*, on experience and understanding of roles, the legislative framework for operation, any other authority relied upon, the operational environment, the political environment, and the role of the political office bearers and the Secretary. The questionnaire was coupled with an interview and had a mixture of questions, some which had either a yes or no response and some that required explanation. This ensured that although the questions were standardized, the participants were also given an opportunity to elucidate their answers. This became relevant in respect of complex issues that needed a degree of flexibility. The researcher, to a large extent, focused on the literature review as well as documentation at her disposal.

1.7   Limitations of the Study

The study may have limitations in that political office bearers and administrative office bearers may have chosen to respond from a theoretical perspective of how the legislature should function rather than as individual leaders and managers. The time frame of the study coupled with the commitments of the relevant interviewees may also have had an impact on the intensity of the interviews. There may have been suspicions on the part of the interviewees, which may have resulted in them not being as forthcoming with information.

The research is based on practitioner research and it is necessary to declare the possibility of an element of subjectivity which might affect the research because the researcher is represented in the both the legislature and the sector. This subjectivity might be influenced by the role of the researcher within the system, her gender, age, and current position of Secretary/Accounting Officer. Whilst the element of subjectivity does exist, the fact that it is practitioner based also brings with it an element of realism. In order to protect the validity of the research, the researcher will attempt to suspend her worldview.

1.8   Analysis and Interpretation

The literature review revealed vital information about complexity, leadership and management styles, myths, personalities, the role of power and authority, values of great leaders and ethics, as well as the realities of South Africa, and particularly the legislative sector. The questions to the interviewees were framed against the backdrop of the literature review in an effort to gauge the extent to which the identified leaders and managers displayed characteristics as embodied in the literature.

1.9   Sequence of Chapters

The study has been addressed through five chapters. Chapter one contextualized the study by providing background information on the legislature, its constitutional status, its powers and functions *vis-à-vis* the executive, the dynamics within the legislature, an indication of the need for the study, the aim of the study, the overall broad objectives of the study, the research methodology and the limitations of the study.

Chapter two focuses on the literature review, with particular emphasis on complexity, complex adaptive systems, dynamic environments, leadership and management. It also provides some contextual information in relation to the legislature, *viz.* its constitutional mandate, as well as the legislative environment.

Chapter three focuses on the research design with particular emphasis on the methodology used. The soft systems approach is explained and ethnographic elements of the study defined, as well as the basis for a qualitative study. It addresses the issue of data collection within the context of evaluation and analysis of results.

Chapter four focuses on the results. It considers the expressed opinions of the interviewees in order to determine trends in conjunction with the literature review of leadership and management.

Chapter five concludes the research by addressing the findings and making recommendations based on the findings.

CHAPTER 2

LITERATURE REVIEW

2.1   Introduction

The literature review, according to Murray (2007:109), satisfies the purpose of the acquisition of knowledge in the development of the argument. In considering the issue of exercising leadership in a dynamic environment, a literature review of theory relating to the establishment of the legislature, leadership, management and complexity is critical.

This Chapter is divided into five sections with Section 2.1 forming the introduction. Section 2.2 contextualizes the legislature by firstly dealing with the contextual conception of the Constitution, through which the legislature was formed. Sub-section 2.2.2 recognizes the supremacy of the Constitution, whilst sub-section 2.2.3 provides the basis for the creation of provinces. Sub-sections 2.2.4, 2.2.5 and 2.2.6 deal with the executive, National Parliament and provincial legislatures, and the separation of powers, respectively.

Section 2.3 broadly addresses the concepts of complexity theory. It contains four (4) sub-sections dealing with complex organizations, context, Theory U, and dialoguing and learning organizations.

Section 2.4 addresses leadership and has eight (8) sub-sections which deal with defining leadership, considering leadership styles, political leadership, followers and context, leadership in crisis, bad leadership, effective leadership and finally, management *vis-à-vis* leadership.

Section 2.5 addresses frameworks and policies and begins by considering these aspects in general. It then considers the Public Finance Management Act, the Financial Management of Parliament Act and the Financial Management of Legislatures Bill.

2.2   The Constitution, Act No. 108 of 1996 (The Constitution)

2.2.1 The Contextual Conception of the Constitution

South Africa is a constitutional state. In its move towards democracy, it was initially governed under an interim Constitution which prevailed between 1993 and 1996 until the final Constitution

11

of the Republic of South Africa, Act No. 108 of 1996 (hereinafter referred to as Constitution) was introduced in 1996. According to Butler (2004:86),

> A constitution is forged in circumstances of intense and immediate pressure, in the face of a threat or even reality of civil war. Yet it is designed for the very long term, to endure for decades or even for centuries. South Africa is no exception in this respect. The interim constitution of 1993 – and so the 1996 final constitution it inevitably so decisively influenced – was designed to guide the society across future decades. Yet it was negotiated in a context of mass political upheaval and violence. Perhaps the most important outcome of all was the triumph of constitutional supremacy itself.

In forging the Constitution, public comment was solicited from political parties and the general public and was incorporated into the Constitution. As a result of the extensive negotiations regarding the content of the Constitution, the final Constitution has elements of both a unitary state with a centralist element and a federal state with a devolution of powers to provinces.

2.2.2 The Supremacy of the Constitution, the Bill of Rights and Cooperative Government

The founding provisions are contained in Chapter 1 of the Constitution. Of critical importance are Sections 1 and 2 of the Constitution, which provide as follows:

1.   Republic of South Africa

The Republic of South Africa is one, sovereign, democratic state founded on the following values:

(a)   Human dignity, the achievement of equality and the advancement of human rights and freedoms.

(b)   Non-racialism and non-sexism.

(c)   Supremacy of the constitution and the rule of law.

(d)   Universal adult suffrage, a national common voters roll, regular elections and a multi-party system of democratic government, to ensure accountability, responsiveness and openness."

12

2.   Supremacy of Constitution

This Constitution is the supreme law of the Republic; law or conduct inconsistent with it is invalid, and the obligations imposed by it must be fulfilled.

Prior to the adoption of the interim Constitution and subsequently the final Constitution, South Africa was governed by a system of parliamentary sovereignty. This meant that notwithstanding laws being substantively unfair, as long as they were passed procedurally, they would pass legal challenge. Subsequent to the adoption of the interim Constitution and thereafter the final Constitution, South Africa became a constitutional democracy. By virtue of Section 2 of the Constitution, any legislation that was passed by Parliament had to be constitutional, meaning that law that was inconsistent with the Constitution would be invalid, notwithstanding the procedural passage of the law.

Chapter 3 of the Constitution is critical to the issues covered by this study in that it addresses the issue of co-operative government. Sections 40 and 41 make the following provisions:

Section 40   Co-operative government

In the Republic, government is constituted as national, provincial and local spheres of government, which are distinctive, interdependent and interrelated. All spheres of government must observe and adhere to the principles in this Chapter and must conduct their activities within the parameters that the Chapter provides.

Section 41   Principles of co-operative government and intergovernmental relations

(1)   All spheres of government and all organs of state within each sphere must-

(a)   preserve the peace, national unity and the indivisibility of the Republic;

(b)   secure the well-being of the people of the Republic;

(c)   provide effective, transparent, accountable and coherent government for the Republic as a whole;

(d)   be loyal to the Constitution, the Republic and its people;

(e)   respect the constitutional status, institutions, powers and functions of government in the other spheres;

(f)   not assume any power or function except those conferred on them in terms of the Constitution;

(g)   exercise their powers and perform their functions in a manner that does not encroach on the geographical, functional or institutional integrity of government in another sphere; and

(h)   co-operate with one another in mutual trust and good faith by-

    (i)   fostering friendly relations;

    (ii)   assisting and supporting one another;

    (iii)   informing one another of, and consulting one another on, matters of common interest;

    (iv)   coordinating their actions and legislation with one another;

    (v)   adhering to agreed procedures; and

    (vi)   avoiding legal proceedings against one another.

(2)   An Act of Parliament must-

(a)   establish or provide for structures and institutions to promote and facilitate intergovernmental relations; and

(b)   provide for appropriate mechanisms and procedures to facilitate settlement of intergovernmental disputes.

(3)   An organ of state involved in an intergovernmental dispute must make every reasonable effort to settle the dispute by means of mechanisms and procedures provided for that purpose, and must exhaust all other remedies before it approaches a court to resolve the dispute.

(4)   If a court is not satisfied that the requirements of subsection (3) have been met, it
        may refer a dispute back to the organs of state involved.

It is clear from the above that the Constitution places an emphasis on collegial relations between the three spheres of government, national, provincial and local. Whilst it does this, it also recognizes the distinct nature of each sphere, thus emphasizing that South Africa is not a unitary state, but should in its interactions recognize a relationship that is interdependent and interrelated. Within this context, although the three branches of government at provincial and national level have distinct roles, the functions of each arm must be exercised in a manner that recognizes and respects the principles enshrined in Sections 40 and 41 of the Constitution.

2.2.3 The Establishment of Provinces

Prior to the constitutional democracy of 1994, only four provinces existed in South Africa. These were the Cape, Transvaal, Orange Free State and Natal. In furtherance of the previous regime's policy of apartheid, various homelands had also been created to provide separate governance for African people. Subsequent to the negotiations in respect of the constitutional democracy, there was sufficient agreement to change the status quo and establish nine (9) provinces. This was achieved in terms of Section 103 of the Constitution which provides as follows:

103. Provinces

(1) The Republic has the following provinces:

(a) Eastern Cape
(b) Free State
(c) Gauteng
(d) KwaZulu-Natal
(e) Mpumalanga
(f) Northern Cape
(g) Northern Province
(h) North West
(i) Western Cape.

(2) The boundaries of the provinces are those that existed when the Constitution took effect.

15

According to Butler (2004:38), the re-organisation of provinces was addressed through incorporating the bantustans and reducing bigger provinces into better-suited machinery for delivering services and ensuring accountability.

2.2.4 The Executive

In terms of Sections 85(1) of the Constitution, executive authority of the Republic is vested in the President. The President is elected by the National Assembly and may hold office for a period of two terms (Sections 86(1) and 88(2) of the Constitution respectively.) Section 91(1) of the Constitution provides for a Cabinet which consists of the President, as head of the Cabinet, a Deputy President and Ministers. The President appoints the Deputy President and any number of Ministers from among members of the National Assembly. The President is limited to selecting no more than two Ministers from outside the National Assembly (Section 91(3) of the Constitution. The President assigns powers and functions to the Deputy President and Ministers and may dismiss them (Section 91(3) of the Constitution). The National Assembly may remove the President from office by resolution of the National Assembly, subject to a supporting vote of two-thirds of its members and on the grounds of a serious violation of the Constitution or the law, serious misconduct, or inability to perform the functions of office (Section 89(1) of the Constitution).

In terms of Section 125(1) of the Constitution, the executive authority of the Province is vested in the Premier. Section 132 of the Constitution provides for the Executive Council of a province which consists of the Premier, as head of the Council, and no fewer than five (5) and no more than ten (10) members appointed by the Premier from among the members of the provincial legislature. The Premier of a province appoints the members of the Executive Council, assigns their powers and functions, and may dismiss them. The Premier and members that he or she appoints to his or her council are collectively responsible for implementing laws and developing and implementing policies (Section 85(2) of the Constitution). The Premier is elected from the members of the provincial legislature (Section 128(1) of the Constitution) and may only hold office for two (2) terms (Section 130(2) of the Constitution).

Section 130 of the Constitution empowers a provincial legislature to remove a Premier from office by a resolution adopted by at least two thirds of its members, on the grounds of either a serious violation of the Constitution or the law; serious misconduct; or inability to perform the functions of office. Further, in terms of Section 141 of the Constitution a provincial legislature,

by a vote supported by a majority of its members, may pass a motion of no confidence in the province's Executive Council excluding the Premier.   In this instance, the Premier must reconstitute the Council. However, if a provincial legislature, by a vote supported by a majority of its members, passes a motion of no confidence in the Premier, the Premier and the other members of the Executive Council must resign (Section 141).   A similar provision in respect of a motion of no confidence exists in relation to the President and Cabinet (Section 102 of the Constitution).

The provisions of the Constitution (as the supreme law of South Africa) clarify the particular roles of the Cabinet at national level and the executive council at provincial level, *vis-à-vis* the National Assembly and the legislature.   In order to assess whether the executive and administrative offices that were created to ensure democracy are not only protected, but thriving and ensure that the lives of the people of the country who voted leaders into office, either directly or indirectly, are being transformed in a positive manner, it becomes necessary to provide the background that addresses issues of the new democracy, party political influences, constitutional checks and balances

While the intrinsic personality traits of a particular leader contributes to the leadership style, the context within which political leaders operate is of the utmost importance because situations also have an influence on the leadership styles that are displayed.   As the executive and legislature roles have developed since 1994, a pattern of a strong executive has emerged, resulting in the role of legislatures remaining, in essence, theoretical rhetoric. It has become clear that in the five year term from 2009 to 2014, there has been an emphasis from all levels on effective oversight. The questions however remain of whether the constitutional and legislative frameworks and operational environment support effective leadership and whether the leadership roles within the legislature are clearly defined.

Section 215(2) of the Constitution states that national legislation must prescribe the form of national, provincial and municipal budgets and specify when national and provincial budgets must be tabled. This gave rise to the Public Finance Management Act, Act No. 1 of 1999. In accordance with this legislation, requests for budget must be made to the Treasury, which forms part of the executive. The executive, through its budget committees established by Treasury, determine the budget allocation of departments through approval of the Appropriation Bill to be tabled in the legislature and, in such, also determine the budget allocation of the legislature, which is constitutionally mandated to maintain oversight on the executive. Sections 77 and 120

of the Constitution empower the legislature to amend a money bill (appropriation of money bill) through a procedure determined by national legislation and provincial legislation respectively.

The national legislation providing for such procedure was passed in 2009 and the implementers are still grappling with implementation issues, the provincial legislation still remaining outstanding. Notwithstanding passage of the Financial Management of Parliament Act, the executive dictates legislative budgetary competency through budget allocation. It can be argued that the legislature, as a representative body of the people, should be resourced in a manner that gives a voice to the voiceless to enable this arm of government to resource democracy in a manner that allows the expression of the marginalized to influence democratic processes.

2.2.5   National Parliament and the Provincial Legislatures

Chapter 1, Section 1.1 of the Constitution sets out the constitutional authority for both the national legislature and the provincial legislatures. In addition, Chapter 1 briefly sets out the complex nature of the legislature arising from the number of political parties, members, administration and public office bearers (classified as sub-systems that impact on the main system). Nelson Mandela (in a speech given in the National Assembly of South in 1999) quoted in an article titled '*The Constitutional Mandate: Dynamic and Pro-Active Legislatures*' (www.publiclaw.uct.ac.za), stated as follows:

> Because the people of South Africa finally chose a profoundly legal path to
> their revolution, those who frame and enact constitution and law are in the
> vanguard of the fight for change. It is in the legislatures that the instruments
> have been fashioned to create a better life for all. It is here that oversight of
> government has been exercised. It is here that our society with all its
> formations has had an opportunity to influence policy and its implementation.

In considering the issue of whether legislatures are dynamic and pro-active, the writer raises various questions that highlight the challenges that legislatures face. She questions whether they can become active agents for social change, or will remain on the sidelines, whether they can become forums for forging links between society and the state and whether they can be successful in upholding the principles of co-operative government and in making the representative system more inclusive. To bring about these changes there must be an understanding of the responsibility at hand, an in-depth understanding of the working of the legislature, the

environment and its role-players so that the leaders may astutely maneuver relevant individuals (followers and other leaders) towards strategic choices that will favourably address the challenges in a positive manner. Leadership, therefore, becomes an obligation to address the imperfections. The Constitution creates a firm foundation for the authority of the National Assembly and the National Council of Provinces (hereinafter referred to as the NCOP).

The powers that are provided to the National Parliament under Section 44 of the Constitution, Sections 42(3) and (4) in terms of legislative authority re-enforce the role of the National Assembly and NCOP and provide as follows:

> 42 (3) The National Assembly is elected to represent the people and to ensure government by the people under the Constitution. It does this by choosing the President, by providing a national forum for public consideration of issues, by passing legislation and by scrutinizing and overseeing executive action.
>
> (4) The National Council of Provinces represents the provinces to ensure that provincial interests are taken into account in the national sphere of government. It does this by mainly participating in the national legislative process and by providing a national forum for public consideration of issues affecting the provinces.

In addition, Sections 58 and 117 of the Constitution provide for freedom of speech of the members of the legislature, thus providing a wide ambit for ensuring accountability.

2.2.6   The Three Arms of Government and the Principle of Separation of Powers

The Constitution of South Africa provides a check on the balance of powers of the three arms of government, viz. the legislature, the executive and the judiciary. The principle of separation of powers in the Constitution was recognized by the Constitutional Court in Ex parte Chairperson of the Constitutional Assembly: In re Certification of the Constitution of the RSA, 1996 (1996 (4) SA 744 (CC) at paragraphs [106] – [113]). The Constitutional Court found that the Constitution complies with the requirement of separation of powers between the legislature, executive and judiciary as set out in Constitutional Principle VI. The principle of separation of powers recognizes the 'functional independence of branches of government' (paragraph [109]). There is no universal model for the separation of powers and the issue of checks and balances inherent in a democratic system of government, which results in the imposition of restraints by one branch of government upon another. De Lange v Smuts (1998 (7) BCLR 779 (CC)(paragraphs 60-61),

referred to a ' distinctively South African model of separation of powers' that is developing. In South African Association of Personal Injury Lawyers v Heath and Others (2001 (1) BCLR 77 (CC) (paragraph 22) the same Court ruled (in the context of the separation of powers between the legislature, executive and the judiciary) that the laws inconsistent with the principle of separation of powers as recognized in the Constitution are invalid.

In accordance with the principle of separation of powers in the national arena, the President of the country is the constitutional leader of the executive, the Chief Justice is the constitutional leader of the judiciary and the Speaker is the constitutional leader of the legislature. At a provincial level, the model is emulated, with the Premier of the province being the constitutional leader of the executive, the Judge President being the constitutional head of the judiciary and the Speaker being the constitutional leader of the legislature. The legislature has a direct oversight role over the executive, which is tasked to implement policy and law and account on implementation to the legislature. There is, therefore, a need to work closely together within the principles of co-operative government as set out in the Constitution. With reference to the American Constitution, but on the subject of the separation of powers, Moe and Gilmour (1998:211) observe, however, that 'framers of the Constitution consciously designed a government better suited to frustrate the concentration of political power than to govern effectively – the purpose of such an unwieldy design was to prevent an over concentration of power in any one branch.'

2.3   Complexity

2.3.1 Complex organizations

Complexity theory falls under the domain of systems thinking and moves beyond cause and effect principles. Systems thinking postulates that in order to understand a particular system, the system as a whole must be considered as opposed to understanding the system through analyzing its parts. It is critical to understand the interactions between the parts that make up the whole and to understand the ramifications of decisions when the solution is focused on addressing a problem of a part of a whole without considering the system as a whole. Engaging in decisions without considering the impact on the whole will more often produce new problems and will result in unintended consequences. A useful example in this regard is the setting of performance targets. Whilst current day organizations are focusing on performance management systems and quantifying targets as a reflection of effective performance, the end may not justify the means as

managers narrowly focus on achieving targets, but ignore the overall outcomes of such achievements, which may be very limited.

In the South African context, a dilemma that organizations may find themselves in, is that although senior managers may receive close to the highest level in their performance assessments (showing a high degree of achieving targets), yet as an institution, the overall assessment of performance remains mediocre. A manager's primary responsibility centres around the setting and communicating of strategy (Badaracco and Ellsworth 1989:22). In determining whether strategy formulation or strategy implementation is more effective, Schwella (2008:25-48) indirectly makes the point that for effective performance, managers must ensure the implementation of strategy. Badaracco and Ellsworth (1989:22) make the very important point that the political outlook of leadership is that, in general, flexible and even vague goals will more likely result in outstanding performance and it is delusional to believe that strategy can be reduced to an inclusive account of goals and policies. Badaracco and Ellsworth (1989:22) believe that strategy develops over a period of time through both administrative and political processes.

Therefore, there is an added responsibility on leaders to understand these important dynamics and to facilitate members of their organizations towards regarding the organization as a system and to being alert to the fact that every individual's action within the organization affects the activities of everybody else, either negatively or positively (Schwella 2008:27).

There are various definitions for complex organizations. Notwithstanding the difference in phraseology, all definitions emphasize that the activities of the sub-system are interdependent and contribute to the whole, and the whole is also interdependent with a larger whole. (Simon, 1996; Thompson, 1967:6; Daft, 1992:15); Scott, 1992:230). According to Anderson (1999:217), 'Complex systems change inputs to outputs in a nonlinear way because their components interact with one another via a web of feedback loops.' The same author, furthermore, argues that although complexity is not close to being declared a science as yet, research has given rise to clear insights as set out below:

- Processes appearing random, may be chaotic
- Behavioural patterns of complex processes can be sensitive to small difference in initial condition

21

- Complex systems resist reductionist analyses because of the interconnections and the feedback loops
- Complex patterns may arise from the agents interacting
- Complex systems show patterns of self organizing and usually move towards order (Kauffman, 1993)

Within a systems context, the legislature has a large number of elements and it has many interactions. There is a divergence of goals and purpose and the system is affected by behavioural influences. The participants are pluralists, in that there is a basic compatibility of interests with some divergence of values and beliefs and although they do not always agree on ends and means, they are able to compromise. All participate in decisions through representation at a management committee.

Notwithstanding the clarity and definition of the structural arrangements, the component within the system that has the greatest impact on the decisions within the structure is the ruling party. In addition, whilst the Speaker appears to be the leader of the institution, the leader of the ruling party is the President or, at provincial level, the Premier, who is interestingly enough the Head of the Executive. It is obvious that when the legislature is constitutionally mandated to conduct a function, the dictates of the party create an area for potential conflict. The role that the ruling party plays as an element in the system is huge and pervasive, yet it operates at a subliminal level. Any solutions that do not take this factor into account will be problematic at inception.

In addition, in most provinces, the ruling party has a large majority, which results in members of the ruling party confusing their roles and making managerial contributions to the system, which also creates opportunities for conflict. The members of the ruling party, as a group, also view themselves as leaders in the legislature and constantly intervene in management decisions, a situation exacerbated by the fact they are all politicians with various political ideologies and individual needs. To further complicate matters, staff who have been appointed to serve within the legislature subscribe to their own political ideologies with the broader political environment influencing their actions.

Because these problems are complex and unpredictable and have very little rational link to existing solutions, solutions need to be found that will cut across all disciplines. However, solutions can also have an impact on the situation in ways which can be either positive or negative, thus potentially giving rise to new problems. This is indicative of patterns of non-linear

behaviour. Anderson (1999:216) states that 'Complex organizations exhibit surprising, nonlinear behaviour.' Even at an international level, the complex and dynamic context of public service creates many challenges for public leaders, who have to take decisive action and innovative decisions in the absence of policies and procedures to give suitable guidance (Schwella 2008:25).

Another complicating factor are the mental models brought by each individual to the organization. Zeka (2009: 50) defines mental models in terms of intense inner beliefs which have a profound influence on our actions. Shared mental models in an organization create a bond, which promotes individual connectedness. (Zeka: 2009:39).

Kotter (1990:ix) believes that attempting to create change in complex organizations reveals sizable barriers of either a political or bureaucratic nature or even of resources and it would take 'Herculean effort' to overcome these barriers. Therefore, Kotter believes that inspiration and motivation are pivotal to leadership. The same author maintains that there is a tendency to reduce leadership (roles and relationships) to one role, setting direction and aligning and motivating followers, but finds that notwithstanding an individual's talent, in reality leading in a complex organization is extremely difficult and time consuming.

2.3.2 Context

This, therefore calls for a higher degree of understanding and analysis of context and the requisite behaviours and strategies (Schwella, 2008:26). It further calls for a comprehensive knowledge of a leadership approach so that leadership can be used in both an effective and functional way. This understanding will assist in effective analysis of the challenges that public leaders face, which, in turn, may provide useful and functional responses to such challenges (Schwella, 2008:26).

Public leadership acquires its characteristic because of the context within which it occurs. This public context is relevant for purposes of analysis and strategic choices and actions that leaders will have to exercise. The public context gives rise to abundant complex issues, thus provoking adaptive challenges for leaders (Schwella, 2008:26).

The context of the legislature is relevant to this study by virtue of its existence arising out of the Constitution, the nature of its role of ensuring oversight over the executive for the purpose of

ensuring effective service delivery to the citizens of the province, and members of the legislature exercising a public representative role.

Katz and Khan (1967:270), within the context of open systems theory maintain that the influences of the environment impact on social systems thus necessitating the study of those forces. Schwella, (2008:27) shares a similar understanding and concludes that 'Leaders are some of the main sensors detecting, interpreting, analyzing and acting on these contextual influences.' Accordingly, it is important to identify the forces that impact on the legislature in order to address the adaptive challenges required.

Strategic leaders must apply cognitive skills to understand contextual trends and plans for actions, thus leading to adaptive challenges (Dubrin, 2007:393). Schwella, (2008:41) draws a distinction between adaptive problems and technical problems and identifies adaptive problems as those that are difficult to describe and define as opposed to technical problems, which are relatively well defined and can be solved based on experience. For Heifetz and Laurie (1997:128) the leadership differences exercised in relation to technical problem situations and those of adaptive problems involve four areas of leadership, viz. direction, protection, orientation and managing conflict. Schwella (2008:41) presents an adapted version of these contrasts and states that in solving a technical routine problem, the leadership direction would be to define the problem and provide a solution. By contrast, providing leadership in terms of solving an adaptive problem situation would result in the leaders identifying the adaptive challenge and framing critical questions and issues to push the boundaries. In providing leadership in relation to the issue of protection, in a technical routine problem situation the leader would attempt to shield the institution, whereas in an adaptive problem situation, the leader would not protect the institution from pressures within the constraints of identifying the threshold of the organization. In relation to orientation and managing conflict, in a technical problem situation, leaders would tend to define roles and functions clearly and attempt to create order. On the other hand, within the context of orientation and managing conflict, a leader in an adaptive problem situation would confront role definitions to test applicability and would not prematurely engage in role definition and would also not be resistant to emerging conflict. (Schwella, 2008:41).

Schwella (2008:42) states that 'for Heifetz and Laurie (1997:128-130), adaptive problems are systemic problems with no easy solutions.' Therefore, both people and organizations must be activated towards a learning process to allow behavioural adaptation to flourish in circumstances of uncertainty and turbulence. This requires a deviation from traditional responses of

authoritative solutions. According to Schwella, (2008:42), the possible solution is to transfer the problem to the people involved so that they can attempt to provide solutions through their collective intelligence and resources.

In this respect, it is important to consider Du Plessis's (2010: 24) reference to 'chaos leadership', which he posits arises out of a direct contrast to oligarchy and is more associated with polyarchy (leadership by many). For du Plessis, (2010:24) polyarchy leadership is viewed as a dynamic as opposed to an attribute or role for a limited group - it has evolved from oligarchy. It then follows that an individual leader does not execute chaos leadership, however, it is a chaotic dynamic involving many and is not limited to formal office.

2.3.3   Theory U

Further supporting the theory that something deeper must emerge, is the U theory postulated by Otto Scharmer. Scharmer (2000:7), advocates for intensive observation and believes that notwithstanding reactions being logical responses to problems, in many instances, it does not tackle the causal issue and in this respect, it is necessary to understand the context and apply our minds to 'the underlying levels of organizational structure, processes, mental models, and identities.' Scharmer, (2002: 8) proposes that the solutions need to be directed towards sensing the future and transporting it into the present.

Clearly, Theory U is an attempt to provide a solution to the challenges of the world through leadership. The leadership technique envisaged is to focus on the emerging future as opposed to past experiences. It is a seven-step process towards finding a solution that emerges from one's own psyche. Scharmer (2007:5) states that 'We need to let go of the old body of institutionalized collective behaviour in order to meet and connect with the presence of our highest future possibility.' To this end it is recognized that there are two sources of learning, *viz.* experiences of the past and learning from the future (Scharmer, 2007:7). Otto Scharmer believes that a leader must transform his or her perceptions by sensing and allowing oneself to listen and understand by hanging up the voice of judgment, the voice of cynicism and fear and redirecting, i.e. instead of looking at the object, one is required to look at the source and in so doing let go of the preconceptions and allow the emergence of a solution which will crystallize through the process of letting go. After the crystallizing phase will come the prototyping, that is, the delving in and creating and realizing mistakes and further developing and thereafter will follow the phase of

institutionalizing the reality. Otto Scharmer identifies the different actions and sources as set out below:

'Paying attention : beginning to open up

Seeing : the view from outside

Sensing : the view from within

Presencing: the view from a surrounding presence

Crystallizing vision and intent

Prototyping living microcosms

Performing and embodying the new' (Scharmer, 2004:8).

The three different actions and sources that Scharmer refers to, *viz.* paying attention, seeing and sensing, can be effective tools for continually learning how to see reality. Further, the upward movement of the U viz. presencing, crystallizing, prototyping and embodying the new can be an effective tool for working in the future. (Scharmer: 2000:15)

Stacey (2007: 93), however, states that the language of Scharmer's theory is mystical, and whilst there are some organizational theorists that make the shift to the mystical, others emphasize 'power, politics and vested interests in organizational learning.' Within the context of an organization such as the legislature, it would be difficult to ignore the reality of power, politics and vested interests. Therefore, although Scharmer's Theory U is of importance in attempting to lead through solutions that emerge through the future, cognizance must also be taken of the dynamics within an organization and assessments will have to be made as to the readiness of the organization in relation to Theory U.

However, the most important principles that emerge are that the leader must give direction, but that the solutions must come from the individuals and the context must not be ignored. This presupposes that the organization must be a learning one. The addressing of problems in society and organizations, in particular, has constantly been through analysis of the parts. The solutions have always been against the backdrop of the assumptions that we carry with us. Senge, (2006:173) explains this as the 'subtle patterns of reasoning which underlie our behaviour.'

26

Whilst this in itself is not a problem, making decisions without being aware of our mental models do present a problem in relation to the solutions that we put forth.

2.3.4 Dialoguing and the Learning Organization

At the core of team learning is dialoguing. This relates to the 'capacity of a team to suspend assumptions and enter into a genuine thinking together' (Senge: 2006:10). Scharmer, in the U Theory also proposes this suspending of assumptions. Surowiecki (2005) is a firm believer of the wisdom of crowds and puts forward the position of group intelligence. He believes that 'under the right conditions groups can be remarkably intelligent and effective problem solvers—potentially smarter than the smartest person in the group or any so-called experts'. He suggests that the right conditions are:

- Diversity - having access to a lot of different perspectives, sources of information and sets of knowledge is more valuable than individual IQ or expertise;
- Independence of opinion - if individuals can deliver their decisions simultaneously and blind to everyone else's choices, you get real knowledge and superior decisions untouched by groupthink, peer pressure and other group dynamic
- A method of aggregating information, which is where technology and system design come in.

Whilst the belief in group intelligence is supported, it must not be confused with group think (where the group talks the dominant language of powerful individuals), and there has to be individual intelligence, or more specifically personal mastery that would concomitantly result in group intelligence. The total capacity of the group would be dependent on the level of cognitive thinking at an individual level for group intelligence to be worthwhile.

The dialoguing and suspending of judgment, whilst listening with heart, will and mind is critical, but time is a factor that must not be ignored. The term personal mastery, as espoused by Senge (2006:131), 'denotes personal growth and learning.' This author believes that from the quest for learning comes the spirit of the organization and that although personal mastery involves competence, skills and spiritual growth, it goes beyond that to looking at one's life as a creative work. According to Senge (2006:131-132), in order to realize personal mastery, it is necessary to 'Continually clarify what is important to you; and Continually learn how to see the current reality more clearly.'

2.4   Leadership

2.4.1 Defining Leadership

There is no universally accepted definition of leadership (Kotter, 1988:5).   Until recently, leadership has been at the periphery of academic discussion (Kellerman, 2004:223).   It has been defined differently by different theorists (Megginson et al., 1992: 458).   However, the recurring theme in most definitions is, influence, group and goal (Shackleton, 1995:2; Megginson et al., 1992:458; Nieman and Bennet, 2005:113).   Shackleton's (1995:2) definition places an emphasis on the process of influencing group members to attaining organizational goals.   Kotter's (1988:5) definition, whilst also emphasizing moving groups in a specific direction, adds the element of using non-coercive means.   For Kotter (1988:5), effective leadership is defined as leadership that produces movement in the long-term best interests of the group(s).   Leadership is thus considered to be a process rather than a position or a role.

DuBrin (1995:2) also grapples with the meaning of leadership and defines it as 'the ability to inspire confidence and support among the people who are needed to achieve organisational goals.'   In line with Kotter, Mfene quotes Smit et al., (2007:271) as well as Ferreira, Erasmus and Groenewald (2003:367) in agreeing that "Leadership is the process of directing the behaviour of others towards the accomplishment of the organization's goal."

Smit et al., (2007:271) emphasize the fact that elements of leadership include influencing people, giving orders, motivating people, managing conflict and communicating with subordinates.   Terry (1995:15) makes the critical point of not ignoring the leadership roles of administrative officials. The thread of influence permeates leadership considerations, but this influence is targeted at achieving organizational goals. Linked to the ability to influence is the question of power. Badaracco and Ellsworth (1989:16) define power as 'the ability to influence others and to avoid being influenced by them'. The absence of power would create difficulties for leaders and managers to influence or control those that they lead (Shackleton: 1995: 72).   Although this may be true, it does not mean that only leaders have power and influence.   Power and influence can be exercised at various levels including followers, however, the words 'power' and 'influence' cannot be used interchangeably. Shackleton (1995:73) quotes Vecchio (1991) in suggesting that the term 'influence' is broader and more general than 'power' and states that although both are able to change behaviour of people, power is able to change behaviour with authority as opposed to influence which is weaker and less dependable.   A relationship, therefore, exists between

28

power and influence. Shackleton (1995:73) describes this relationship as the capacity of power to influence whilst influence is a measurement of an amount of power. Therefore, leaders must possess the ability to influence followers. Taking cognizance of the fact that leadership occurs within a societal context where power, influence and authority have an impact on relations; the sources of power cannot be ignored. Pearce and Robinson (2007: 371) identify the sources of power and influence as position power, reward power, information power, punitive power, expert influence, referent influence and peer influence. Badaracco and Ellsworth (1989:16) state that holding a formal position bestows authority on an individual to exercise control over policies, money, and people whilst expertise bestows authority to control information and judgements in respect of critical decisions.

Reward power arises from the number of positive rewards that a leader is perceived to control (Megginson et al., 1992: 313). Control of information power is attributed to the possession of knowledge, which may be intentionally provided or withheld (Megginson et al., 1992:313). Referent power is linked to association or identification and relationship with a leader and what that leader symbolizes (Megginson et al., 1992: 313). Personal charisma, charm, courage, and other traits are important factors in the exercise of referent power. Examples of these types of power and influence, and the relationship between power and influence, are abundant in the legislature. Power, authority and influence can be exercised in harmful ways and even though the harm may be caused as a result of negligence, it can still result in injury (Kellerman, 2004: xiii).

Block (1993: 27-32), however brings in a new consideration, that of leadership as a partnership, postulating that there needs to be exchange of purpose, a right to say no, joint accountability and absolute honesty.

This, however, does have practical limitations in an environment such as the legislature where, in most instances, the Secretary has to sign a performance contract (indirect application of the Public Finance Management Act) and is employed for five years on a renewable contract. All other employees are on permanent contracts. This give rise to the following questions:
- Can there be meaningful accountability?
- Is there any risk that is placed on any other individual?
- Will there be a willingness to share accountability?

2.4.2 Leadership Styles

In addition to power, authority and influence, leadership styles also impact on effective leadership to the extent that it supports influencing of stakeholders for effective decision-making. Most leaders respond that tradition, travel, training, transfers and team learning are the strongest contributors to their global skills. However, travel is the most influential developmental experience (de Vries: 2006:187). Within the context of leadership styles, it is important to assess whether personalities establish effective leadership or whether the environment or situation those leaders find themselves in lend support to effective leadership. Within this framework, researchers argue that 'specific personality variables determine leadership effectiveness' (de Vries 2006: 165). On the other hand, situationists pose a counter-argument – they 'attribute all variations in leadership effectiveness to environmental constraints.' (de Vries 2006: 165).

For de Vries (2006:165), leadership cannot be found at the extremes, there must be some middle ground. He believes that leadership occurs within a context and he introduces the role of followers. Within the context of political leadership, followers are critical to the role that the leader adopts. De Vries (2006: 165) therefore states that 'to understand leadership behaviour we have to consider not only the personal makeup of the leader but also the makeup of the followers and the specifics of a particular situation. Certain types of leadership simply don't fit certain follower types or situations.'

De Vries (2006:165) further states that the personalities of both followers and leaders, together with values and attitudes of followers, position and experience of the leader as well as the situation, are key factors in the leadership equation. Whilst de Vries addresses the personalities of the leader, followers and the environment he introduces a very interesting idea of the 'inner theater' describing it as 'the scripting that results from the central needs of that individual.' (de Vries, 2006:165).

Leadership styles refer to autocratic leaders, transactional leaders and transformational leaders. There are clearly new challenges facing leaders of the new millennium as issues of diversity, globalization, the economy, climate changes and new age technology require different skills. The political environment, too, requires a specific kind of leader.

Megginson et al., (1992:480) view leadership as complex and recognize that there are many factors that impact on leadership styles. This insight is of particular importance in understanding

30

leadership within the legislative context. Leaders within the legislative sector have to take on roles that are set out for them in legislation, whilst at the same time supporting party political roles. Equally, they see their role as representatives of the people, and this requires constant consultation with the public on issues. De Vries, (2006:164) suggests that an additional difficulty is that the concept of leadership has characteristics of a property and a process stating that 'As a property, leadership is a set of characteristics – behaviour pattern and personality attributes – that makes certain people more effective at attaining a set of goals. As a process, leadership is an effort by a leader, drawing on various bases of power (an activity with its own skill set), to influence members of a group to direct their activities toward a common goal.'

Although leaders or leadership styles can be classified in a number of ways, the two most important classifications as postulated by Megginson et al., (1992:480) are in terms of the approach used and in terms of propensity to get the job done. By applying these two classifications the approaches used by autocratic, democratic and laissez-faire leaders can be considered and insight can be obtained by considering the leader's attitude to getting the job done, which can either emphasize the task, or followers and leaders, or sometimes both (Megginson et al., 1992:480).

Autocratic leaders (authoritarian leaders) take decisions independently as opposed to allowing followers to participate in decision-making while on the opposite extreme democratic (participative leaders) allow followers to participate in decision-making (Megginson et al., 1992:480). Laissez-faire leaders allow followers to do as they please, with little direction (Megginson et al., 1992:480).

Megginson et al., (1992:480) distinguish between leaders who are task orientated and focus on planning and quality of work and leaders who are employee centered and focus on the development of their followers. They aver that the task oriented leader initiates structure whilst the employee centered leader is considerate of relationships.

2.4.2.1 Trait Theory

Mfene (2008:209), in addressing the issue of the trait theory, ascertained that there were several traits that were more prevalent in leaders. He quotes Romm & Pliskin (1999:278) and Leinonen & Juntunen (2007:3) in identifying the traits which include ambition, energy, the desire to lead, honesty, integrity, self-confidence, intelligence, and job-related knowledge. Schwella (2008:38)

31

asserts that leaders display characteristics associated with physical traits, namely attractiveness or personality traits, namely intelligence. The issue of absolute honesty must be considered in relation to complex organizations such as the legislature with political ideologies prevailing. Can leaders be absolutely honest in a neutral environment, but driven by political ideologies? According to Kellerman (2004:19) scholars of leadership previously viewed the leader's traits as paramount in relation to other variables, however traits that were previously valued are now seen as fuzzy and imprecise and traits that were vital in specific situations are considered irrelevant in other situations. Notwithstanding this new fashion, traits still matter.

2.4.2.2 Behavioural Approach

Mfene (2008:209) states that behavioural theories rationalize effective leadership styles by emphasizing the type of behaviour that leaders display. Mfene (2008:209) quotes Romm & Pliskin who indicate that the behavioural theories in stating that 'These theories largely focus on the conflict between task orientation and people orientation.'

Schwella (2008: 39) maintains that leaders ought to reflect and perform in a manner that builds teamwork, but ensures that the job gets done, thus focusing on both 'relationship-related behaviour' and 'task-related behaviour.'

2.4.2.3 Situational Leadership

Schwella, (2008:39) argues that as opposed to the behavioural approach which constantly emphasizes relations and task, situational leadership prescribes 'that, depending on situational variables such as the nature of the task, leader member relationships and the level of position power that the leader possesses, the leader may focus on either task or relationships, based on the situation, rather than on both all of the time.' De Vries (2006:165) maintains that proponents of situational leadership all attribute variations in the effectiveness of leaders to environmental constraints.

2.4.2.4 Transactional Leadership

According to Mfene (2008:209), who quotes Smit, Cronje, Brevis & Vrba (2007:285), Transactional leaders act like managers in that they emphasize subordinates' role clarification,

start establishing structures, and give relevant rewards, whilst charismatic leaders are able to inspire people to exceed expectations and surpass performance levels.

2.4.2.5 Transformational Leadership

Transformational leadership concerns 'the ability to make necessary successful changes in the organization's vision and mission, in its goals, strategies, structures, culture and reward system,' (Mfene 2008:209); (Smit, Cronje, Brevis & Vrba 2007:285). Schwella (2008:39-40) quotes Anderson in providing an extensive explanation on transformational leadership which 'requires leaders to concern themselves continuously with a process in which organizational destiny, products and work are dealt with by means of:

- Creating and sharing a powerful vision for and of the organization;
- Inspiring the total organization by means of persuasive communication, among other things, to strive towards the vision;
- Planning concretely to realize the vision and implementing these plans effectively and efficiently;
- Teaming to create and maintain strong teams to reach the organizational vision;
- Motivating all towards the energetic pursuit of the organizational vision;
- Recycling information and knowledge after an evaluation of organizational effort to ensure that continuous performance improvement takes place through processes of change, adaptation and re-envisioning.'

Transformational leadership refers to leadership that brings about changes in the organization through the leaders' endeavours. Dubrin (1995:62) avers that transformational leaders create constructive and huge transformation in organizations and are at variance with transactional leaders, who, in most instances, engage in transactions with individuals. DuBrin (1995:62) postulates that although 'charisma and transformational leadership are closely intertwined … not all charismatic leaders are transformational.'

2.4.2.6 Social Learning Approach to Leadership

Moving on from the transformational approach, Schwella (2008:40) addresses the social learning approach to leadership and states that 'it requires that organizations continuously learn and experiment in order to improve capacity'. Schwella (2008:4), working from the assumption that

33

there are no easy answers to the complex problems of organization, argues that leaders ought not to be authoritarian, but ought to facilitate opportunity for experimentation and learning.

2.4.3 Political Leadership

A vital precept of this type of leadership is the ability to progress adroitly, whilst 'orchestrating astutely from behind the scenes' (Badaracco and Ellsworth, 1989:22). In the realm of political leadership, values play a critical role in a leader's ability to influence and command respect.

Mungazi (2005:5) states that a national leader must possess and operate by values that emphasize 'a respect for democracy, integrity and honesty, essentials of personal character, commitment to principles of good government, confidence and trust of the people, faithfulness to procedure, respect of the views of other people, tolerance of diversity of opinion on national issues, respect for national constitutional law as defined by the legal system of the country, and respect for the input of the people in national programs.' Political leaders are voted into office and, therefore, have to posit a clear understanding of the values that underpin that society. In South Africa, the past injustices experienced by the majority of the people would justify the prioritization of the values identified by Mungazi.

Mathebe (2001:72) states that the ANC, after being unbanned, faced the challenges of nation building arising from racial polarization experienced for almost fifty years of National Party rule during a time when the landscape of South Africa reflected the contradictions of apartheid, political violence, poverty and landlessness. It therefore stands to reason that these primary challenges would serve as the platform for political leaders to become effective and pose solutions to the key challenges. Would this be done through their personality traits or as a result of the situation that they found themselves in? It also stands to reason that the party that won the elections, (in this instance, the ANC), would want to influence structures at all levels of government to address the key challenges, thus ensuring that the philosophy of the ruling party is integrated into government.

Accordingly, the ruling party (the ANC) plays a substantive role in the legislature. On the other hand, the opposition parties also recognized the key challenges faced by South Africa with the onset of democracy, but their mechanisms for resolution of problems may differ from the ruling party. This therefore means that the opposition and other parties also play a substantive role in the legislature. There exists a myth that leaders are all too powerful, however, the reality is that

leaders do not act on their own, or in a vacuum. Kellerman (2004:xiii) states that 'the web symbolizes the many different strands that always constitute the leadership process.'

Characteristics of political leadership are obtained through deduction on the politics of leadership. Exemplary managers display the art of guile in that notwithstanding them having clear and powerful ideas on where the organization should be directed to, they do not forcefully pursue their visions. Instead, 'they keep their goals broad, flexible, and sometimes even vague, and they move incrementally, patiently, and often obliquely to translate their goals into reality.' Badaracco and Ellsworth (1989:14). Badaracco and Ellsworth (1989:14) coined the term 'political leadership' and state that 'the ultimate aim of these leaders' incremental moves and political sensitivities is to translate vision into reality. Day-by-day, this approach demands subtlety, patience, and sophistication. It requires skill at the art of implementation. But it does not presuppose amoral, Machiavellian opportunism. Machiavelli's ideal prince was willing to play the fox, to disguise his own character, and to deceive others in order to accomplish his ends.'

Often, divisive, time-consuming, behind the scenes maneuvering is used to further local interests Badaracco and Ellsworth (1989:17). This is experienced particularly in complex environments where it is necessary to get support for action. The time-consuming nature of such maneuvering results in slow decision-making, which ultimately invites the criticism of lack of leadership.

2.4.4 Followers and Context

In the absence of followers, leaders cannot claim the title of leaders. There has to be either active or passive supporters or followers that contribute to the leader exercising a leadership role. Kellerman (2004:22-23) postulates that leaders are followed because of the elements of safety, simplicity, stability and certainty. The situation or context also plays as important a role to leaders as followers do. Kellerman (2004: xiv) uses the example of Lyndon Johnson's biography to show that 'All leader-follower stories are set in the particular contexts within which they unfold.' Therefore, for Kellerman, (2004: xiv) 'webs of leadership are tangled, the strands-the leader, the followers, and the context-hard to separate one from the other.' Clear issues that come forth are the relationship between the leader and other role-players, be it followers or other leaders and the context within which they operate. To understand the leadership role that is being exercised, it is critical to understand the context, the type of followers as well as other leaders and the impact that they, in turn, have on the environment. There is an assumption that leadership drives good behaviour, but, at times, the context within which leaders find themselves encourages

bad behaviour, e.g. a city in which corruption is tolerated can entice elected officials to defraud it (Kellerman: 2004:18). At times, it serves the interest of followers to encourage bad behaviour in leaders. This therefore means that although influence plays a part in effective leading, it is also a characteristic that is displayed by followers. Kellerman (2004:18) takes cognizance of the fact that even leaders occupying positions of power can be influenced by others, particularly close advisers who may be misguided, but resolute. Some writers go so far as to state that an effective, strong follower is indeed a leader. In this regard, cognizance must be taken of Kotter's (1990:3) distinction between the formal position of leadership as opposed to exercising leadership.

2.4.5 Leadership in Crisis

The leadership crisis that currently exists in society is not limited to the political arena, nor the African continent, but stretches to the religious, sport, educational and corporate arenas in the globe as well (Du Plessis, 2010:23). Self-centred leadership, where personal ambition overrides the interests of the masses, has contributed to the global recession. The challenge, however, is going lie in displaying effective leadership post recession, coupled with modernization. The challenge, however, is bigger for South Africa as a developing economy competing in a first world economy (Du Plessis: 2010:23).

Du Plessis (2010:23) posits the warning that things will not return to normal after the recession and that leadership will require new skills to address the dictates of the context. In order to do this, leaders will have to adopt different approaches, not limited to fostering adaptation, helping people develop the 'next practices' that will enable the organization to flourish in the future whilst continuing with the best practices needed for present triumph. This author further suggests that leaders will have to 'embrace disequilibrium, keeping people in a state that creates enough discomfort to induce change, but not so much that they fight, flee or freeze.' (Du Plessis: 2010:23).

Although Du Plessis (2010:24) espouses the virtues of individualism as an incentive provider towards growth, he maintains that the human being as a social animal must be factored into the system. Accordingly, recognizing that human beings cannot function effectively outside of a social system, Du Plessis presents the concept of communityship in relation to leadership. He argues that the community binds us together for the greater good and states that 'Communityship requires a more modest form of leadership that might be called engaged and distributed management. A community leader is personally engaged in order to engage others, so that

anyone and everyone can exercise initiative.' Similarly, Malunga (2006:2), in espousing the positive aspects of *Ubuntu*, a concept originating from African cultural heritage, also emphasizes the collective as opposed to individualism. *Ubuntu* is built on five interrelated principles:

- Sharing and collective ownership of opportunities, responsibilities and challenges;
- The importance of people and relationships over things;
- Participatory decision-making and leadership;
- Patriotism; and
- Reconciliation as a goal of conflict management.' (Malunga, 2006:2)

Although Malunga (2006:2) concedes that the concept of *Ubuntu* is not always positive and that it has attracted some negative characteristics when dogmatic clinging to values has transformed its nature (e.g. believing in kings being life-long rulers could justify the non-respecting of limits of terms of office), overall, there is a need to consider values imbued by indigenous learning to address the leadership crisis.

2.4.6 Bad Leadership

After studying countless examples ranging from the public to the private sector, Kellerman (2004:38) found that bad leadership falls into seven groups, These are set out below:

'Incompetent Leadership - the leader and at least some followers lack the will or skill (or both) to sustain effective action. With regard to at least one important leadership challenge, they do not create positive change.' (2004:40)

'Rigid Leadership - the leader and at least some followers are stiff and unyielding. Although they may be competent, they are unable or unwilling to adapt to new ideas, new information, or changing times.' (2004:41)

'Intemperate Leadership - the leader lacks self control and is aided and abetted by followers who are unwilling or unable effectively to intervene.' (2004:42)

'Callous Leadership - the leader and at least some followers are uncaring or unkind. Ignored or discounted are the needs, wants, and wishes of most members of the group or organization, especially sub-ordinates.' (2004: 43)

'Corrupt Leadership - the leader and at least some followers lie, cheat or steal. To a degree that exceeds the norm, they put self-interest ahead of the public interest.' (2004:44)

'Insular Leadership - the leader and at least some followers minimize or disregard the health and welfare of "the other"- that is, those outside the group or organization for which they are directly responsible.'(2004:45)

'Evil Leadership - the leader and at least some followers commit atrocities. They use pain as an instrument of power. The harm done to men, women, and children is severe rather than slight. The harm can be physical, psychological, or both.' (2004:46)

Kellerman, (2004:38-39) suggests that although, the classification may 'invite argument', it has some advantages, most importantly, it enables 'us to know better and more clearly what bad leadership consists of.'

2.4.7 Effective Leaders

In studying mayors, managers and executives, Kotter (1988:18-19) found that a clear pattern emerged in relation to effective leaders; a pattern relating to a vision which included the legitimate interests of people, a strategy (recognizing environmental and organizational factors) to achieve the vision, a cooperative network of resources that would implement the strategy and a group of motivated key people within the network committed to realise the vision. Research conducted to consider the types of personal attributes required to produce these types of behaviour concluded that the creation of a vision requires the leader to be knowledgeable and have an incredible amount of information about the product, technologies, markets and people. This presupposes analytical, strategic and multi- dimensional, thought processes coupled with a good sense of judgment (Kotter, 1988:26-29).

Kotter (1988:29) states that 'Great vision emerges when a powerful mind, working long and hard on massive amounts of information, is able to see (or recognize in suggestions from others) interesting patterns and new possibilities.'

Kotter (1988: 29) maintains that creating strong networks hinges on track record and reputation; cooperative relationships with relevant players both intra and extra the organization and the ability to develop credible relationships easily and motivate key people towards achieving the

agenda. This therefore requires an ability to communicate effectively within the parameters of knowledge of the people in order to get things done.

The Characteristics Needed to Provide Effective Leadership Versus Characteristics Found in Firms that display a lack of Leadership (Kotter: 1988: 62)

	Characteristics	Characteristics
	What is Needed	**What is Found**
I. Industry & Organisational knowledge	Relatively broad knowledge of industry and business	Narrow/specialized knowledge of firm, functions and industry
II. Relationship within the firm & Industry	Relatively Broad set of good working relationship in the firm and industry	Good working relationships with (at best) the few sub-groups of people which they have worked
III. Track record & reputation	Good track records and reputations in a relatively broad set of activities	Narrow track records that are credible to some but not to many others
IV. Ability & skills	Keen Minds and strong interpersonal skills	Mixed : not uniformly strong at both the intellectual and interpersonal level
V. Personal Values	High Integrity : value all people and groups	Not uniformly high in integrity
VI. Motivation	Strong desire to lead	Some desire to lead. Considerable desire to control.

.

2.4.8 Management vis-a-vis Leadership

The terms leadership and management are often used interchangeably, but they are not the same thing (Kotter, 1990:3). Chandler is quoted by Kotter (1990:3) in stating that management is 'a response to one of the more significant developments of the twentieth century: the emergence of

large numbers of complex organizations.' Management is motivated by consistency, emphasizing planning, budgeting, organizing, staffing, controlling and problem solving, whilst leadership produces movement (Kotter: 1990:3). Although the distinction between management and leadership appears to place management and leadership in conflict with each other, one without the other would be detrimental. Total control and order would create certainty and stability for organizations, but would inevitably lead to a staid environment with no pressure to change or grow.

Effective leadership is considered by Kotter (1990:5) and others as the ability to move people 'to a place in which both they and those who depend upon them are genuinely better off, and when it does so without trampling on the rights of others. The function implicit in this belief is constructive or adaptive change.' In contrasting managers, but also in trying to determine some traits for managers, Kotter (1988:32) states that 'In terms of abilities and skills, managers clearly need some minimum analytical ability, memory, and judgment. But there is nothing inherent in the management function that requires the same strong interpersonal skills that seem to be so necessary for leadership.'

For a governance system to work effectively, 'the citizenry needs to be informed …and actively engage in the policy debate, the legislature needs to give clear instructions to the executive branch, the elected chief executive needs to be effectual in the oversight of all agencies and programs created by the legislature' (Behn, 1998:210). Here Behn argues that there is a role for public managers, however, 'rather than asking whether and how public managers can help improve our system of governance, we worry only about controlling their ability to further exacerbate the failures.' Kotter (1988:32) argues that effective management requires the skill and knowledge of 'disciplines that make up modern management: techniques for planning, organizing, budgeting, controlling, staffing and the rest. Unlike leadership, it does not necessarily require an extensive knowledge of the situation being managed. The whole concept of the professional manager who can manage anything is based on this point.'

Moving from the premise that the pivotal element of leadership is direction setting and alignment, not to be confused with planning, Kotter, (1990:ix) argues that 'planning is a managerial process that is not the same as, nor ever a substitutes for, the direction-setting aspect of leadership, a process that produces vision and strategies, not plans.'

This author further indicates that 'leadership within a complex organisation' achieves constructive or adaptive change through 'establishing direction, aligning people and motivating and inspiring.' Within this context, Kotter (1990:5) argues that 'management and leadership…are …in some ways similar. They both involve deciding what needs to be done, creating networks of people and relationships that can accomplish an agenda, and then trying to ensure that those people actually get the job done.'

Whilst, leadership produces change through setting the vision and thereafter ensuring that goals are pursued to achieve that vision by aligning people through communicating the organizational goals and stimulating people to conquer obstacles; management, creates order to ensure that the organization works effectively. The difference in function and form between these two roles has the potential to cause conflict (Kotter, 1990:7). According to Kotter (1990:7) 'Strong leadership, for example, can disrupt an orderly planning system and undermine the management hierarchy, while strong management can discourage risk taking and enthusiasm needed for leadership.' However, the two roles do not operate in a manner that negates each other. Whilst Kotter (1990: 7) accepts that extreme purist roles of managers and leaders will create extreme conflict, he argues that both management and leadership are necessary for organizations to prosper.

The table below suggests clear differences between management and leadership in relation to the creation of an agenda, nurturing human networks for achieving a specific purpose, execution and outcomes.

A Comparison of Management and Leadership (Kotter1990: 6)

	Management	Leadership
Creating an agenda	Planning and budgeting – establishing detailed steps and timetables for achieving needed results, and then allocating the resources necessary to make that happen	Establishing Direction |– developing a vision of the future, often the distant future, and strategies for producing the changes needed to achieve the vision
Developing a human network for achieving the agenda	Organizing and Staffing - Establishing some structure for accomplishing plan requirements, staffing that structure with individuals, delegating responsibility and	Aligning People – communicating the direction by words and deeds to all those whose cooperation may be needed so as to influence the creation of teams and

41

	authority for carrying out the plan, providing policies and procedures to help guide people, and creating methods or systems to monitor implementation	coalitions that understand the vision and strategies, and accept their validity.
Execution	Controlling and Problem Solving – monitoring results vs. plan in some detail, identify deviations, and then planning and organizing to solve these problems	Motivating and Inspiring – energizing people to overcome major political, bureaucratic, and resource barriers to change by satisfying very basic, but often unfulfilled human needs
Outcomes	Produces a degree of predictability and order, has the potential of consistently producing key results expected by various stakeholders (e.g., for customers, always being on time; for stockholders, being on budget)	Produces change, often to a dramatic degree, and has the potential of producing extremely useful change (e.g., new products that customers want, new approaches to labor relations that help make a firm more competitive

Kotter (1990:7) believes that to achieve success, organizations must, in addition to satisfying customer needs and commitments to stakeholders, also adapt to changing needs of constituencies by planning, budgetting, organizing, staffing, controlling, and problem solving competently and systematically and align people to established direction inspiring employees to generate transformation in the face of adversity. It is therefore clear that the management role cannot exist without the leadership role, but that also within each role there must be an element of the other role that can be portrayed so that the best fit can work to the benefit of the organization.

Too much emphasis on management with a very weak leadership can result in systems that emphasize detail, shorter timeframes, control and predictability. These systems are compliance orientated, without considerations of alignment and low risk integration, with little focus on long term and very little inspiration (Kotter (1990:8). Kotter cautions that as a combination, this can create an organization that is inflexible, and not creative and therefore unable to address important changes, thus giving rise to a decline in performance.

Although order and certainty would produce a welcome relief for a turbulent environment such as the legislature, the impact of the rules based management emphasizing certainty, consistency and order may prove detrimental in the long term. Such an organization would depict rigidity, non-innovation and inevitably, an organization that loses touch with its constituents. The legislature, as representatives of the people, must be in a position to constantly respond effectively to the needs of the citizens, thus enhancing democracy.

Kotter (1990:125) coins the phrase 'leader-managers' to emphasize the criticality of having characteristics that support both roles. Unfortunately, the reality is that although taking positional roles may influence the scope of innovation and enthusiasm, personalities in a complex organization such as the legislature may misread the expression of enthusiasm and impute negative inference to such enthusiasm to the detriment of the organization. However, effective leadership will require playing the visionary role of opening the space for the evolution of cognitive thinking into this realm. Therefore, trust, honesty and transparency become necessary prerequisites for leadership in this dynamic environment.

Du Plessis (2010:23) quotes Mintzberg in stating that there is a belief that leadership is not only separate from management, but superior. This view, however, only serves to undermine the community in organizations. Du Plessis (2010:24) also states that there tends to be criticism directed at micro-managing (exercising top -down authority by leaders who are out of touch with their environment), but that the concept of macro-leading is equally problematic.

2.5 Frameworks and Policies that support human agents in the Legislature.

The advent of the technological age and globalization requires that organizations ensure that they remain relevant and transformed. Organizations do not have a personality; however, the individuals within organizations breathe personality into organizations. John Adair's terminology of action-centered leadership becomes relevant, in that this author recognized that irrespective of the leadership approach used, there must always be movement towards goals. This is the expectation from followers.

Adair believes that leaders are engulfed by three different activities, *viz.* achieving the tasks, addressing individual needs and the maintenance of group needs. Every organization has a task to perform which is actioned through developing a vision, mission and setting of goals and objectives. Each organization also has individuals with their own needs. These individual needs

compete with the group needs (organizational needs) and, at times, tend to compromise the organization. There is, therefore, always a tension between the task of the organization and the individual needs. To address this tension, Adair introduces mechanisms for the maintenance of the group needs which include the policies, procedures, codes and processes, and structures of the organization. In addressing the group needs, the organization must be very clear about conflict management processes and decision-making processes. The policies, procedures, and codes must clearly spell out exactly what must be done, how it must be done, under what circumstances, by whom and exceptions to the processes. Leaders, in committing to these policies, codes, procedures and structures, must comply and ensure compliance. Leaders need to constantly apply themselves to the issue of the extent to which their individual needs overshadow the organizational needs. Accordingly, there is a need to evaluate policies, procedures, codes, legislation and structures to ascertain whether they are effective enough in advancing the task of the organization.

Considerations of effective processes and the need for amendment must constantly be within the consciousness of leaders. The leaders of organizations must appreciate that each individual enters the organization with their individual needs, which are numerous, and these have to fit into one organization with one primary goal. To the external community viewing the legislature, the surface is visible, however, beneath the surface lie all the organizational issues such as bureaucracy and inflexibility. Badaracco and Ellsworth (1989:19) confirm that 'Inertial Forces in companies cause them to drift toward bureaucracy and inflexibility.' There is therefore a need to focus on addressing the issues beneath the surface in a manner that does not have disastrous consequences and this must be done through a regulatory framework.

Uncertainty is also an individual need that rests beneath the surface, resulting in a resistance to change. Some argue that the creation of standard operating procedures is a reaction to resisting change by establishing familiar practices (Badaracco and Ellsworth, 1989:19-20). The benefits of standard operating procedures are postulated as reducing uncertainty through routine and creating a harmonious environment for people with divergent interests to co-exist (Badaracco and Ellsworth: 2004:20). It also increases efficiencies in establishing standard practices for tried and tested challenges. Reporting lines are further clarified and roles and expectations become clearer. Standard operating procedures allow for activities to 'be performed reliably and consistently and also act as treaties or constitutions, defining the territories, rights, and duties of contending people and units' (Badaracco and Ellsworth 1989:20).

Supporting Badaracco and Ellsworth (1989), Hodgetts and Wortman (1980:3) recognize the complexity of organizations by saying, 'In all of these organizations, critical policies, established and implemented by executives, affect the way in which we live and behave in modern society.' However, notwithstanding the virtues of standard operating procedures, they also have the ability to create inertia, thus suppressing initiative and independent thinking of a discretionary nature (Badaracco and Ellsworth 1989:20).

Within the context of administrative policy science, the terms policies, purposes, goals procedures and rules have been used interchangeably (Hodgetts and Wortman, 1980:6). These authors quote Higginson, in defining policy as 'a commonly accepted definition of policy is : … a guide for carrying out action.' Dye (1995:4) describes public policy as 'whatever governments choose to do or not to do.' Fox and Meyer (1995:07) describe policy as 'authoritative statements made by legitimate public institutions about the way in which they propose to deal with policy problems.' Anderson (1997:9) defines policy as 'a proposed course of action of a person, group, or government within a given environment providing obstacles and opportunities which the policy was proposed to utilize and overcome in an effort to reach a goal or realize an objective.' Most organizations have statements setting out their objectives and plans to achieve these objectives, as well as procedures for implementing policy and detailed instructions on technical activities (Steiner, 1969:268-269). These statements help strengthen management teams (Hodgetts and Wortman, 1980:7). Steiner (1969:268-269) utilizes a tabular form to show a hierarchy structure with major policies at the top of the pyramid, followed by secondary policies, functional policies, minor policies, procedures and standard operating plans and rules.

The distinction between major policies and secondary policies, according to Hodge and Wortman (1980:8-9), is that major policies resolve the business that will be entered into, types of services to be provided, or what will be regulated whilst secondary policies are derived from major policies and cover items such as types of clients to be served, target areas, targeted major consumers and services to be provided. Moving further along the hierarchical pyramid, functional policies are derived from secondary policies, consisting of major functional operations of management, including major services, marketing, finance, accounting, public relations, production, research and development and personnel. The minor policies address items such as display of services available and give rise to procedures and standard operating plans, which in turn give rise to rules which govern the behaviour of employees.

Interactions on the hierarchical pyramid can take place in upward or downward movements e.g. 'rules do influence procedures and secondary policies do influence major policies' (Hodgetts and Wortman, 1980:9). According to Hodgetts and Wortman (1980:9) 'broad general policy guidelines established by top management will be able to govern most problem situations which occur for a public agency, private corporation, or nonprofit corporation.' Although rules appear at the lowest level of the pyramid, in the legislature environment, the rules are created as a direct result of Section 116 (1) and Section 57(1) of the Constitution, which provide that the legislature must make rules that govern its internal arrangements. Accordingly, the rules of the legislature would not easily fall into the classification categorized by Steiner and Hodgetts and Wortman because although they are classified rules, they fall within the substantive definition of major policies. Notwithstanding this distinction, the critical aspect of rules creating a framework for regulating behaviour cannot be ignored in a complex environment.

As a result of the organic development of legislatures, rules have developed and to some extent influenced operating procedures, in some instances creating silos that run parallel and at times interlinking. The difficulty with this arrangement, although not necessarily negative, is that it is not clear when they run parallel and when they interlink, which may lead to confusion. This situation has transpired because a clear policy framework has never been objectively defined within the context of the theory of policy making. Hodgetts and Wortman (1980:10) state that 'Administrative processes in modern organizations are the operations by which organizations function……Operational processes in different organizations may vary widely in their nature and complexity.' Executives utilize administrative policy science to make decisions; however, there remains a risk linked to decision-making, particularly in organizations operating 'under varying degrees of uncertainty' (Hodgetts and Wortman, 1980:11). They go on to give an example of a welfare departmental head exercising discretion in favour of granting increases to welfare recipients based on an anticipation of an increase in the following financial year. If the increase does not get approved by government, as a result of the degree of uncertainty being very high, 'the welfare department head may be fired because of a wrong policy decision' (Hodgetts and Wortman, 1980:11).

In relation to the legislature, the questions that needs to be considered are, what degree of independence exists for the Accounting Officer, as head of Administration, in relation to decision-making, so that the Accounting Officer can be held accountable when incorrect decisions are taken and what serious policy decisions can the Accounting Officer take? The same questions must be asked in relation to the Speaker as Executing Authority. Equally critical, is the

role of the caucus, the political committees, the whippery and executive committees in relation to policy decisions of the legislature.

At a political level, collective input will result in policies being proposed. It then goes into administrative processes with 'technical expertise' which can transform the policy to something far from what was envisaged. In instances, the ruling party cannot be honest about its objectives to administration because administration has a responsibility to be non-partisan, thus resulting in administration being arguably non-transformist. On the other hand, a failure to include administration as a collective in the decision making process could result in critical aspects being ignored. Overall, policy gets developed with administration at the periphery. Some may argue the contrary, but in the final analysis, there is always a tension between the two and, depending on the nature of the matter, it can be either destructive or healthy. In some instances, depending on the power relations, it may result in an un-implementable policy being adopted.

There needs to be a clear decision matrix that addresses processes for decision-making. Of critical importance is the consideration of the link between the ruling party nationally and provincially, especially on policy issues. A clear example exists in relation to the passing of the Financial Management of Parliament Act, Act No. 10 of 2009. This Act was passed with a schedule that provides norms and standards for passing of provincial legislation that addresses the financial management of provincial legislatures. The passing of these provincial pieces of legislation has been slow to follow, with seven out of the nine provinces having passed the legislation to date. Although the current ruling party has a philosophy of a unitary state, the quasi-federal nature of the Constitution may give rise to policy makers and decision-makers having various interpretations of national policy to suit provincial agendas. This dynamic has resulted in critical legislation for the legislatures as a sector not being passed timeously and the legislature existing in a vacuum in relation to financial management. The Public Finance Management Act, Act No. 1 of 1999, primarily addresses the needs of the executive and deals with the legislatures in a cursory manner.

2.5.1   The Public Finance Management Act

The Public Finance Management Act, Act No.1 of 1999, hereinafter referred to as the PFMA, was passed to address the issue of proper financial management in South Africa. Section 2 of the PFMA states that the object of the Act is to 'secure transparency, accountability and sound management of the revenue, expenditure, assets and liabilities of the institutions to which this Act

applies.' The applicability section of the PFMA provides insight into the manner in which provincial legislatures are dealt with. Since the passage of the PFMA, legislatures of South Africa have complied with its prescripts, however, there are difficulties with the Act being under the control of the Minister of Finance within the executive. While dictating to the legislature resource requirements, the legislature is constitutionally mandated to maintain oversight over the executive. Although this principle appears to be recognized by virtue of Section 3 of the PFMA, in its application, it poses extreme difficulties. The issue of whether the PFMA applies to the provincial legislatures and Parliament can only be resolved with reference to the provisions of the Act itself. Section 3(1) of the PFMA specifically identifies the various institutions to which the Act applies:

> 3(1)   This Act, to the extent indicated in the Act, applies to –
>
> (a) departments;
>
> (b) public entities listed in Schedule 2;
>
> (c) constitutional institutions; and
>
> (d) the provincial legislatures, subject to subsection (2).

This does not simply imply that the Act applies to that institution in full and in all respects. The introductory words in Section 3(1) make it clear that the Act applies to the institutions mentioned in the section, not generally, but only 'to the extent indicated in the Act'. This compels one to consider each provision of the Act to determine its applicability to each of the institutions listed in Section 3(1).   Whether a specific provision applies to a specific institution will appear either from the express wording of the provision or its context. Provincial legislatures are specifically listed in Section 3 as institutions to which the Act applies, so there cannot be any question as to whether the Act applies to these institutions. The only question is the extent to which the Act applies and, as indicated above, this must be determined from the specific provisions of the Act. If a specific provision expressly, or by implication indicates that it applies to the provincial legislatures, it applies to provincial legislatures, and if it does not so indicate, it does not apply.   Careful scrutiny of each provision was therefore required to determine its applicability to the legislatures.

Arising from a careful scrutiny of each provision of the PFMA, it is clear that the PFMA has wide application in relation to departments, constitutional institutions and public entities, but that its application to provincial legislatures is very limited and confined to the matters set out below:

Section 19(1) (a)(iii), provides that the provincial treasury must prepare consolidated financial statements including the financial statements of the provincial legislature. This implies that the legislature has a duty to provide financial statements to the provincial treasury. Whilst money received by a provincial government must be paid into the PRF, in terms of section 22(1) (a) of the PFMA, money received by a provincial legislature may not be paid into the provincial revenue fund. Section 22(5) further provides for money received by a provincial legislature to be paid into a bank account opened by the provincial legislature. This therefore places an obligation on the legislature to open its own bank account. However, according to Section 7 of the PFMA, which deals specifically with banking, cash management and investment, this framework does not apply to legislatures so there is little guidance as to procedures to be followed when opening a bank account (e.g. bank must be registered in SA, no foreign banks etc). In terms of Section 25(1) of the PFMA, the legislature may ask the MEC to authorize the use of funds in emergency situations to defray expenditure of an exceptional nature.

Section 26 provides that Parliament and each provincial legislature must appropriate money for each financial year for the requirements of the state and the province (including funds for Parliament and the provincial legislatures. The legislature, therefore, is in an extremely powerful position. Should the legislature not pass the budget, the departments will have difficulty in functioning. However, since 1994 to date, there has been no amendment of the appropriation bill because the legislation authorized under Section 88 of the Constitution to amend a money bill was only passed by National Parliament in 2009, and, to date, none of the provincial legislatures has passed legislation in terms of Section 120 of the Constitution to amend a money bill.

Section 29 (1) of the PFMA empowers the legislature in a similar manner to other departments to withdraw funds if the annual budget is not passed before the start of the financial year to which it relates. In terms of Section 31(1) of the PFMA, the MEC for Finance in a province may table an adjustments budget in the provincial legislature and under Section 32(2), every provincial treasury must submit a statement of revenue and expenditure

with regard to the Revenue Fund for which that treasury is responsible to the National Treasury for publication in the national Government Gazette. This section therefore implies that the provincial legislature must provide the treasury with the relevant revenue and expenditure information for the treasury to incorporate into its statement for submission to National Treasury. Furthermore, Section 34(1) provides that un-authorized expenditure does not become a charge against a Revenue Fund and it is envisaged that this provision is also applicable to the legislature. Section 66(1) of the PFMA provides that:

> An institution to which the PFMA applies may not borrow money or issue a guarantee, indemnity or security, or enter into any other transaction that binds or may bind that institution or the Revenue Fund to any future financial commitment, unless such borrowing, guarantee, indemnity, security or other transaction is authorized by the PFMA

The interpretation is that this section is applicable to the legislature notwithstanding the fact that the PFMA applies to the legislature to a limited extent. Although Section 76(4) of the PFMA empowers National Treasury to make regulations or issue instructions applicable to all institutions to which the PFMA applies, the National Treasury has elected to make the regulations (see Section 76(1) and 1.2 of the Regulations) only applicable to departments, constitutional institutions and public entities). Although, not expressly stated, it appears that Section 77 of the PFMA, dealing with the composition and meetings of audit committees, is also applicable to the legislatures. Sections 89(1)(a)(v) and 91)(1)(b) of the PFMA dealing with the Accounting Services Board are applicable to the legislature. The PFMA has 95 sections and an analysis of the Act shows that only 14 sections, including 3 sub-sections are applicable to the legislature. The difficulty that exists is that since 1999, but for the Financial Management of Parliament Act, passed in 2009, no other legislation governing financial management and addressing the lacuna in relation to legislatures has been passed.

2.5.1.1 Executing Authority's Responsibilities in terms of the PFMA

Sections 63, 64 and 65 of the PFMA address the financial responsibilities of the executive authority, executive directions having financial implications and tabling of annual reports and financial statements in legislatures, respectively. However, a literal interpretation of the definition of executive authority as provided for in the PFMA, reveals that it does not include the Speaker of the legislature. There is, therefore, a lacuna in the PFMA in relation to the

Speaker's responsibilities as executing authority as well as the Speaker's responsibilities as the Treasurer of the Legislature.

2.5.1.2 Accounting Officers Responsibilities in terms of the PFMA

Sections 38 to 43 of the PFMA deals extensively with the responsibilities of the Accounting Officers in relation to budgetary control, reporting, transfer of assets and liabilities and virements. Section 44 of the PFMA also provides for the assignment of powers and duties by accounting officers and Section 45 provides for the responsibilities of other officials. The PFMA, therefore, provides clear direction with the support of National Treasury to departments and accounting officers. This assists accounting officers within departments and creates certainty. However, the partial application of the PFMA to the legislature and the specific non-application of chapter 5 of the PFMA, addressing accounting officer responsibilities, create a fundamental systemic challenge for the legislature. These are addressed in the Financial Management of Parliament Act and in the Financial Management of the KZN Legislature Bill. The logic can be seen in that the Act and the Bill attempt to fill in the gaps left by the non-applicability of the PFMA. Further regulations on the above matters are also envisaged in the Bill, as well as further policies and systems, which will contain details on the above issues and which will deal with any further gaps that may exist.

2.5.2 Financial Management of Parliament Act, Act No. 10 of 2009

The legislatures have been operating in a manner that is far from ideal in view of the fact that much of the PFMA is not applicable to Parliament and provincial legislatures. In the interest of transparency and good financial governance, legislatures have chosen to comply with the requirements of the PFMA and the treasury regulations. There has, however, always been a lacuna due to the absence of a formal legal basis to regulate the legislature's conducting of its financial affairs. In view of this legislative lacuna and also in view of the principles of the separation of powers, the oversight role of the legislative sector, and the power of Parliament and legislatures to control their own internal arrangements, Parliament passed the Financial Management of Parliament Act in April 2009. This Act, however, does not apply to provincial legislatures and it has been left to each legislature to enact their own financial management legislation in line with the norms and standards contained in the national Act.

2.5.3 Financial Management of Provincial Legislature Bill

Because the Bill is largely an adaptation of the National Act, only the contents of the bill will, therefore, be addressed

2.5.3.1 Particulars of the Legislation

The purpose of the Bill is to regulate the financial management of the legislature in a manner consistent with its status in terms of the Constitution. It further intends to ensure that all revenue, expenditure, assets and liabilities of the legislature are managed efficiently, effectively and transparently, and further to provide for the responsibilities of persons entrusted with financial management in the legislature.

2.5.3.2 Objects of the Bill

The objects of the Bill are, in short:

(a)   to ensure transparency, accountability and sound management of the Legislature's revenue, expenditure, assets and liabilities;

(b)   to ensure a consultative relationship between the Legislature and the Provincial Treasury, conducted at a high level and based on respect for –

(i)   the constitutional status of the legislature;

(ii)   the constitutional requirements for the tabling of money bills;

(iii)   budget processes, standards of generally recognized accounting practice, uniform expenditure classifications and the treasury norms and standards established in terms of the Public Finance Management Act; and

(iv)   the fiscal policy of the provincial government to the extent that it is applicable to the legislature;

(c)   to provide the Provincial Treasury with –

(i)   an opportunity to make comments on proposed annual budgets and adjustments budgets of the legislature ;

(ii)   information on the proposed annual budget and adjustments budgets of the legislature for inclusion in the provincial annual budget and adjustments budgets; and

(iii)   regular information on expenditure by the Legislature; and

(d)   to provide for oversight of the Legislature's budgeting and expenditure through an appropriate committee of the legislature.

It is anticipated that the passage of the legislation will result in not only providing for a regulatory framework to manage the financial affairs of the legislature, but it will also re-enforce the independence of the legislature and ensure that the principle of the separation of powers is upheld.

2.6   Summary

This chapter provided insights into the functioning of the legislature by setting out specific legislative provisions pertaining to the establishment of legislatures as well as the form and substance of its existence.

Further, the chapter broadly addressed the concepts of complexity theory by dealing specifically with complex organizations, context, Theory U, and dialoguing and learning organizations.

It discussed the theorists attempts to define leadership by considering leadership styles, political leadership, followers and context, leadership in crisis, bad leadership, effective leadership and ultimately, management *vis-à-vis* leadership.

Finally, the chapter considered frameworks and policies in general and the Public Finance Management Act, the Financial Management of Parliament Act and the Financial Management of Legislatures Bill, specifically. This chapter therefore provides theoretical information on the issues that are pertinent to the study, in an attempt to ascertain how the results, which will be dealt with in Chapter 4, relate to the theories that exist.

CHAPTER 3

RESEARCH METHODOLOGY

3.1   Introduction

As established in Chapter 1, section 1.3, this research project attempts to analyze the leadership and management roles in the legislature to ascertain whether the constitutional and legislative landscape and operational environment are conducive to exercising effective leadership in the legislative sector in South Africa, using an ethnographic, case study design resulting in a cultural picture or phenomenological description of themes or patterns.   The primary issue that the research question addresses is the interface between political and administrative leadership and how leadership is exercised in a dynamic context (in this instant, the legislative sector).   To this end, it anticipates that the field of study will reveal what is required for effective leadership and what are the barriers to effective leadership.   Brewer (cited in Cassell and Symon: 2004:312) distinguishes ethnography as a style of research, which uses different techniques to gather data. Brewer (cited in Cassell and Symon : 2004: 312) defines it as 'the study of people in naturally occurring settings or 'fields' by means of methods which capture their social meanings and ordinary activities, involving the researcher participating directly in the setting, if not also the activities, in order to collect data in a systematic manner but without meaning being imposed on them externally.' (The researcher also chose to use a case study method, which, according to Hartley (cited in Cassell and Symon: 2004:323), comprises detailed investigations, involving the collection of data of phenomena over a period of time as they occur in their context. Hartley goes on to state (cited in Cassell and Symon: 2004:323) that 'the aim is to provide an analysis of the context and processes which illuminate the theoretical issues being studied. The phenomenon is not isolated from its context (as in, say, laboratory research), but is of interest precisely because the aim is to understand how behaviour and /or processes are influenced by, and influence context.'   Under the case study strategy a qualitative research design approach was utilized. Qualitative research, described by Van Maanen (1979:520) as 'an umbrella phrase covering an

array of interpretive techniques which seek to describe, decode, translate and otherwise come to terms with the meaning of naturally occurring phenomena in the social world', was used to source information in the legislative sector which would provide key insights into how leadership is exercised in the legislature.

Amber et al., (1995:880), in considering qualitative research, emphasized that it seeks depth as opposed to breadth through acquiring intimate information about a small group of persons and focuses on discovery as opposed to verification. These authors also postulate that qualitative research aims to learn about how and why people have, think, and make meaning as they do, rather than focusing on what people do or believe on a large scale. For Welman et al., (2005:193), qualitative research attempts to secure insider knowledge through a process of either talking to subjects or observing their behaviour to enable the researcher to acquire in-depth and firsthand knowledge of the subject matter. In addition, interviews and focus groups can be used for researching a small sample of people (Miles, 1994). In this research study, leaders in the legislative sector at both an administrative and a political level have been interviewed using the method of a semi-structured interviews, particularly focusing on the interface between political and administrative leadership, to obtain their experiences of leadership in a dynamic context,. They were also requested to ascertain deficiencies in the constitutional, legislative and operational environment that impact on effective leadership and suggest solutions.

The interviews have been transcribed, analyzed and interpreted in an attempt to provide relevant insights and pointers towards solutions that would contribute to ensuring that the legislature performs effectively in protecting the interests of the citizens and ensuring the success of democracy.

3.2   Research Methodology

Welman et al., (2005) views research as a process which uses scientific methods for the purpose of increasing knowledge in a field. The scientific element of research addresses systematic observation, as opposed to selective observation and, in addition, the process should be controlled to ensure the elimination of alternative explanations. In a similar vein, Cary, (1988) supports the position that the manner of obtaining the results must be replicable in order that the scientific   community   may   be   able   to   interrogate   the   conclusions. Research is performed for the purposes of defining reality by describing the way things exist or to explain the reason for things being as they are, as well as to predict phenomena, e.g. human

behaviour (Welman et al., 2005:194). These authors distinguish between research undertaken through deductive and inductive processes, the distinction being that deductive research develops theory and tests the validity of the theory through empirical observation and inductive research observes a phenomenon in a systematic manner to determine relationships and patterns that emerge, thus developing a theory. This research study utilized the inductive approach by virtue of observing a phenomenon in an effort to determine emerging relationships and patterns that address what is required to provide effective leadership in the legislative sector and, consequently, what barriers there are to effective leadership in the sector.

A qualitative research approach was used as opposed to the quantitative approach. Interpretive qualitative research methodology focuses on making sense of human behaviour from the viewpoint of the people who are involved in the situation in search of ascertaining the social construct of reality through methods that are explorative and flexible, and enable the researcher to investigate the environment in order to gain an understanding of the investigated aspect (Stainback, 1984; Cary, 1988; Welman et al., 2005). The question that the researcher posed was exploratory in nature and required obtaining the views of various participants. The question was subjective and dealt with social knowledge. Because the researcher collected data and developed a theory based on the data, the research is considered to be inductive.

This research paper acknowledges the fact that reality is subjective and multiple and it was intended that the research takes into account the various perspectives of those involved in the study. There was significant interaction between the researcher and the researched and the language was informal. The process was inductive with categories of patterns and theories emerging through analysis. The paradigm within which the research was conducted was qualitative and emergent. At the same time, the approach is considered phenomenological because qualitative research is subjective.

There were specialized methods of participant selection, solicitation of information, systematic data treatment and assembling of interviews into a final report. Having considered functionalist, interpretive, emancipatory and postmodern systems methodologies as discussed by Jackson (2000: 11), the interpretive methodology was considered the most suited for the study. According to Jackson (2000: 211), it is a soft systems thinking approach, which emphasizes people as opposed to technology, and focuses on *inter alia* perceptions and values. Jackson (2000:211) further states that methodology must attempt to ascertain what prevails, what people are thinking and be able to influence thinking. The process of analyzing the leadership in the legislative sector

56

as well as the constitutional landscape and the operational environment was engaged in through philosophical enquiry and entailed the use of critical thinking as well as clear and rational thinking to understand from the literature and the practice whether the environment was conducive to effective leadership and management.

This study recognizes that the legislature is a complex system with a number of agents, that there are a number of sub-systems and that the sum of the parts addresses the whole. When an agent understands the role or function that he or she plays in the systems and other agents play in the system, such understanding becomes part of the collective understanding of the system. It is anticipated that the semi-structured interview process will lead to some poignant clarities on the sub-systems and the role that the sub-systems play in supporting effective leadership or compromising effective leadership. The soft systems approach addresses improving learning by taking into account people learning. The topic also has elements of radical critical structuralism because, according to this theory, we have deeply embedded ideas in society, we work according to those and consequently view the world in a particular way, i.e. in terms of our worldview or mental model.

Radical structuralism notes that that there are other views as well and opens the mind up to hearing those other views. According to Ryan (cited in Cassell and Symon: 2004:378), a successful system must be in an open and adaptive relationship with the environment (everything outside the boundary) such that it is receptive to learning from the environment and as a result of such learning, in addition to the knowledge it has of itself, it may adapt to the environment, but may also change its environment. According to Ryan, 'Adaptive in this sense means the system and environment are in a constantly changing relationship in which the system is learning from and is affected by the environment and, likewise, the environment is also affected and changed by the system. It's a two way street of mutual impact.' This temporarily creates a new balance, thus leading to the conclusion that the balance is shifted and thereafter re-created.

3.3   Qualitative Research Methods

Recognizing that the main aim of qualitative research is to discover and attempt to rationalize how people in specific environments understand, and act, to manage their situations. The usual process of uncovering and rationalizing these phenomena is through observation, interviews and analysis of relevant documents (Welman et al., 2005:194). Researchers conducting a qualitative

study analyze data in an inductive manner and use case studies aimed at unraveling the uniqueness of the specific case (Cary, 1984).

Welman et al, (2005:1994) provides that in a single bounded system, the researcher usually demarcates the social system and observes the participants or focus groups through structured or unstructured interviews and analysis of documents. The researcher followed this process by attempting to explain the phenomena that have been observed, whilst using the inductive approach to identify 'recurring patterns and consistent regularities' that can lead to logical conclusions.

3.4   The Role of the Researcher

The researcher has an obligation to 'observe without affecting that which is observed,' (Welman et al., 2005:8). There has to be a balance between the level of involvement of the researcher as well as a detachment from the subject of the study (Welman et al., 2005:8). Comprehensive background knowledge, an unbiased, flexible approach together with having the skill of knowing which questions to ask as well as interpreting the answers accurately are some of the requirements of a successful researcher (Yin :1994). Jocher (2006) and Stake (1995) recognize the need for the researcher to have the skill of clearly and concisely describing all the observations.

The researcher is employed as Secretary of the KwaZulu-Natal Legislature and, as such, participates directly in the setting (being the legislative sector) as well as the activities. She has used this opportunity to gather data in a systematic manner by studying the political and administrative leaders in the legislature through observation and interviews in order to capture their social meaning and ordinary activities with the aim of understanding more about leadership in the legislative sector.

Having a personal role to play in the sector being researched has an element of subjectivity and will unwittingly influence the researcher's perspective. It will invariably also affect the information that the participants are willing to share as a result of their knowledge of the researcher, either as a subordinate or as a manager. This limitation will affect the information that is being obtained. The researcher has made a conscious effort to ensure that preconceived notions, which would place undue emphasis on areas that support these pre-conceived notions, resulting in bias or prejudice, do not contaminate the study. Being involved in the sector poses

the risk that the researcher might not see what would be immediately obvious to an independent researcher. However, being a participant in the sector allows for a basic understanding coupled with insider knowledge that will be conducive to more penetrating probing and getting closer to the deeper issues.

Notwithstanding the facts that the researcher is involved in the sector, has background knowledge and poses the risk of bias, the researcher, like Waddington (cited in Cassell and Symon, 2004:319) is of the opinion that 'whilst participant observation is less tidy and more complicated …, it is one of the surest ways …of getting directly to the heart of human experience.'

3.5   Validity and Reliability

According to Brewer (cited in Cassell and Symon, 2004: 319), ' "Validity" refers to the extent to which the data accurately reflect the phenomena under study …, "reliability" the extent to which measurements of it are consistent.' A criticism of qualitative research is based on the ability of the researcher to interpret and draw conclusions on the observations without being subjective. To address this challenge, Dawson (1997) suggests 'different data collecting methods to contextualize, validate and crosscheck the interview data.' Silverman (1993) also suggests utilizing different methods and triangulation, which requires comparing data from different sources. Musson (as cited in Cassell and Symon, 2004:37) suggests that the transcribed interviews and interpretations be presented to the interviewees for verification. Yin (1994) suggests that a variety of sources of data be utilized, that raw data, and data and documents produced by the researcher be kept in a database and that a logical chain of interpretation with findings tracing back to the source documents be kept.

Reliability addresses the credibility of findings. Welman et al., (2005) state that the test of credibility would be through duplication of the procedures, analysis and conclusions with the result being that any other researcher following the same procedure would reach similar conclusions. Yin (1994) suggests using multiple sources to collate evidence, establish a chain of events and keep transcripts of interviews for the purposes of avoiding the criticism of subjectivity.

The researcher plays a role in the legislative sector in an administrative management position and has had to conscientiously guard against bias. Bias in its literal interpretation denotes prejudice, partiality, unfairness and preconceived notions leading to foregone conclusions. This is different

59

from the researcher's perspective, which reflects the researcher's viewpoint or outlook on the subject matter and whilst bias must be guarded against, it is critical to obtain the researcher's perspective as a participant in the sector because of the first hand information that she brings to the study. Of critical importance though, is the need to be reflexive. According to Brewer (cited in Cassell and Symon, 2004: 319) this involves reflecting 'on the contingencies that bore upon and helped to 'create' the data as a partial account.'

Brewer (cited in Cassell and Symon, 2004: 319), cautions against 'thick descriptions' which emphasize richness and depth, as they 'do not represent 'reality as it is' because such descriptions are selective from the various competing versions of reality that could have been produced and end up presenting a partial picture: if ethnographers see themselves as cameras 'telling it like it is', the picture is blurred because there is more than one image on the lens.' This consciousness required that the participants from the political pool of interviewees needed to be extended to as many Speakers as possible and some Deputy Speakers of the legislature. It also required that the researcher, although a participant at an administrative leadership level needed to be cautious in interviewing her administrative counterparts in an effort not to influence through word or action the data collected from them. This being managed in such a manner that their trust was gained to ensure that information was honestly forthcoming.

3.6   Research Design

Research design focuses on the selection of the participants as well as methods for collection of information from the participants.

3.6.1   Sampling

The researcher demarcated the social system as the legislative environment and observed, through semi-structured interviews, the participants who represented the administrative leadership as well as the political leadership. The political leader in the legislature is the Speaker and the administrative manager is the Secretary. Because of the competing schedules of individuals within the National Parliament, and nine provincial legislatures, the interviews were conducted in a one year session. A representative group of Speakers, limited to six, were interviewed and where Speakers were unable to participate, Deputy Speakers, took their places. During the same period, a representative group of six Secretaries were interviewed and, in the absence of Secretaries, a representative of the most senior management reporting to the Secretary was

interviewed. This sample of 50 per cent of the highest political leaders and administrative management proved to be fairly representative of the sector.

The criteria used to identify the sample group were based on position and experience in the legislature.

3.7   Research Techniques

The research techniques used were analysis of documentation, observation of participants and semi-structured interviews.

3.7.1   Documentary Analysis

Literature applicable to the legislature was studied. In this regard, legislation including, but not limited to, the Constitution, the Public Finance Management Act, the Public Services Act, the Labour Relations Act and the Financial Management of Parliament Act were considered.

3.7.2   Participant Observation

Waddington (cited in Cassell and Symon, 2004: 163) postulates that participant observation, as a method of investigation involves 'the researcher immersing him or herself, within a distinctive culture or social setting in order to study at first hand the actions and experience of its members.' The researcher had previously been employed as a legal advisor at middle management level by the KwaZulu-Natal Legislature from October 1996 to December 2002. She is currently employed in the KwaZulu-Natal Legislature as the most senior administrative manager in the legislature under the portfolio 'Secretary' of the legislature, filling this position from June 2005 to date.

The role played by the researcher within her place of work has resulted in in-depth acquisition of knowledge at an organic level in relation to the role of the legislature. It also provided opportunities for observing stakeholders in their natural environment. Welman et al., (2005) note that researchers play a dual role of experiencing and observing at the same time, but caution, however, that this could create a conflict if the researcher is so involved that he/she would not see things that would be immediately apparent to an external independent person. To address this conflict, the researcher must keep detailed notes with written reports of what has been observed to ensure that the data is reliable (Welman et al., 2005).

Waddington (2004:163) emphasizes that 'an open and inquiring mind, tenacity and determination, and a chameleon-like capacity to adapt to different types of people and situations' are characteristics that would support effective participant observation, but also however, acknowledged that status characteristics such as gender and class made it easier to gain a rapport with his subjects. Arising from this, he quotes Easterday et al (Cassell and Symon: 2004:163) that 'This emphasizes the crucial need for fieldworkers to be adequately reflexive, considering, for example, the various ways that structural variables like age, class and ethnicity can influence the research process and affect the reality perspectives of the observer and respondents alike.'

In articulating the methodology of a life history approach, Mussons cited in Cassell and Symon, 2004:35) suggests that collusion of the researcher in the process is recognized in that the researcher cannot be presumed to be an impartial and value-free entity. Similarly and equally, the researcher avers that the same presumptions cannot be made in relation to the methodology of participant observation and that it is critical to note that 'the researcher also brings implicit and explicit theories to the research situation, and the task of the researcher includes surfacing these in the struggle for balance between theory in the researcher's head and theory employed by the people in the research situation' (Cassell and Symon, 2004: 35).

3.7.3 Semi-Structured interview

Notwithstanding the time-consuming nature of interviews, they provide more control and flexibility in acquiring information (Monette et al, 2002). Interviews provide an opportunity for unraveling multiple realities of role-players as well as interaction with the role-players, which assists the researcher to better grasp the context (Stake:1995). The flexibility of a semi-structured interview is apparent in that the researcher can vary the list of themes and questions in different interviews (Welman et al., 2005). Semi-structured interviews were appropriate for this study because notwithstanding the mandate of the legislatures being clear, the interpretation on implementation of the mandate needed to be ascertained in different legislatures and this necessitated variation depending on the information that was forthcoming. This enabled the researcher to request additional information if she wished to explore the responses further (Welman et al., 2005).

Questions were, therefore, developed on the three areas needing to be addressed in relation to the three main objectives of the study. This allowed the researcher the opportunity to view the

various perspectives that emerged on the areas of focus. The questions were open-ended to allow for acquisition of clear data. Welman et al., (2005) state that open-ended questions allow for a variety of data to be acquired. These authors also give direction on the types of questions to be posed, suggesting that the questions must be brief, focused, unambiguous and non-directive. In short, the researcher must not influence the answer.

The questions posed were also considered from an ethical perspective to ensure that no harm would be caused to the participants. Although the researcher conscientiously ensured that the report on the results is true, the identities of the interviewees have not been disclosed to allow for open and honest responses. To avoid the criticism of bias that the researcher could display both at the level of the interview and at the level of interpretation, it is suggested that the detailed notes together with possible recordings be kept (Lincoln and Guba, 1985; Cary, 1988; Welman et al., 2005).

It was not possible to make audio or video recordings of the interviews due to the sensitive nature of the issues considered and participants needed to feel confident that they could trust the researcher without the possibility of the information they provided being misinterpreted in other contexts. The sensitive areas primarily address the obstacles to the legislature performing optimally and agents with schemata may misconstrue the identification of obstacles. According to Bradburn, (1979), there is a strong correlation between complete confidentiality and the answering of sensitive questions and that respondents exhibit an enthusiasm to respond to sensitive questions when complete confidentiality is guaranteed.

The researcher developed the interview questions and piloted it with one participant on the sample list. This exercise assisted in discovering that some questions needed more clarity and that some questions needed to be re-phrased. It also ensured that careful attention was given to assessing whether the questions were adequately distributed over the three objectives in order that adequate information could be obtained in respect of all three objectives.

3.7.4   Interview Procedure

Subsequent to refining the questions, the researcher contacted the subjects with a view to obtaining their commitment to the process of the interviews. This was done by e-mail, together with the letter of authority from the Speaker of the KwaZulu-Natal Legislature, which assisted in introducing the matter. The e-mail contact was followed up by telephonic contact, resulting in 12

subjects making themselves available for the interviews. The interviews commenced in July 2010. At the beginning of each interview, the researcher introduced the area and objectives of the study and also emphasized the ethical issues relevant to the study. Welman et al., (2005) postulates that the interviewer should attempt to inspire the trust of the subjects through adopting a frank and honest approach, assurance of anonymity and neutral expression notwithstanding the information that may be forthcoming. It was necessary to convince participants of anonymity, impartiality on the part of the researcher and the possible benefits of the study to the sector.

The researcher also had to constantly remain conscious of bias linked to the role that she exercises in the environment. The interview questions commenced with specific reference to the roles of the political leader and administrative manager and under these two areas addressed the issue of leadership and management and the perceived distinctions between the two roles. It went further to understand processes of decision-making and obstacles to decision-making operationally, under legislation or constitutionally. The interviews lasted for two hours and the researcher spent an equivalent time documenting the interview.

3.8   Data Interpretation and Analysis

After each interview, the researcher prepared reports based on the interview notes, the responses and commentary provided by the subject, and observations made by the researcher. Stake (1995) opines on the value of these reports because it translates raw data into an interpretive summary. Welman et al., (2005) state that the interview report contributes to the process of analyzing data because it is a product that is lucid and can be commented on. Yin, (1994) argues that the process of analyzing data is not easy because of an ill definition of techniques. Welman et al (2005), however, provides direction by suggesting that dominant themes must be identified and data must be coded by attaching tags or labels that allow for categorization against the different thematic areas. Miles (1994) agrees that the identification of themes, as well as coding processes, allow for data to be manageable and understandable as texts, which result in increased analysis and improved interpretation. This will then result in considering data in a systematic fashion that reveals clear conclusions (Miles, 1994). Miles (1994) is of the view that long-winded narratives become overly cumbersome, thus making analysis of the material very difficult. The interview reports were analyzed for the purpose of identifying dominant themes. These themes were then documented.

3.9   Summary

The chapter considered qualitative research, research methodology and the design of the project. It went further to address the issue of sampling and indicated the scope of participant observation as well as the methods of obtaining information.

Chapter 4 will evaluate the responses from the participants.

CHAPTER 4

RESULTS

4.1   Introduction

This chapter presents the results of the research through a process of description of the information that was gathered from interviewing a sample of relevant stakeholders in the legislative sector. Approximately six (6) representatives from the political leadership sector, representing either the Speaker or Deputy Speaker from the ten (10) legislatures, including Parliament, were interviewed as well as seven (7) Secretaries from the 10 legislatures. The chapter interprets and analyses the information that was gathered. The results are provided against the ambit and context of the objectives of the research identified in Chapter 1. The first research objective results are postulated on assuming that the legislature is a complex adaptive system and the impact that this has on the legislature fulfilling its mandate. This is gleaned from the perspectives of the interviewees in relation to the various agents and stigmata that are perceived to be at play in the legislative environment. The information obtained addresses the role of office-bearers in the legislature and the impact that they have on the roles of the Speaker and the Secretary and, consequently, the impact on leadership.

The second objective addresses the theories in use in the legislature against the leading theorists' views on leadership and management. This chapter, *inter alia*, streamlines the responses into conditions within the legislature that form barriers or opportunities for effective leadership and focuses specifically on the decision-making powers of the Speaker and the Secretary and the impact of lobbyists, impediments to effective leadership and management, the relationship between political and administrative leaders as well as sources of power and the relationship between power, authority and influence.

The results of the third objective are put forward in terms of knowledge acquired from interviewees in relation to whether the constitutional and legislative frameworks and operational environment are conducive to exercising effective leadership in the legislature.

The viewpoints of the various interviewees will be provided in a manner that is conducive to protecting the identity of the different interviewees in order to avoid placing the interviewee at

risk of potential harm arising from his/her participation in this project. The results address the legislative sector and environment as a whole, but draws from individual legislature experiences in the political and administrative context. This was done for the sole purpose of considering the system as a whole and allows for a deeper understanding of the systemic permutations that affect leadership.

4.2   The Role of Office Bearers in the Legislature

4.2.1   The Role of the Speaker in the Legislature

4.2.1.1 The Speakers

All Speakers were aware of the different office bearing positions in the legislature that have an impact on the role of the Speaker as the political leader of the legislature, and differentiated between the roles of the Speaker, Deputy Speaker, Chairperson of Committees, Chief Whip, Portfolio Committee Chairpersons, Scopa and Finance and Appropriation Committee, Rules Committee, Oversight Committee and Caucuses.

In the main, the Speakers believe that the role of the Speaker is clearly defined as a leadership role and is a strategic role in the Standing Orders and Rules of the Legislature as well as in legislation specific to their legislatures. One Speaker stated that 'The roles are clearly defined, but not properly understood by the legislature community.'

A Speaker works together with the Deputy Speaker, Chairperson of Committees, Chief Whips and their Deputies as a collective in leading the legislature. One of the Speakers indicated that the problem in relation to ensuring that the role of the Speaker was respected was the prevalent issue of power struggles which negatively impacts the work of the legislature. Although the Speakers acknowledged that the accountability for leading the institution rested with the Speaker, they were, in general, referring to collective leadership. Some Speakers felt that as a political head, the Speaker is not supposed to interfere with administration as it is the purview of the Secretary, but if things don't get done, then the Speaker must intervene. There was a general belief that if a Speaker is assertive, the Speaker will get things done.

Other Speakers were of the opinion that the Secretary and administration must be constantly led and that the Speaker must play a stronger role in administration. One Speaker averred that the Speaker is the employer of the organization.

Speakers believed that returning members should know the role of the Speaker, but that new members should be inducted to understand the role. Responses on specific responsibilities of the Speaker ranged from presiding over Sittings of the House, exercising a role as Executive Authority and Head of Parliament and representing Parliament at local, national and international level to the Speaker being the custodian of the Parliamentary Precinct.

Speakers believed that members interpreted the role of the Speaker to be that of a Presiding Officer and to ensure that the administration is running effectively. A few Speakers raised a concern that whilst members are supposed to approach the Speaker for resolution of issues or to ascertain factual positions, they liaise directly with officials and do not follow the reporting lines.

One Speaker stated that staff view the Speaker as the employer and expect the Speaker to address their issues. The Speaker indicated that staff expects the Secretary to support them. They also added that if staff members can exploit a situation, they do. There is a potential for manipulation unless there is a frank and open relationship between the Secretary, the Speaker and the collective leadership, being the Deputy Speaker, Chief Whip, Chairperson of Committees and their deputies.

4.2.1.2 The Secretaries

The Secretaries were also able to differentiate between the roles of Speaker, Deputy Speaker, Chairperson of Committees, Chief Whip, Portfolio Committee Chairpersons, SCOPA and Finance and Appropriation Committee, Rules Committee, Oversight Committee and Caucuses.

All Secretaries indicated that the Speaker has a leadership role and the Speaker's role is defined in the Rules and Standing Orders of the Legislatures as the political head of the Institution and Chairperson of the House. According to Secretaries, members expect the Speaker to guide the strategy of the legislature and to hold the administration accountable for systems and processes to be in place to achieve strategic vision and ensure that members are more effective at what they do.

Staff expects leadership from the Speaker in terms of setting the vision and mission. If the relationship between the Speaker and the Secretary is not good, some staff members may seek an audience with the Speaker. If there isn't a trust relationship between the Speaker and Secretary, this could present a problem. Does the Speaker say "It can't be true, but I'll raise it" or does the Speaker take the position of the staff member? Another Secretary indicated that staff views the

role of the Speaker as an appeal authority and the potential for conflict arises when members of staff anticipate that the Secretary won't agree to an issue and they go directly to the Speaker and the Speaker allows it.   Members of staff often go to the Speaker with petty issues and because the Speaker also wants to be popular, he paints a picture of the Secretary as a 'baddie'. However, the Speaker will want hard decisions to be made or conveyed by the Secretary. This interferes with the management and leadership role of the Secretary. Secretaries averred that the position of Secretary and Speaker therefore, require frankness and honesty and there has to be frequent interaction with clear agendas.   The relationship between the Speaker and Secretary must be open, approachable and good.

Secretaries were unanimous in their assertion that there must be a conscious management of the relations between the Speaker and the Secretary and that both the Speaker and the Secretary must understand their roles. The view was expressed that the Speaker is supposed to play a political leadership role, with an overall high-level helicopter view.

One of the Secretaries indicated that although the role of the Speaker is defined in the Financial Management of the Legislatures Act, Act No. 10 of 2009, because the role is political there is contestation amongst the political players (Chair of Chairs, Chief Whip and Members), especially in respect of the Speaker's role as head of the Institution. Another Secretary indicated that the Speaker also has a managerial role. The Speaker can't be a political leader without being able to play a management role.

The management role extends to the management and harnessing of relationships in the legislature. The Speaker can have political leanings, but he or she should manage an impartial role.   One of the Secretaries raised interesting questions around the role of the Speaker. Is the Speaker safe from the political arm? Can the Speaker show leadership when the party is dictating the Speaker's moves? Should the party play a role in the positions of the Speaker and Secretary? Secretaries aver that the Speaker must be inclusive.

Whilst most Secretaries believed that the role of the Speaker is clearly defined and that there is a common understanding of the role, there was a contrary view that the role is not clearly defined and understood. Another opinion was expressed that the Speaker's role should definitely be a leadership role and the Secretary's should be both a leadership and a management role. One Secretary was of the opinion that although the role of the Speaker set out in the Rules is explicit, the operations of the legislature are driven by political power playing, and decisions are driven by

members of the caucus, which is where the power in the legislature actually lies. This Secretary stated that 'There is a deliberate effort on the part of members to ensure that directives issued by the Speaker are not realizable.'

In so far as the accountability of the Speaker is concerned, one view was expressed that the Speaker must account to the House through an oversight committee. If the legislature holds the executive accountable, it must also be held accountable. There is a dynamic relationship between the Speaker and the members. The House in its collective represents the views of citizens, therefore, by the Speaker accounting to the House, it is viewed as the Speaker accounting to the public. Another view expressed was that the legislature cannot account to a sub-structure of the House and that the House gets assessed every five years, so the accountability lies with the people of the province. In a subtle way, with caucus, one gets a sense that caucus expects the Speaker to account to them.

4.2.2 The Role of the Secretary in the Legislature

4.2.2.1 The Speakers

The Speakers agreed that the Secretary is the Accounting Officer of the legislature and, as such, has both a leadership and management role. The Accounting Officer's role is covered in the Public Finance Management Act, Act No. 1 of 1999 (PFMA), as amended. However, the Speakers agreed that the PFMA has a limited application to the legislature and, therefore, the duties of the Accounting Officer as postulated in the PFMA is an interpretation of the role of the Secretaries in the legislature. At least three legislatures have their own legislation which govern the operations of the legislature and provide for the role of the Secretary. All legislatures had Rules and Standing Orders of the legislature, which govern internal arrangements for the legislature and provide for the role of the Secretary.

One Speaker expressed the view that 'Members expect the Secretary to do ordinary work." Some Speakers also expressed the view that support staff in their office *vis-à-vis* the administration, were perceived as the Secretary's staff. Some of the Speakers, however, view the entire administration, including the Secretary, as their staff and that the Manager in the office of the Speaker should follow up on issues with the Secretary without creating two centres of power. Speakers agree that the Secretary and Speaker must meet regularly and that the Secretary must account to the Speaker. The role of the Speaker as Treasury of the Legislature also presents

additional difficulties because this requires additional support in the Speaker's office in the form of a Chief Financial Officer (CFO) which means that there would be another CFO in the legislature. If the treasury (Speaker, supported by CFO in his or her office) is not comfortable with the work that the CFO of the legislature is doing, the treasury will have oversight and will have to intervene. This creates two centers of power and may lead to conflict. There is a need to capacitate the Speaker's office in respect of the Speaker's treasury role, but it has to be managed effectively. Speech writing must take place in the Speaker's office, but must be influenced by the administration. In some instances, the Secretary has to intervene and write the Speaker's speeches. The Secretary's role thus becomes operational.

Most Speakers agreed that the appointment of staff was the responsibility of the Secretary. However, in some instances, Speakers become involved in the role because there are political connotations. Speakers expressed the opinion that the Secretary's role is clearly defined. One of the Speakers indicated that 'as a political head, the Speaker is not supposed to interfere with administration, it is the purview of the Secretary, but if things don't get done, then the Speaker has to jump in.' Another Speaker indicated that the Secretary has a strategic role. The Speaker accounts to Parliament and the Secretary accounts to the Speaker.

4.2.2.2 The Secretaries

The Secretary has both a management and leadership role. There was general consensus that the role of the Secretary has changed in Parliament and the legislatures. The Secretary has to manage financial and human resources, and is an advisor as well as a manager. The Secretary's role in modern times is shifting towards being a manager as opposed to Chief Procedural Officer. As the administrative head of the legislature, the Secretary provides strategic direction to the institution. The Secretary administratively manages and deploys resources. The Secretary ensures that the right people are in the right positions. The Secretary bears responsibility when things go wrong. The Secretary is an embodiment of the Institution. One of the Secretaries indicated that the Secretary is not political, but is required to manage political matters. Another Secretary indicated that although the Secretary may have their own political affiliation, they should treat all members with dignity and respect. One Secretary stated that if they see documents that will embarrass the institution, a Secretary cannot keep quiet. Some Secretaries believed that notwithstanding the Secretary playing a leadership role, primarily in the administration, they are also influential in so far as members are concerned. This Secretary even questioned whether the title of the Secretary should not be changed because the title is a misnomer.

71

All Secretaries mentioned the importance of managing the relationship between the Speaker and Secretary and that everyone must have a clear understanding of their roles. The Secretary's role is understood to the extent that members know that the Secretary is the administrative head responsible for finances and human resources and procedural advice. Most Secretaries believed that their role is not clearly defined and that there is no common understanding of the role. One Secretary, however, believed that there is a common understanding of the role, but that the portfolio of the Secretary carries more respect in other jurisdictions. In South Africa, there is generally an adversarial approach to the role of the Secretary and there is therefore a need to exercise leadership in respect of the role.

Some expressed the opinion that although the Secretary should account to the Speaker on operational issues on a regular basis, this reporting session must be scheduled and determined in advance.

Although members expect technical, administrative and procedural support, they see the Secretary as a subordinate and disregard the advisory powers bestowed on the Secretary. The role of the Secretary is clearly defined in the job descriptions, but members choose not to recognize it. The expectation of members is that the Secretary should ensure that the institution runs effectively and is managed effectively and the necessary leadership role is provided.

The Secretary must account to the Speaker, but if the Speaker is not strong, the Secretary ends up accounting to all members of the legislature. This creates a difficulty because the Secretary must also ensure that members are complying with rules and laws governing the institution. Members who are frustrated by the Secretary's adherence to rules may utilize the accounting opportunity to embarrass the Secretary and make him/her realize that the members are more powerful. One Secretary indicated that the Secretary must account to the Speaker and, at a secretarial level, to colleagues in the administration.

The staff expects guidance and leadership and support from the Secretary who should play a role in developing the intellectual capital of the institution and ensure that social responsibility principles are in place. In the legislature, the Secretary is appointed in terms of the Standing Orders and Rules that govern the internal arrangements of the legislature. Secretaries believed that with legislatures proposing passing their pieces of legislation governing financial management in the legislatures, as well as those sections of the PFMA that applied to the legislatures, the role would become clearer and more defined. One of the Secretaries indicated

that if you want respect, you must perfect your role then you can shape understanding and it also helps when the Speaker gives the Secretary the necessary support.

4.2.3 The Role of the Deputy Speaker in the Legislature

4.2.3.1 The Speakers

The role of the Deputy Speaker is not clear save to state that the majority of the Speakers indicated that 'in the absence of the Speaker, the Deputy Speaker becomes the Speaker'. At sittings of the legislature, the Deputy Speaker chairs the session when the Speaker is not around. Most of the Speakers were unanimous in the belief that the Deputy Speaker's role is not clear and that it needs to be properly defined. Most accepted that the Deputy Speaker must deputize for the Speaker, but some felt that when they did deputize they didn't provide the necessary detailed information when reporting back. Some of the Speakers felt that the Deputy Speaker can frustrate processes by taking decisions when the Speaker is not there. Some Speakers expressed reservations about leaving things to the Deputy Speaker because of the lack of consultation when they took decisions. Whilst some Deputy Speakers worked very closely with the Speakers, others were briefed on matters by the Secretary who prepares them in the eventuality that the Speaker is not in the Chair. One Speaker equated the position to that of the Deputy Ministers.

There is a need for the Deputy Speaker to be inducted on their role and there should be a formalization of what the Deputy Speaker can do.

4.2.3.2 The Secretaries

All but one of the interviewed Secretaries was of the opinion that the role of the Deputy Speaker is not clearly defined. Some believed that the Deputy Speaker should assist in the management of the Institution, be it political or administrative. Others believed that the role is simply that of acting in the absence of the Speaker. A Secretary that questioned the necessity for the position of the Deputy Speaker indicated that the Deputy Speakers are at the mercy of the Speaker and, in his case, the Secretary accounts to the Speaker and uses the Deputy as an informal lobby group. The Deputy Speaker asks the Secretary for briefing before an internal governance structure meeting and sometimes, the Secretary and administrative staff get caught in the middle of a power struggle between these two offices.

73

One Secretary indicated that the Deputy Speaker sometimes behaves like an ordinary member and complains. Because the Deputy Speakers have no clear responsibilities, their role depends largely on the Speaker. If the Speakers do not want to delegate when not there, they take the office with them. Most Secretaries indicated that Deputy Speakers were responsible for chairing some committees such as the Ethics and Disciplinary Committee and there might be other functions that Speakers delegate to the Deputy Speakers. In one of the legislatures, because of the systemic nature of the legislature being too small, the Deputy Speaker participates in meetings as a member of different committees. This creates a conflict of interest because if the Deputy Speaker sits in the committee, he/she becomes eligible to be elected as acting chair, and if there is a need for a report from the legislature to that committee, it will place him/her in a difficult position.

One of the Secretaries stated that the 'Deputy Speaker thinks that he or she can ascend to the role of Speaker. There is political tension between Speaker and Deputy Speaker.' He enlarged by saying that in their case, the Deputy Speaker is siding with the union and the Speaker is siding with the Management, but because the Deputy Speaker is afraid to declare this, it creates chaos. This Secretary advised that 'We must consider whether we need this position in the legislature.' In the same vein, another Secretary could not understand the logic of having a Deputy Speaker without a clearly defined role. The issue of sub-party allegiances, particularly the South African Communist Party influence, also impacts on the relationship between the Speaker and Deputy Speaker. Only one Secretary indicated that the role is clearly defined and the Deputy Speaker accounts to their governance structure by virtue of chairing two sub-committees of the governance structure.

4.2.4 The Role of the Chairperson of Committees in the Legislature
4.2.4.1 The Speakers

All Speakers unanimously concurred that the Chairperson of Committees has the role of guiding committees, although in one legislature the Deputy Speaker also performs the task of the Chairperson of Committees. Speakers quoted instances of spending by portfolio committees which were not effectively managed by the Chairperson of Committees. The Chairperson of Committees is supposed to bring together these committee chairpersons and hold them accountable for management of the individual committees, but in some instances, portfolio committee chairpersons are too strong and the Chairperson of Committees is not effective in making them accountable for the performance of various committees. Chairpersons of portfolio

committees sometimes use the meetings of the chairpersons to shift focus to administrative support for committees and effectively avoid reporting on both their performance and the committee's performance. Many Speakers believe that although the Speaker is in charge of legislative oversight, they do not get a sense of how committees are performing. The Chairperson of Committees should ensure that members are properly trained to do oversight. One Speaker felt that Members don't take their responsibility of ensuring that public hearings are well attended seriously. Speakers felt that the Chairperson of Committees and Deputy Chairperson of Committees must divide their work. All Speakers agreed that the Chairperson of Committees is supposed to act in the absence of the Speaker and Deputy Speaker, but that the role of the Chairperson of Committees is more to deal with committees. Speakers raised the issue of tension created by ambition and disorganization and also commented on tensions between the Chairperson of Committees and the Deputy Chairperson of Committees.

4.2.4.2 The Secretaries

The majority of Secretaries, indicated that the role of the Chairperson of Committees is provided for in the Rules and Standing Orders of the Legislature and relates to the political co-ordination of committee meetings. One Secretary noted that the Chairperson of Committees is an office-bearer and, as such, he should assist the Speaker and Deputy Speaker in the execution of their functions. The Chairperson of Committees is supposed to support the Speaker and they do. However, some Chairpersons see themselves as the equivalent of the Speaker and Deputy Speaker because in their absence, the Chairperson of Committees may chair the House. There are in some instances, complaints by the Chairperson of Committees against the committee chairs. The ability to perform his role depends on the respect that the Chairperson of Committees commands. The Chairperson of Committees has the impression that the coordination equates to management of committees by virtue of his having the power to schedule committees and providing meeting slots. It is not a managerial role, but a political role. Therefore this has a negative impact on leadership and management leadership because there will be interference with staff.

4.2.5 The Role of the Chief Whip in the Legislature

4.2.5.1 The Speakers

Speakers viewed the role of the Chief Whip as being disciplinary as he/she has to ensure that members attend to their work in the context of the legislature, that they attend Sittings of the House, attend committee meetings and that there is a quorum in the House. The Chief Whip generally emphasizes party work and is expected to ensure a hard-line in relation to attendance, even with respect to the executive. In terms of discipline, he can't fine or re-deploy. The Chief Whip essentially deals with the Speaker, but also deals with the Deputy Speaker.

4.2.5.2 The Secretaries

All Secretaries maintained that the Chief Whip is responsible for the programme and the House, and matters relating to the House. Interestingly, one Secretary stated that the role is more a programming role and the Chief Whip chairs their programming committee. This Secretary believed that there is no clearly defined role between the Chairperson of Committees and the Chief Whip. The Chief Whip is very close to the leader of the political party who assesses the Speaker's performance.. In some instances, there is a contestation between the Chief Whip and the Speaker, where the Chief Whip attempts to wield power over the Speaker because of his/her strong disciplinary position within the party structures. Some Secretaries believed that when there is a contestation between the two portfolios, the individuals do not address each other, but resort to addressing the administration on the matter which results in conflict.

4.2.6 The Role of the Portfolio Committee Chairs in the Legislature
4.2.6.1 The Speakers

According to the majority of the Speakers, the role of Portfolio Committees, and by extension Portfolio Committee Chairpersons, is provided for in the Rules and Standing Orders of the legislature. In so far as ensuring that there is effective oversight over the legislature, the Portfolio Committee Chairpersons are critical to this process. Departments must account to the Portfolio Committee and Portfolio Committee Chairpersons must ensure that they do so effectively. Speakers agreed that if the Chairperson of a Committee is not doing this work well then there would be a problem. Some Speakers have expressed a concern that MECs seek out the Speaker as Chairperson of the House, which is an extension of committees, to intervene when they believe

that there is an abuse of powers. The Speakers would have to give direction depending on their understanding of the situation

4.2.6.2 The Secretaries

Secretaries also agreed that the roles of the Portfolio Committees are defined in the rules and by virtue of this, there is an understanding of the role of the Chairperson of a Portfolio Committee. Some Secretaries were of the opinion that nobody in the legislature assesses their role per se. Another Secretary indicated that Portfolio Committee Chairpersons are not performing as they should be and oversight is hampered by towing the party political line. In some instances, where the Chairperson of the ruling party is the Premier and is able to identify the Executive Council, if the Chairperson of a Portfolio Committee is performing oversight effectively and constructively, it is seen as an attack on the Chairperson of the ruling party as the Premier and the Premier can have them redeployed. This can be used as a tool to prevent members from exercising effective oversight.

4.2.7   The Role of the Standing Committee of Public Accounts in the Legislature

4.2.7.1 The Speakers

According to the Speakers, the Standing Committee on Public Accounts (SCOPA) appears to be performing effectively. However, in relation to the accountability of the legislature, some legislatures appear before SCOPA and account for spending of legislature funds and others don't. Some members believe that the Accounting Officer (Secretary) and not the Speaker, who is the political head, must appear before SCOPA. Others believe that the political head, supported by the Secretary, must account.

4.2.7.2 The Secretaries

Provinces have a tendency to haul the Secretary and Speaker before SCOPA. They see themselves as the final bodies to which the Secretary and Speaker must account. Some Secretaries believe that this is wrong, suggesting that members utilize this opportunity to embarrass the Speaker and Secretary and abuse the portfolio. Others believe that the interaction is healthy and alerts them to issues that they must be aware of, which accordingly helps them.

4.2.8   The Role of the Rules Committee in the Legislature

4.2.8.1 The Speakers

In some legislatures, the Rules Committee only deals with the passing of rules for the legislature while in others the Rules Committee passes rules and policies. In some instances, the Rules Committee passes both administrative and political policies and in other instances, they only pass political policies. The bulk of the work gets processed through the internal governance structure chaired by the Speaker, which reports to the Rules Committee to get passed. Some Speakers stated that the Rules Committee is a multi-party committee that discusses developments or matters pertaining to the administration and House Proceedings. In some instances, the Speaker accounts to the Rules Committee.

4.2.8.2 The Secretaries

Some Secretaries believed that the Rules Committee is not a governance structure and only deals with policy making in so far as the amendment of the rules. In some legislatures, the appointment of the Secretary goes before the Rules Committee, which is chaired by the Speaker, and then the House appoints the Secretary based on the recommendation of the Rules Committee. Other Secretaries indicated that the Rules Committee plays an oversight role and anything can surface in the Rules Committee.

4.2.9   The Role of the Finance Committee in the Legislature

4.2.9.1 The Speakers

Some Speakers use the terminology 'super committee' to refer to these committees. In some instances, the term is derogatory, while in others, it is laudatory. Speakers indicated that there is stability at SCOPA and Finance. One of the Speakers stated that if a committee is headed by inexperienced members, it creates chaos in the legislature. Parliament doesn't appear before these committees.

Another Speaker indicated that the legislature presents their budget to the Finance Committee who, on the facts are sympathetic to the budget of the legislature. The Speakers indicated that the recent enactment of the Financial Management of Parliament Act, No.10 of 2009, (FMPA) has

helped create an understanding of the process to be followed in relation to the budget of the legislature.

In some legislatures, the Finance Committee tends to play an oversight role over the legislature which has arisen out of the legislature accommodating their requests for information on the legislature. Some Speakers believe that the Finance Committee and SCOPA are sub-structures of the House and, therefore, make a mockery of the accountability system.   Some Speakers indicated that sometimes politics plays itself out in these committees. There are times when members have an opportunity to exercise power over the Speaker and the Secretary and questions bordering on micro-managing and operational issues become a priority, thus shifting attention away from the real work of the committee, which should be to look at macro-spending and impact on growth in the economy.

4.2.9.2 The Secretaries

One of the Secretaries indicated that the role of the Finance Committee is clearly defined in the Financial Management of Parliament Act, Act No.10 of 2009 and has been transposed into the rules.

The Secretaries in some legislatures were of the opinion that the Finance Committee plays an effective role. Some, on the other hand, felt that it doesn't have input into the budget and sometimes abuses its role when it comes to the legislature. Others suggested that this committee has been used to oversee petty issues such as organizing catering and travel facilities etc.

4.2.10 The Role of the Oversight Committee in the Legislature

4.2.10.1 The Speakers

National Parliament has what is called a Joint Mechanism for Oversight, but only one legislature has an Oversight Committee of the Legislature and a Premier which has been operational for some time.   Other legislatures, which have passed their legislation on financial management (6 legislatures) from March 2010 until as recently as January 2011, have established oversight committees in terms of this legislation. One Speaker advised that the Oversight Committee of Legislature and Premier and the Joint Mechanism for Oversight are very helpful.

4.2.10.2The Secretaries

The Secretaries maintain that the Parliamentary Oversight Authority, operating for a long period of time with the Speaker chairing the committee, gives support to the Speaker in holding the Secretary accountable, and approves the budget of the institution. In terms of the FMPA, the Speaker must account to a joint mechanism of Parliament, a multi-party committee which he does not chair, as in his capacity of Speaker, he cannot be judge and player at the same time. Although this legislation is enacted and operational, this committee has not yet become functional. Most Secretaries advised that there is no committee that is classified as an oversight committee of the legislature although, in practice, the legislature reports to the Rules Committee, SCOPA and the Finance Committee. One of the Secretaries advised that they do have an oversight committee, but 'the problem is that they end up discussing non-issues.'

4.2.11 The Role of Party Caucuses in the Legislature

4.2.11.1The Speakers

One of the Speakers indicated that caucuses don't have a role in the administration of the legislature, but their function is rather to address issues of discipline and commit members of a political party to having a common approach to issues. Although the Whippery is required to account for where the party is going, the Whippery, however, wants the executive and the Speaker to account to them. Speakers indicated that they always touch base with the caucus on changes in the legislature to get their support. The Speakers indicated that they sometimes have to meet with the Provincial Secretary to ensure that the playing fields are leveled in terms of the reporting for Speaker and members of the Executive Council. Sometimes decisions made in caucus impact on the Speaker, but these are usually minimized by the Chief Whip. Speakers indicated that there is respect and consultation between themselves and the caucus.

4.11.2   The Secretaries

As the Speaker speaks to the caucus and not the Secretary, some Secretaries did not know what role caucuses play, but assumed that they discuss legislative matters and how to gear the party to participate effectively in the legislature. The Secretary, however, hears when the caucus wants something done, and members of the caucus sometimes make decisions for which there is no budget. Some Secretaries believe that the caucus can be seen as a formal lobbying group while

others believe that caucuses compromise the roles of the Speaker and the Secretary. Some Secretaries believed that caucuses should inform policy. One Secretary indicated that the caucus only focuses on broad political issues outside the legislature, i.e. focusing on members of the ruling party and where they should be placed in terms of creating jobs for them. It would also concentrate on how resources are being utilized. There is no clear relationship (intricate relationship) between caucuses and the ruling party.

4.3 Barriers and Opportunities for Effective Leadership

4.3.1 Formal and Informal Lobby Groups in relation to Decision-Making

4.3.1.1 The Speakers

The Speakers indicated that the governance structures of the legislature are the formal lobby groups. Some Speakers were more vocal than others in maintaining that the final decision rests with the Speaker as the Executive Authority and that the Speaker must make delegations to the Secretary. The Speakers said that it was clear that members wanted to be involved with decision taking and that they were attempting to accommodate this through a collegial collective decision-making process as they felt they must consider members'support. Some Speakers viewed the Whippery as an informal decision-making structure because of the power it wielded in the party but said that political parties cannot make a final decision.

4.3.1.2 The Secretaries

The majority of the Secretaries concurred that members should never entertain staff issues and that the governance structures were the formal lobby groups. They were of the opinion that members individually and collectively form lobby groups. One Secretary stated that 'The caucus is seen as a formal lobby group', while others viewed the Chair of Chairs, the unions, staff, caucus and members as informal lobby groups. Some Secretaries agreed with those Speakers who indicated that the Whips Committee is an informal lobby group. It was revealed that, at times, even the Presiding Officers (Speaker, Deputy Speaker, Chairperson of Committees and Deputy Speaker of Committees) individually and collectively mobilize masses to support their agenda. Other different agents included potential service providers, caucuses, political staff (especially the ruling party, by engaging the Chief Whip and Speaker of the Legislature). Some Secretaries indicated that opposition parties and smaller parties could be considered an informal lobby group.

4.3.2 The Impediments to effective Leadership and Management in the Legislature

4.3.2.1 The Speakers

The Speakers were of the opinion that members misunderstand their role because the Labour Relations Act, Act No. 66 of 1995, as amended, does not govern them. Accordingly, their status as employees or employers is unclear. Another impediment raised was the role of caucuses in the legislature *vis-à-vis* the political party on the ground. One Speaker went so far as to state that 'Members want to be the Speaker.' Decisions that result in unintended benefits, such as international study tours, get politicized and the Speaker has to defend the decisions taken.

Other interviewees stated that the environment itself is a hindrance to effective leadership. One Speaker stated that 'in terms of administrative leadership, the contract of the Secretary should be linked to the Speaker because, when a new Speaker comes in, the Speaker inherits the capacity and competence of the previous Speaker.' Budgetary constraints were also identified as a factor impeding leadership.

4.3.2.2 Secretaries

The Secretaries maintained that there is no national support for the development of legislatures. The executive is supported in terms of resources of human capacity as well as budget. They suggested that the unregulated environment can be an impediment and failure to implement decisions. Some Secretaries indicated that they have a free reign in the appointment of staff, but have to inform Speaker and members in cases of senior positions. Another interviewee indicated that the 'the lack of knowledge and capacity of the Speaker and the Accounting Officer impedes effective leadership'. It was also felt that the role of the Deployment Committee of the majority party in disregarding the knowledge and skill of the institution impedes effective leadership. Other impeding factors that were identified included political patronage and misplaced loyalty. Another Secretary stated that 'Because of a type of relay accountability, they do not account to the structures of the legislature, but account to the structures of the majority party.' This applies to both the Speaker and the Secretary.

4.3.3 Do the different portfolios compromise the role of the Speaker and Secretary?

4.3.3.1 The Speakers

Speakers believed that these portfolios do compromise the roles of the Speaker and Secretary. The greatest pressure arises when the politicians don't understand the role of the Secretary. The Secretary must be strong and, in some instances, being in the political leadership may help. In some legislatures, the Secretary is not just an official, but also an office-bearer of the ruling party which can have either a positive or negative impact on the members - positive in the sense that members will respect the authority of the Secretary, primarily because of his/her official political role within the structures of the ruling party, but negative in that some members that are in leadership positions of the legislature (Deputy Speaker, Chief Whip and Chairperson of Committees) might feel threatened by the Secretary. In such cases, it would better for the Secretary to remain moderate and let the Speaker take the political stance.

There exists a contestation between members of the ruling party and the Secretary. In some legislatures, oversight is not seen to be robust because the leadership of the ruling party is in the executive branch of government. In other legislatures the converse is true and oversight appears to be robust in the public eye. It is important, however, that the situation is managed so that power is not abused.

4.3.3.2 The Secretaries

The Secretaries were unanimous in stating that the roles of both Speaker and Secretary are compromised by their different portfolios within the legislature. This occurs where a particular body knowing that it is not a decision-making body would take a decision and instruct staff to implement it. One Secretary indicated that 'There are also internal party dynamics that do come into play. Many members think that they are politically senior to Speaker. Therefore they can't take instructions. If they take decisions as whip or committees, the Speaker must just ensure it gets implemented.' The Secretary is sometimes torn between office bearers who sometimes have different approaches to the same thing. A Secretary indicated that 'the notion of democracy is frustrating. I know what to do but I have to bounce it everywhere and have to convince everyone.'

83

Another Secretary said that the "Speaker's interference in administrative matters and Speaker wanting to take over my role" compromises his ability to perform effectively, especially when the Speaker does not have a clear understanding of either his role or the Secretary's role. Furthermore, the Speaker sometimes capitulates to pressure from the members and requests the Secretary to do things that are bad practice. In such instance, the political leadership role compromises the role of the Secretary which has become distorted and the Secretary has the difficult task of not appearing to be obstructionist, but at the same time ensuring compliance with policies.

4.3.4 Ability of Speaker and Secretary to make unilateral institutional decisions

4.3.4.1 The Speakers

Some Speakers were adamant that although they usually take decisions in consultation with stakeholders, Speakers can make institutional decisions unilaterally and advised that they fight for this right. However, to manage relations, they attempt to take members on board so that they understand the rationale for decisions. One Speaker was adamant that whilst Speakers could take decisions unilaterally, the same did not apply to the Secretary, who must always consult the Speaker.

4.3.4.2 The Secretaries

The Secretaries were divided in the response to this question. One Secretary was vehement on the position that all decisions must go to the governance structure. The second school of thought was of the opinion that operational decisions could be taken unilaterally. There was a need to consider the nature of the decision, the cost and time taken for consultation and the impact of the decision. Sometimes, quick decisions are called for, for the smooth running of the institution. These Secretaries also indicated that the governance structures needed to be consulted. The same principles apply in respect of decisions taken by the Secretary independently of the Speaker. Secretaries working under this philosophy believed that it was permissible to take decisions unilaterally as long as the Speaker is taken on board.

4.3.5 Relationship between the Political Leadership and the Administrative Leadership

4.3.5.1 The Speakers

Speakers indicated that there is a cordial and professional relationship between the political and administrative leadership. The Speaker ensures that the Secretary and administration accounts to the Speaker and constantly monitors the professionalism and service that is provided by administration, as members are entitled to receive the most professional service from administration. In some legislatures, there is a clear distinction between the accounting responsibility and the decision-making authority of the Secretary, whilst in others the lines are blurred between the Speaker, the governance structure and the Secretary. One Speaker indicated that the Accounting Officer has the responsibility to not agree to something that is improper. These two roles (Speaker's and Secretary's) have to really be worked on. Some Speakers indicated that the term should be linked to the office of the Speaker so there is no conflict between the two personalities.

A Speaker raised the issue of labour relations which feed into the politics of the province. Labour tends to exploit political differences to suit their own needs. The union wants to co-manage and believes that management cannot take decisions without consulting them. In some instances, the union pressurizes the Secretary and calls for removal of the Secretary if he/she is taking difficult, but necessary institutional decisions.

4.3.5.2 The Secretaries

Some Secretaries indicated that the Speaker and Secretary are two sides of the same coin – one the political head and the other the administrative head. Secretaries indicated that, strategically, they must always be available for the Speaker. There was consensus that the Speaker must be resolute and take decisions, but also not be afraid to reprimand the Secretary, if need be. The relationship can thrive when the Speaker understands his role as well as the Accounting Officer's role. The nurturing of relations between the political and administrative leadership must be led by both the Speaker and the Secretary and the Secretary should be able to complement the Speaker in all his roles. The Secretary should not forget that the Speaker is the political head and the Speaker should not forget that the Secretary is the Accounting Officer. One of the Secretaries indicated that 'there is a hidden tension between the Secretary and some sections of the

management team' and another said that 'The Secretary must have the support of the Speaker, if he doesn't it will compromise the institution.' Staff sees members as lobby groups for individual interests. There are cordial relations between the Speaker, Deputy Speaker, Chief Whip, Chairperson of Committees and the Secretary. Dynamics of politics exist with the Secretary being viewed subjectively against political leanings when difficult decisions are taken.

The Speaker should have formal structures that govern his relationship. The Secretary should be accessible to both Speakers and Whips, but not at their beck and call. There is no relationship of accountability between the Whips and the Secretary or members and the Secretary.

Secretaries, in most instances, have unstructured meetings, at least once a week and more structured one-on-one monthly meetings with the Speaker. The Secretary needs to anticipate sensitive issues and brief the Speaker directly, either telephonically or through e mails.

4.3.6 Role of the Speaker's Forum in relation to the role of the Speaker and the Secretary.

4.3.6.1. The Speakers

The purpose of the Speaker's Forum is to give leadership and to find best practice within the context of the legislative sector. Some Speaker's expressed a concern that leadership within that forum could present problems. There is a perception of National Parliament adopting a 'big brother' approach and not working truly within the concept of a collective. There is also the difficulty of working as a collective within the parameters of the independence and autonomy of the provinces. This paradigm creates space for not acting in terms of the collective decision-making. A recent example was provided in relation to National Parliament pressurizing the Speakers of the provincial legislatures to pass their own financial management of legislature's legislation. When the issue of whether the provinces had the constitutional power to pass such an act was challenged, National Parliament indicated that they assumed that provincial legislatures had this power. However, when the constitutional court ruled that the provincial legislatures did not have this power unless National Parliament assigned the power, National Parliament refused to assign the power, but rather chose to pass national legislation in this respect. This is a clear indication of the unitary state with elements of a federal nature surfacing and creating challenges for the provincial legislatures.

4.3.6.2 The Secretaries

The Speaker's Forum can, to a small extent, shape policy. In some instances, it depends on how strong the Secretary is in influencing the Speaker in participating in the Speaker's Forum. A Secretary indicated that there is an expectation of 'creative political thinking which is non-existent.' Some Secretaries believed that the Speaker's Forum has not played an effective role, but they should give direction at a sector level. These Secretaries were of the opinion that because the Speaker's Forum is removed from legislatures, it had not been properly assimilated with the operations of the institutions.

4.3.7   Sources of power in relation to the Speaker and Secretary of the Legislature

4.3.7.1 The Speakers

Speakers quoted the sources of power as the Standing Rules and Orders of the Legislature, the Conventions of the House, the Constitution, The Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act, Act No. 4 of 2004, the Public Finance Management Amendment Act, Act No. 1 of 1999, as amended, and the FMPA. In addition, Speakers raised the democratic process of elections, election to the position of Speaker and support by the majority party as supplementary sources of power. One Speaker stated that 'The Speaker is the ultimate appeal authority and, traditionally, the authority to make laws makes us the most powerful.' Speakers indicated that the Executing Authority and the Speaker had 'one and the same role.' The Speakers collectively expressed the support of the public and the use of the institution's resources as sources of power.

4.3.7.2 Secretaries

In addition to the statutes identified by the Speakers as sources of power, the Secretaries indentified established conventions and Resolutions of the House. They also indicated that both the Speaker and the House allocate power and functions to the Secretary. The political source of power plays a big role as a source of power as do the personalities of the Speaker and the Secretary. One of the interviewees mentioned 'political patronage' as a source of power.

4.3.8 Relationship between power, authority and influence on leadership in relation to the role of the Speaker and the Secretary

4.3.8.1 The Speakers

Speakers, in the main, indicated that power comes from the position held. Influence, on the other hand, is more subtle and is based on trust and the relationship that you have with individuals. Sometimes, one doesn't need power or authority if one is able to influence effectively. In addition, one may have influence because of the power and authority one holds. There was a sense that the 'Position has power and depending on the politics of the time, it can be used positively.' The Speaker can intervene and solve problems and is, thus, in a very powerful position. The strategy is to take the role seriously and ensure that the political party supports the decisions taken. Some Speakers indicated that they have passed their own financial management of the legislature legislation and are using these to formalize the authority of the Speaker.

One of the Speakers indicated that 'the Secretary does have authority. He is the head of administration, and by implication, he is the employer.' Another indicated that the 'Secretary's position is a powerful position, but what weakens it is the politicians.' This Speaker indicated that the challenges to the authority of the Secretary come from the members, the Whippery, weak policies, management itself, by disowning decisions of the Secretary, and management. Importantly, a Speaker made the point that 'People who occupy positions don't want to be seen as the person who exerts authority. They want to disappear into the collective. When you do that, those below want to usurp that authority and use it for you.' Another stated that 'If the Speaker earns respect and support, the Speaker will be protected from attacks from detractors (there will always be those for whatever reason).'

4.3.8.2 Secretaries

Secretaries also indicated that one can be extremely powerful, but if one is not able to influence people then one's power has no basis. They felt the same applied to authority and that one could have authority, but still be defied. The Secretaries agreed that influence, over and above power and authority, is very important to being effective in the role of the Speaker and the Secretary.

One of the Secretaries indicated that 'Power in the legislative context means 'absolute' power and authority means – authority that is non-accessible – non approachable even if you have the

authority.' Some Secretaries indicated that the power dynamics in the legislature is such that very often the Speaker and Secretary do not have a choice in determining decisions. There was a belief that the power resides with the caucus by virtue of the caucus instructing the Speaker in many instances. Some Secretaries were of the belief that notwithstanding them having the power to make decisions, there are times when the Secretary must allow himself to be influenced. One Secretary stated that Speakers to some extent don't understand the role of the Secretary or respect it and that Secretaries have to manage the egos of the Speakers. At least two Secretaries indicated that they are represented on the provincial structures of the ruling party and this assists the authority, power and influence that they exert in the legislature, both at an administrative level and at a political level.

Some Secretaries viewed personalities as a factor that plays a role in the power relations in the legislature and that the institution must have processes to survive. In relation to the relationship between the Secretary and the Speaker, the point was made that although at all times there is authority – what has worked is the ability to listen to each other and argue issues.

4.3.9 The Impact of Power, Authority and Influence on Leadership in the Legislature

4.3.9.1 The Speakers

The Speakers were of the view that power, authority and influence have a huge impact on leadership in the legislature. However, there was equal unanimity that these shouldn't be abused and that there must be a balance in the way outcomes are achieved.

4.3.9.2 Secretaries

Secretaries also indicated that power, influence and authority have an impact on leadership and that the abuse of the power can result in negative outcomes. One Secretary stated that 'People who are unsure of themselves focus more on power and keep reminding the person of their title. When you engage any person, you must engage on the issue – if you bring in the position, it closes the debate. You gain more authority through this process.' There was general consensus that influence and communication results in people owning decisions and taking the institution forward. Accordingly, leadership is enhanced through power and authority, but strengthened when the followers are influenced to support decisions put forward by the leader.

89

4.4   Constitutional and Legislative Framework

4.4.1   The Speakers

All Speakers were clear that the Constitution does not clearly define roles of representatives in the legislature, particularly the role of the Speaker. Speakers were of the view the legislature is not doing its job since it is the legislature that should be making law and, thus, clarifying its position.

The other difficulty raised by some Speakers was the issue of them accounting to a sub-structure of the House. They were also of the opinion that the environment is influenced by the individual who occupies the leadership position of the Speaker.

The Speakers felt that other Statutes are not always favourable to the legislature and gave the example that while the Ministerial Handbook appears to be addressing the peculiarities of the executive, it does not comprehensively address the peculiarities of the Speakers as leaders in the legislature. When speaking of their relationship with National Parliament the Speakers indicated that National Parliament works with provincial legislatures when it suits their interest to do so. Speakers affirmed that the roles of Parliament and Government are clear. There must be accountability and checks on the budget and the government must see the maximum value of Parliament.

Some Speakers indicated that the Speaker must account to Parliament as a collective because Parliament is the overarching representative body and because the Speaker is elected by the entire House and presides over it. The Secretary, as an accounting officer, must account to the Speaker and must account with the Speaker to Parliament.

4.4.2   The Secretaries

Secretaries indicated that in the process of negotiations there was more focus on the executive and judiciary and not enough attention paid to the legislature (including privileges, roles and responsibilities).   The only provision in the Constitution relating to the Speaker is the appointment, as contrasted with the role of the Premier, which is comprehensively addressed. The legislatures have to define their roles and there is a need for constitutional reform to clarify and amplify the role of the legislature and its players.

The Secretaries also indicated that the system is party based. The Speakers are deployed by their political parties. At Parliamentary level, the Secretary accounts to the Speaker, but also to the House because, as Secretary to the House, the House expects some measure of accountability. If a committee feels that they are not being supported, although they complain to the Speaker, they will also expect the Secretary to answer to them.

Secretaries also raised the issue that when the Constitution of the Republic of South Africa was being considered, two arguments were considered, a unitary state and a federal state. In order to address competing interests, a compromise position was reached with a unitary state having elements of federalism in it. The national element, however, gets more support than the provincial legislatures. One Secretary indicated that in their specific case, the constitutional environment is not conducive to effective leadership and cannot effectively carry out its mandate because the legislature is so small that after the executive is taken out of it, there are very few members to conduct oversight.

Another Secretary raised the fact that, in terms of Section 134 of the Constitution, Act No. 108 of 1996, when an election of a provincial legislature is held, the Executive Council and its members remain competent to function until the person elected Premier by the next legislature assumes office. There is no equivalent provision applicable to the Speaker, thus creating a vacuum.

4.5   Does the Operational and Political Environment support effective leadership?

4.5.1 Governance Structure

4.5.1.1 The Speakers

According to Speakers, each legislature has a governance structure and in some instances, more than one. In most instances, aside from the structures that exist in terms of the Rules and Standing Orders of the Legislature, the Speaker utilizes an internal political structure comprising of office-bearers made up of the Chief Whip, Deputy Chief Whip, Chairperson of Committees, Deputy Chairperson of Committees and Deputy Speaker to process decisions. Once the internal governance structures have concluded their work, decisions and recommendations are then taken to the multi-party governance structures established in terms of the Rules and Standing Orders for approval or information.

In terms of impeding or supporting the role of the Speaker and the Secretary, one interviewee stated that "Generally there is a temptation in the legislature to dilute decision-making where the expectation is to take decisions in meetings – by implication, no one is accountable". This, therefore affects decision-making and accountability and puts both the Speaker and Secretary under pressure resulting in a tendency to ignore the roles of Speaker as political head and Secretary as Accounting Officer.'

In the context of the ANC, the caucus is not a formal structure, but a coming together of the people that are deployed in the legislature. As far as the Whippery is concerned, the Speaker believes that although he is the political head, the Whippery consider themselves the political leaders of the caucus. Furthermore, all of the caucus wants to be involved in decision-making and certain individuals want to influence everything, which impacts negatively on the process. One Speaker indicated that the governance structure plays an important role in approving budgets, policies and remuneration incentives and will approve things proposed by a sub-committee. In other instances, there is no clearing house before the matter goes before the structure established in terms of the Rules and Standing Orders of the Legislature. The multi-party committee discusses developments or matters pertaining to the administration and House Proceedings. They have regular meetings, chaired by the Speaker, where quarterly reports are also dealt with. In some instances, the Speaker accounts to the same committee that took the decisions as proposed by the Speaker and the multi-party element of the governance structure which means that the opposition parties can play opposition politics in preventing decisions from being taken. Further, the opposition parties can participate in decision-making and thereafter sensationalize the matter.

Some Speakers indicated that the political environment does have a negative impact on effective leadership. Some indicated that the problematic area that impacts on effective leadership is the role that the Union plays in the legislature. The Union has links with members and because the National Education, Health and Allied Workers' Union (Nehawu) is linked to the Congress of South African Trade Unions (COSATU), it feels that it is also linked to the ruling party and colludes with members, resulting in a frustrating of the administrative processes.

Some Speakers suggested that with the position of the Deputy Speaker, at times administration could be used to play out the individual member's (Deputy Speaker's) politics. One Speaker indicated that 'Managers can be affected by the influence in the political arena.' The reality for the Speaker is that they 'can't be paralyzed by people who will not be held accountable.'

4.5.1.2 The Secretaries

Secretaries also indicated that various governance structures exist in their legislatures and that these were not standardized although programming committees, Rules committees and Whips Forums appear to be common to all legislatures. However, these committees differed in the scope and ambit of their responsibilities. In some provincial legislatures, oversight takes place by the Rules Committee, Finance Committee or SCOPA. Some Secretaries indicated that, in accordance with the principles of the FMPA, their legislatures had passed their own pieces of legislation establishing oversight committees where the Speaker and Deputy Speaker do not form part of the committee, but appear before the committee chaired by a member of the legislature to give account. The principle behind this is that Speakers can't be judges and players at the same time, therefore cannot chair a meeting that they account to. However, this principle has not been considered against the consideration of Speakers and Deputy Speakers accounting to a sub-structure of the House. The Secretary indicated that it was problematic to allow for the Speaker to account to a sub-structure of the House.

Secretaries were of the opinion that the governance structures can impede or support leadership. If there isn't a proper working relationship between all these structures then the Secretary will be in an invidious position and will find him or herself being forced to take sides. Personalities chairing these governance structures must understand their roles and responsibilities as they may force the Secretary to choose between the bodies, which would not be desirable. One Secretary indicated that their current internal governance structure impedes the role of the Secretary because the role of the internal governance structure is not clearly defined.

Secretaries in legislatures where a Rules Committee held the function of passing rules, policies and playing a management and oversight role over the Speaker and Secretary indicated that this both supported and impeded the roles of the Speaker and Secretary. They felt it supportive in that the Speaker and Secretary are held accountable and it is a good check on power, but it impedes the functioning of the Speaker and Secretary to the extent that it tends to micro-manage and the members of the committee get too involved with the issues. Members would unfairly question management decisions arising from their limited understanding of all the facts that are considered by management when they make decisions. Secretaries indicated, however, that the Programming Committee supports and gives certainty to the legislature programme.

93

The Whips Committee appears to play different roles in the legislatures. Some Whips purely play a political role, whilst others play a political and institutional role. Sometimes, this committee impedes the roles because they often raise matters that don't belong in the meeting, justifying it on the basis of all whips being present. Some Secretaries indicated that some Chairpersons support the Speaker and some don't. One Secretary indicated that all the Committees impede the role of the Secretary because of the proximity of the Secretary to the members. Members don't respect the position of the Secretary and feel that they do not have to provide information to the Secretary. For example, a committee might act beyond its mandate by utilizing resources for un-programmed activities. Although the Accounting Officer might be convinced that the use of the resources is unwarranted and, therefore, wasteful, he/she is bullied into doing something because of the members' numbers and the understanding that, as politicians, their sum is greater than the role of the Secretary.

One of the Secretaries indicated that the political environment does not support effective political and administrative leadership because of circular relationships. The Speaker is the head, but in the organization (his party) he reports to someone who is reporting to him in the legislature. Often, the Speaker feels hamstrung.

Administrative leadership should not be seen as having political loyalties, but should be allowed to administer their responsibilities professionally. Secretaries should be granted security of tenure so that they can be completely objective. Some Secretaries averred that members also discuss the loyalty of the Secretary and even if the Secretary is considered to be a loyalist to the ruling party there are further suspicions concerning the factional elements.

Secretaries indicated that the Secretary must account to the Speaker and the Speaker to an oversight body or to the House. Whilst some Secretaries believed that the Speaker must report to their caucuses, others believed that this was not right because their role must be politically neutral. In reporting to the caucus, the Speaker may be intimidated by his/her own Premier, who may be the leader of the party. Members may then be inevitably intimidated into conducting a superficial oversight that does not support the intention of the Constitution.

Another Secretary indicated that a vacuum has been created between the Speaker and the Secretary. Because there is no synergy among policy directives, members of the legislature, the Speaker and the Secretary, the accountability aspect is ignored. There is no reciprocation among the Speaker, members and the Secretary in terms of accountability because of power dynamics.

94

The Speaker accounts to the leadership of the majority *viz*. the caucus and the Secretary accounts to the Speaker, thus indirectly to caucus. Caucus may want a report on the performance of the institution from the Secretary.

The role of the Secretary is still wanting in terms of regulating responsibility. Although the Speaker has to adopt a position of political neutrality, the political environment is not conducive to that neutral role. The Secretary, too, must play a neutral role, but must also show allegiance to the ruling party. There are sometime perceptions that the Secretary turns a blind eye to the wrong doings of the ruling party. Even though impartial, there are always suspicions about the Secretary who might compromise his position, either way.

One Secretary indicated that certain parties complain that too much money is going into the bureaucracy and members see it as self-serving. They have to be told that the bureaucracy is for the benefit of the institution.

Secretaries also raised the issue that the environment in which they operate creates problems. Secretaries are not always recognized as being Chief Executive Officers and are often relegated to running around chasing insignificant problems, defending decisions they've taken and faced with the uncomfortable task of explaining their role, position and status. Members, in some instances, view the Secretary as the head of Administration. They feel that in this capacity, the Secretary is answerable for everything and responsible for solving the smallest problems, even to the extent of carrying bags, while at the same time expecting them to be accountable for the strategic delivery of organizational goals.

The challenge that was raised by many Secretaries was the theoretical understanding of their role and having it confused with the roles of other administrative support staff. It appears that South Africa has not embraced the full impact of what these roles mean and Secretaries have been expected to fetch water for members and office bearers and arrange wake up calls for those on international study tours. Although Secretaries sometimes get the respect they deserve based on their personalities working within the administration they are not in a position to assert independence and protect themselves against the abuse of their role. Not having security of tenure together with mass party banding on a party line are some of the risks that result in Secretaries not being in a position to protect their portfolio. Those holding positions in the ruling party may have a stronger position, but this also has the potential of creating conflict between the Secretary and the Speaker

95

Another problematic area that arises is the staffing of the Speaker's office. The Speakers believe that their staff must be independent of the administration, but the notion of creating another structure will result in duplication. The treasury role of Speaker adds to his/her responsibility. The Speaker will receive the reports from the Accounting Officer and in discussion with the Accounting Officer will develop formats for reporting with a small staff to advise her in her treasury role. This also contradicts the Ministerial Handbook which allows for only a limited staff component for the Speaker's support office. There is a need to balance the two roles of the Speaker, without creating two centers of power in one institution. The challenge that arises in this respect is that Secretaries get a sense that staff in the Speaker's Office, and to some extent the Speaker, feels that there needs to be support created in the Speaker's office to manage the Secretary.

4.6   Summary

The chapter presented the results of the interviews of Speakers and Secretaries in relation to roles of office bearers that impact on leadership, barriers and opportunities for leadership, the constitutional and legislative framework and the operational environment in so far as it impacts on leadership in the legislature.

Chapter 5 will analyze these results, conclude on the responses from the participants, and make recommendations.

CHAPTER 5

DISCUSSION AND CONCLUSIONS

5.2 Introduction

This chapter discusses the results of the research as set out in Chapter 4 and concludes on pertinent issues relevant to the issue of exercising leadership in a dynamic context considered through the interface of political and administrative leadership, specifically within the context of the legislatures of South Africa. Arising from the conclusions, this chapter puts forward recommendations pertinent to leadership that will ensure effective delivery of the mandate of the legislatures and also suggests related areas of research that should be undertaken. The chapter discusses, concludes and makes recommendations on three areas, *viz.* the impact of complexity on the ability to deliver on the mandate of the legislature, theories of leadership in use in the legislature and the constitutional and the legislative framework and operational environment. Areas for further research have been identified and overall conclusions have been provided.

5.2 The Impact of Complexity on the ability to deliver on the Mandate of the Legislature.

5.2.1 Discussion

As reflected in Chapter 2, systems-thinking postulates that in order to understand a particular system, the system as a whole must be considered as opposed to understanding the system through analyzing its parts. The research results showed that there are a number of agents with schemata in the legislature. The Speaker, Deputy Speaker, Chief Whip, Deputy Chief Whip, Chairperson of Committees, Deputy Chairperson of Committees, Portfolio Committee chairs, caucus, unions, staff, Secretary and management are independent sub-systems which contribute to the whole system of operations of the legislature, which in turn is interdependent on the larger system of the community and their relationship with the legislature.

In making sense of complex systems, Anderson (1999:217) states that they 'change inputs to outputs in a nonlinear way because their components interact with one another via a web of feedback loops.'

97

He draws the insights as set out below:

- Processes appearing random, may be chaotic
- Behavioural patterns of complex processes can be sensitive to small difference in initial conditions
- Complex systems resist reductionist analyses because of the interconnections and the feedback loops
- Complex patterns may arise from the agents interacting
- Complex systems show patterns of self-organizing and usually move towards order (Kauffman: 1993)

As seen in the results, the random acts of members, caucuses and various office-bearers in relation to the role of the Speaker and the Secretary may be argued to be chaotic. This was clear from the fact that Speakers in the main believe that although the role of Speaker is clearly defined, it is not understood. In light of the fact that the legislature remains functional and performs its functions in a highly organized manner, notwithstanding the various agents with schemata operating in that field, there is clearly a pattern of self-organizing that is moving towards order.

The extreme views expressed in relation to understanding the role of the Speaker shows that there is neither certainty nor a formalized position on the role, save to state that it is a leadership and not a management role. It was felt, however, that the Secretary's role should be a combination of both. Secretaries indicated that the returning members carried forward bad habits developed in their terms of office and resisted changes brought by a new Speaker and administration. The problem is not unique to the legislative sector of South Africa, but appears to be a phenomenon that exists within the Commonwealth as gleaned from a commission discussion held in Kenya in 2010, attended by Secretaries and Clerks at the Table (equivalent title) where Secretaries gave examples of being undermined in some instances by Speakers and in other instances by members.

Suggestions that there is a need to educate members to understand these roles, formalize delegations to the responsible structures and to educate the Whippery and caucus to understand that there are specific people in charge of areas and they must account within timeframes were some of the suggestions put forward by the Speakers. However, the problem raised by a Secretary in relation to circular relations cannot be underestimated. The fact that the Speaker has

to account to the Chief Whip in the party in relation to performance of the organization creates a structural problem that even education and delegations cannot resolve.

The management of relations in the legislature based on the political underpinning of the Speakers as well as supporting the management of leaders in the legislature and the management of different political entities, whilst being impartial and fair makes the questions raised in the results particularly pertinent, *viz*.

What protects the Speaker from his or her party when he carries out this responsibility?

Is the Speaker safe from the political arm?

Does the system of leaving your party when you become the Speaker protect this role or does it bring with it other consequences?

Can the Speaker show leadership when the party is dictating the Speaker's moves?

Should the party play a role in the positions of the Speaker and Secretary?

Are the roles not one of the exceptions to political deployment and interference?

The results also showed through averments of the Secretaries concerning the relationship between the caucus and the Speaker and the accountability of the Speaker that 'one gets a sense that caucus expects the Speaker to account to them'. The question then arises as to whether, in view of the nature of the portfolio, there is a need for the role to be political. Its quasi-judicial nature emphasizes the neutrality of the role. The Clerk of the House of British Columbia, who has held the position from 1993 to date and has had 50 years' experience of parliamentary practice and advised more than 15 Speakers stated that 'Since a Speaker of a Commonwealth Parliament occupies a quasi-judicial position, the easy camaraderie enjoyed with former party colleagues is diminished considerably. In particular, he or she must be advised to show great restraint in associating privately or publicly with cabinet Ministers.' (Imlach et al., 2011: 104). He went on to state that his initial briefing for a new Speaker is in the negative: 'Don't attend caucus meetings, don't participate in debate in the House or any committee thereof; don't go to political fund-raising events, and don't make public utterances on partisan matters.' (Imlach et al., 2011: 105). He advises that this advice is to 'assist Speakers to recognize that their first duty is to Parliament and that this takes precedence over party allegiance. It is also important for a Clerk to emphasize the importance of such qualities as fairness, impartiality and neutrality. The message to be conveyed here is that in order to be an effective Presiding Officer, a Speaker must be able to demonstrate by their actions and behaviour that they are fair, impartial and neutral.' (Imlach et al., 2011: 105).

99

The issue of the quasi-judicial role is critical. The position in the South African Legislatures is that the Speaker has always been nominated from the ruling party and, in view of the history of South Africa's past, there may have been a need to retain institutions of democracy, but fill them with people who understand the policies of the ruling party so the threat of retrogressing does not become a reality. However, 17 years into democracy, one needs to critically re-look at these positions because the quasi-judicial role and the political party role are incompatible and it is very difficult to wear two hats and not account to the party caucus for decisions taken, thus always ensuring that the Speaker is dependent on the party. This has a negative impact on leadership.

The results reveal that the members have a degree of respect for the role of the Speaker, but less for the role of the Secretary and the administration, and criticize the Secretary and administration as a means of attacking the Speaker. Issues that are raised by members often relate to their benefits, such as laptops, cell phones, drivers, study aids and overseas visits. The Speaker and Secretary can be intimidated by a mob mentality and it would take a very strong Speaker to resist the pressure within the environment. One Secretary advised that, notwithstanding the involvement of members in decisions, they aver that the process is not politically led. He stated that 'Members think that they must be consulted on everything. The Management must go the extra mile to get the Presiding Officers to understand what the Speaker must do, so that each person understands their roles and responsibilities. The political role gets blurred sometimes.' There are always individual interests that compete with the organizational interests. Because the Speakers also have their own political ambitions, they make alliances with members for political support, and those very same members demand benefits in the legislature. The Clerk of the House of British Columbia imparted three important lessons learnt from his mentor and predecessor. 'The first was: what Members want, Members get! Next, when a member comes for advice and counsel, or company, take all the time the Member needs – even to the point of boredom in some cases. Last but certainly not least, have open and frequent communications with the Speaker' (Imlach et al., 2011: 103)

In respect of the Speaker's involvement in administration there were two extreme positions postulated, ranging from the Speaker not interfering with the administration, as it is the purview of the Secretary, but only intervening if things don't get done, to the Speaker being required to constantly lead the Secretary and administration. One Speaker averred that the Speaker is the employer of the organization. The fact that such extreme positions exist in relation to this issue reveals a lack of certainty and collective understanding of the role of the Secretary. This uncertainty, if left unattended, will create more chaos and potential for conflict with time,

resources and energy being wasted on clarifying roles and managing relations rather than focusing on the core mandate.

The Clerk of the House of British Columbia stated that 'Some Speakers I have worked with wanted me to do everything, except the tasks that would have a high-profile impact. Others have taken charge of administrative matters and strayed into micro-managing Assembly affairs. This can cause difficulty as it increases the risk of inconsistency and may create the perception of decisions being made for reasons of political expediency rather than in the interests of Parliament. My own preference would be to be dealt a relatively free hand in undertaking the duties of the office since the role of the Clerk is essential to the success of the Speaker as administrative head.' (Imlach et al., 2011:106),

When addressing the staff's view of the Speaker and Secretary the results revealed the chaotic nature of the environment. One Speaker stated that staff view the Speaker as the employer and expect the Speaker to address their issues adding that the staff expects the Secretary to support them, and if they can exploit a situation, they do. There is a potential for manipulation unless there is a frank and open relationship between the Secretary, the Speaker and the collective leadership, being the Deputy Speaker, Chief Whip, Chairperson of Committees and their deputies. There must be clear indication of who the employer is and who the representatives are.

The averment made by a Secretary that staff view the role of the Speaker as an appeal authority for decisions must be considered against the elements in the environment that support the authority of the Secretary as a manager and leader. The Speaker has a political role and therefore has a dependence on the masses of society, and staff can manipulate this aspect for their own purposes. A graphic picture was painted by a Secretary when he stated that 'Staff often go to the Speaker with petty issues and because the Speaker also wants to be popular, he paints a picture of the Secretary as a 'baddie'. However, the Speaker will want hard decisions to be made or conveyed by the Secretary.' This does pose the possibility of compromising the roles of both the Speaker and Secretary.

Whilst Secretaries averred that the positions of Secretary and Speaker require frankness and honesty and frequent interaction with clear agendas and recognized the mutually beneficial relationship between the Speaker and the Secretary, they expressed the belief that the onus is on the Secretary to make it work by setting clear agendas and ensuring frequent interactions. This needs some consideration as it places the Secretary in a very operational role in relation to the

Speaker, whereas the two positions should complement each other at a leadership level. Moreover, noting the mutually beneficial relationship of these roles, the onus should be on both the Speaker and the Secretary to make it work. There was a unanimous assertion of Secretaries that there must be a conscious management of the relations between the Speaker and the Secretary and that both the Speaker and the Secretary must understand their roles.

The results reveal that the Speaker's role in relation to members' expectations, as understood by Secretaries, is for the Speaker to guide the strategy of the legislature and to hold the administration accountable for putting systems and processes in place to achieve strategic vision and ensure that members are more effective at what they do. This is in line with Kotter's (Kotter, 1990:6) understanding of the role of leadership and must be supported as it gives direction.

In addition, as a result of the difficulty of standing up to the number of members, Speakers work together with the Deputy Speakers, Chairpersons of Committees, and Chief Whips and their Deputies as a collective in leading the legislature. Although this helps in the short term, it could have unintended consequences, such as raising the status of certain individuals to levels that were never envisaged and creating ambition without attaching to it the relevant accountability. Furthermore, the internal consultative processes that are created also have an impact on decision-making which could be delayed or, in some instances, could be expedited because of the collective transparent process. This reflects the insight as postulated by Anderson (199:217) that 'behavioural patterns of complex processes can be sensitive to small differences in initial conditions.'

One of the Speakers was of the opinion that the collective must be taught that they don't only get benefits, but must act as well. The Speaker's statement that 'We work as a collective, but at the end of the day, I am alone to account.' is indicative of the unintended consequences that are already surfacing. The fact that Speakers recognize the accountability for decision-making rests with themselves, notwithstanding the collective leadership element, shows that they have chosen to be innovative in utilizing collective leadership to assist and protect them in their functioning. On the other hand, this kind of collectivism could be indicative of the African leadership theories as postulated by Malunga (2006:25) and may be an organic development of circumstances that are assisting the environment.

The results also show that there is a prevalent issue of competing for positions. This ambition does have the potential of negatively impacting on the work of the legislature because the

incumbents focus on pursuing their own agendas rather than ensuring commitment to the mandate of the legislature.

The results show that there is contestation amongst the political players (Deputy Speaker, Chair of Chairs, Chief Whip and Members) in respect of the Speaker's role as head of the institution. This contestation, whilst sharpening the skill of the Speaker in being astute to the elements within the environment, has the potential to shift his/her focus from work obligations to defending turf or decisions. In extreme cases, this could have a paralyzing effect on decision making because the Speaker would ensure support from various role-players before decisions are taken. This would slow down management practices within the legislature and may have a reverberating negative effect as it would not be in the best interest of the institution. The same scenario exists in relation to the Secretary because of the close relationship between the Speaker and the Secretary. If members want to criticize the Speaker or are afraid of criticizing the Speaker, they criticize the Secretary and administration.

The results revealed that all, except one, of the Secretaries felt that the role of the Deputy Speaker is not clear. Responses showed perceptions of the role that ranged from only deputizing for the Speaker to assisting in managing the legislature. The Speakers made it clear that there was a need to formalize delegations and legislate on the role. The Secretaries, however, questioned whether there was a need for this position. Clearly, the non-clarification of this role is problematic as it is open to abuse and different personalities can choose to do what they want with the role, which creates a potential for conflict. The term 'deputize' is too open. When the Speaker is not around, it clearly means that the Deputy must step in and take charge. What is the role of the Deputy Speaker, however, when the Speaker returns and is there a formal briefing on decisions taken? If the role were to be clarified, it would create more certainty and diminish the conflict.

An important issue to be considered is whether there is a need for this post and why the post of deputy does not exist in the provincial executive. Responses revealed that many participants felt that this position created unnecessary conflict and turmoil and although there is an effort to manage relations, in a political environment, egos play a huge role and certain personalities may impact on the job. There is also the possibility that ambition for the position may not always result in support for the role. The question that needs to be asked is whether the post adds value. Whilst there is a need for someone to act when the Speaker is not present, should this be a permanent position or a temporary acting position of members chosen by the Speaker as and when the need arises? This in itself can have unintended consequences in that any member acting

103

in this position, even temporarily, may become ambitious and this could create a plethora of contestations. Clearly the role in its current form is not effective, especially when it is being used as an informal lobby group, as revealed by one Secretary. Having the Secretary and administrative staff get caught in the middle of a power struggle between these two offices is also problematic. Even the Secretary who indicated that the role is clearly defined advised that although their Deputy Speaker accounts to their governance structure by virtue of chairing two sub-committees, the potential for conflict still exists between these two roles. He clarified his stance, saying, 'Clearly defining roles reduces the potential for conflict' and the maturity of individuals to find each other assists in eliminating tensions.'

The results showed that all Speakers unanimously concurred that the Chairperson of Committees has the role of guiding committees. They were equally critical, however, in pointing out that this portfolio has not effectively managed to guide committees towards ensuring robust and meaningful oversight. There is a need to monitor and evaluate the performance of committees, but results revealed that there isn't a formalized, structural reporting process whereby the Chairperson accounts for the performance of committees to the Speaker. Results also showed that in some instances, if portfolio committee chairpersons have strong personalities, the Chairperson of Committees is not effective in making them accountable for the performance of the committees. Whilst the Chairperson of Committees attempts to ensure accountability of committees, members manage to shift the focus to administrative support for committees and avoid reporting on their performance and the committee's performance.

Results revealed that there is no structural certainty on this role either. It exists as a paid position in terms of the Remuneration of Office-Bearers Act, but there is no standardization of role and function. Because Chairpersons of Committees sometimes deputize for the Speaker and Deputy in their absence, they see themselves as the equivalent of the Speaker and do not want to be micro- managed. Results also revealed that the ability to perform his role depends on the respect that the Chairperson of Committees commands. The additional complexity exists of 'senior' people influencing decisions of a budgetary nature and thereafter holding the Secretary to account on the very same budget.

Furthermore, the Chairperson of Committees believes that the coordination of committees equates to management of committees and thus raises his expectation that the Secretary and administration should account to him.

Findings of the study showed that there was consensus that the Chief Whip has a disciplinary role to ensure that members attend to their work in the legislature, attend Sittings of the House attend Committee meetings and that there is a quorum in the House. The difficulty that arises is in relation to the interpretation of the role of the majority party Chief Whip as Chief Whip of the legislature *vis-à-vis* his or her role in respect of the party because the Chief Whip belongs to the majority party. The issue of the role of the Chief Whip in the party versus the role of the Chief Whip in the legislature needs interrogation and further research. Although the role exists in the Remuneration of Office Bearers Act, it has not been standardized and its functions are not clear. The current situation shows that members are not disciplined for not attending meetings. As much as there are attendance registers taken at committee meetings, there is no system of monitoring attendance and reporting on individual member's performances. However, there is a constant outcry for administration to do more to make things easier for members. This then results in the Chief Whip's jurisdiction extending to the administration and therefore taking on the role of the Chief Whip of the legislature. Opposition politics also infuse this role.

Results show that the Chief Whip deals mainly with the Speaker and Deputy Speaker. The Chief Whip should complement the Speaker, assist with attendance and, at a political level, should ensure that the agenda of the party is advanced. In some instances, however, there are contestations between them when the Chief Whip attempts to wield power over the Speaker because of the strong disciplinary position he exercises in the party structures. For example, the Chief Whip might expect to chair preparatory meetings of governance structures of the legislature believing he must ensure that party policy is followed. The Speaker believes that it is his role to chair these structures because of the role that he plays in leading the legislature and giving political direction. If they cannot resolve this issue and come to an agreement it often results in the individuals not speaking to each other, but resorting to addressing the administration on the matter. This results in more conflict. At times, there are also tensions between the Chief Whip and the Deputy Chief Whip because of a lack of delineation of duties.

The results also showed that faction politics feeds into the legislature and interferes with the manner in which individuals carry out their responsibilities. Because they are dependent on the party for their positions and individuals in parties, political patronage becomes a factor that impacts on performance.

With regard to the performance of portfolio committees, the results showed two conflicting extremes Some participants reported that Committee Chairpersons take reports from the

executive at face value, while, on the other hand, one of the participants voiced the opinion that 'the way they do oversight brings a sense of saying that when they deal with MEC's it is quite tough.' It was felt that these committees create opportunities for abuse of power, which requires some intervention and management on the part of the Speaker. It became apparent that there are no institutional mechanisms to measure the performance of the committees. The political parties are rumoured to assess performance of members and the party political line also has an impact on their individual oversight role. This opens an opportunity for further research to assess whether the party line negates the role of constituency-based representatives. Results showed that the Chairperson of the Ruling Party is, in most instances, the Premier, and the Premier is able to identify the Executive Council. If the Chairperson of the Portfolio Committee is performing oversight effectively and constructively, it is seen as an attack on the Chairperson of the Ruling Party, the Premier, who is in a position to re-deploy the member if he so wishes..

Results revealed that the role of the Rules Committee impacts on the leadership abilities of both Speaker and Secretary. This role ranges from only passing rules in some cases, to passing rules and policies in others, extending to administrative policy in some instances, and overseeing as well as playing a management role in others. Because of its multi-party nature, when the Rules Committee involves itself in the management of the legislature, chaos results. Whilst it bodes well for ownership, collectivism and transparency, the processing of decisions through an internal political support wing followed by a multi-party committee, considered at caucuses and decided politically has a negative impact on efficiency. It also has the potential to politicize minor administrative issues, thus making the Speaker and Secretary constantly accountable and potentially bullied into positions because of sensationalism and politicization of issues.

Findings showed that, apart from for the debate on whether legislatures should account to the Standing Committee on Public Accounts (SCOPA), participants were of the opinion that SCOPA is performing effectively. Some committees, particularly Finance and SCOPA, were viewed as 'super committees'. There were varied opinions on the functioning of these committees across the sector, giving rise to opportunity for an oversight role over the legislature arising out of the legislature accommodating their requests for information regarding its affairs. The belief that these committees are sub-structures of the House and, therefore, make a mockery of the accountability system must be considered. Politics are arguably playing themselves out in these committees, with some members utilizing the opportunity to exercise power over the Speaker and the Secretary and questions bordering on micro-managing and operational issues become a priority, thus shifting attention away from the real work of the committee, which should be to

106

look at macro-spending and impact on growth in economy and overall accountability for spending of government monies.

Results showed that structural arrangements for oversight of the legislature vary. One of the Secretaries advised that they have an oversight committee, but the problem is that they end up discussing non-issues. In terms of the FMPA, the Speaker must account to a multi-party committee, chaired by a member other than the Speaker or Deputy Speaker. The intention is for the Speaker not to be judge and player at the same time. Although this legislation is enacted and operational, such a committee has not yet become functional. Instead, the Speaker of National Parliament still accounts to a Parliamentary Oversight Authority, which existed prior to the enactment of the FMPA , and is chaired by the Speaker and. This process gives support to the Speaker in holding the Secretary accountable and approving the budget of the institution.

Although this practice goes against the principals of the FMPA, the results show that the issue of the accountability mechanism for Parliament and legislatures is still in discussion. The debate centers around transparency on the one hand and juniors holding the Speaker to account on the other. There is a strong belief that the Speaker cannot account to a sub-structure of the House that he presides over. Interestingly, the legislation was passed with full cognizance of this difficulty which is indicative some of the dynamics within the legislature. Two schools of thought also emerged in relation to the issue of accountability of the legislature. One was that if the legislature holds the executive accountable, it must also be held accountable. The House in its collective represents the views of citizens, therefore, by the Speaker accounting to the House; it is viewed as the Speaker accounting to the public. The other position was that the legislature cannot account to a sub-structure of the House, and that the House gets assessed every five years so the accountability lies with the people of the province.

There is a constant tension between members and staff in relation to competition for resources and in relation to protocol. Members aver that administration address their own needs and do not take due cognizance of members' needs. In the Public Service Act, Act No.103 of 1994, the provisions relating to Heads of Department (Director Generals) are clearer than those relating to Secretaries, thus, to an extent, dictating the relationship. However, in the legislative sector, the personalities of individuals, their persuasive ability and the particular environment results in different roles being interpreted for Secretaries.

Extreme positions were taken in relation to the role of the caucus. Some participants felt that the caucus should not have a role in the legislature because they are simply meant to commit members of a political party to a common approach and to address issues of discipline, while others, on the other hand, felt that the caucus should be working as a shadow machinery and be in a position to hold the executive accountable as opposed to the structures of government.

The Secretaries of the legislature are required to be apolitical, yet the shadow machinery leads them. There should also be a good relationship between the provincial Secretary and the Speaker because the absence of such a relationship creates a space for the Chief Whip to direct and instruct the Secretary. An added difficulty exists where the provincial Secretary is an ordinary member of the legislature and is influencing organizational decisions in an overt yet covert manner.

There appears to be a level of interference and, to an extent, a compromising of the roles of the Speaker and the Secretary by the caucus. The fact that the Secretary is directed by the Speaker to achieve an outcome requested by caucus does not bode well for effective management and leadership.

If the caucus limits its role to policy issues that influence the organizational functioning of the legislature, it would help to enhance effective leadership. However, the results showed that caucus is only focusing on broad political issues outside the legislature and, to a large extent, focuses on issues of deployment. One Secretary said, 'Policy that should inform the legislature is not framed by caucus; therefore the philosophy of democracy is suppressed. This occurs because we do not have politically matured people in the party.' Others were of the opinion that caucus is dominated by strong individuals who pressurize decision outcomes for their own agenda. Both the Speaker and the Secretary need to possess strong leadership skills to deal with such a situation. At least two Secretaries form part of the provincial structures of the ruling party.

The results show that although the Secretaries are expected to carry out their function in a neutral, impartial and apolitical manner, the appointment of the Secretary is not wholly independent of politics by virtue of the fact that it must be linked to the term of office of the Speaker and party in power. The Secretary, however, is required to show an understanding of the policies of the ruling party, Some Secretaries are placed in an invidious position because they are employed on a five (5) year contract, whereas in at least two legislatures, the position is more permanent. There are two schools of thought in relation to the position being more permanent, one being that security

of tenure will protect the independence of the Secretary and assist his or her independence to take management decision. The other school believes that the Secretary becomes too powerful and the Speaker might have difficulty in reigning him/ her in. They also expressed the view the staff appear to belong to the Secretary and when the Speaker requests staff to do anything for them, they state that they will have to get permission from the Secretary.

The issue of deployed staff in the legislature also contributes to the management and leadership ethos, where staff with resonant political ideologies impact on the environment which consequently impacts on the mandate of the legislature.

5.2.2 Conclusions

As discussed above, it becomes clear that there are several obstacles that hinder effective leadership in the legislature. There are a number of role players with various agendas and a number of structures, with the environment impacting on the role players and the structures. Solutions will need to be prolific.

Although the results show that there is a strong leaning towards collective leadership, for whatever reason, unless the leaders and follows understand the complexity of the environment, and the mental models and world view that that each individual brings to the organization, solutions could be reductionist and short lived. The results revealed that the legislatures fall within the definition of Du Plessis's (2010: 24) reference to 'chaos leadership', which he posits, arises out of a direct contrast to oligarchy and is more associated with polyarchy (leadership by many). He states that polyarchy 'sees leadership as a dynamic rather than a desirable attribute or role only for the few.' It is an evolutionary step from oligarchy. Chaos leadership therefore does not view leadership as performed by a single leader 'but as a seemingly chaotic dynamic involving all.

Katz and Khan (1967: 270) state that 'Open System Theory … would maintain that environmental influences … are integrally integrated to functioning of social systems and that we cannot understand a system without constant study of the forces that impinge on it.' The results and discussion identified the forces that impinge on the legislature to be the public leadership role of various office-bearers in the same environment, the constitutional challenges and the operational environment. Schwella (2008: 27) states that that 'Leaders are some of the main sensors detecting, interpreting, analyzing and acting on these contextual influences.' In the study,

it is clear that both the Speaker and Secretary display the sensory perception of 'detecting, interpreting, analyzing and acting on these contextual influences.' Clearly the environment poses a canvas for discussing solutions in a progressive and adaptive manner. The autocratic, reductionist linear solutions will not work in the legislature.

Subscribing to Heifetz and Laurie (1997: 128), it may be necessary for the Speaker, and Secretary, as the most senior political and administrative leaders respectively, to provide direction by identifying the adaptive challenge and frame critical questions and issues to push the boundaries and not shield the legislature, but try and assess its threshold. In relation to orientation and managing conflict, whilst the results showed a need for clarity of roles and functions, the Speaker and Secretary must exercise the caution as postulated by Schwella (2008: 41) of not prematurely engaging in role definition and stifling conflict from emerging. If the solution is clarifying the position through legislation, it must be supported by a change management project to assist all stakeholders understand the change and the need for change.

On accountability, Secretaries did agree that there is a need to find a mechanism through which the legislature can account without degenerating into political attacks.

The Chairperson of Committees should provide strategic political leadership to committees and ensure that their plans assist the majority party in obtaining its objectives and are properly costed and monitored. Furthermore, this role must be properly clarified and have functions delineated with regular training and induction programmes. Although the role of the Chairperson of Committees is a necessary role, it is the Speaker who is in charge of the legislature and legislative oversight. The Speakers, therefore, must take charge of this area and create systems of reporting and accountability that ensure that the Chairperson of Committees respects and accounts to the principal. This role must be properly clarified and functions delineated with regular training and induction programmes. The role of Chairperson of Committees is a political role and the confusion relating to this role has a negative impact on leadership and management because staff do not have clear lines of reporting and accountability. There must be more regulation of these roles and functions through legislation.

Results showed that the additional element of ambition and contestation for power creeps in to the legislative environment. In normal circumstances, deputies are sub-ordinate to the principal and report and account accordingly. This, however, does not work in the legislative environment because of strong personalities.

110

It is clear that the roles of Speaker and Secretary are not fully understood and there is confusion as to whether they are leadership roles, management roles or hybrids.

As the Secretary's role is not clearly understood, it is not wholly respected. At every level, the Secretary's position is undermined, arising from lack of legislation and security of tenure, creating an unstable environment in which to work. A professional service cannot be replaced every five years - it is not a tender. Performance contracts must be linked to performance. The Speakers must knowledgeable about the role of the Secretary and encourage staff to respect the authority of the role. The issue of collective decision-making, but individual accountability must be researched as it diminishes and compromises accountability.

The success of legislature work is highly dependent on portfolio committee work. The assessment of performance must primarily be directed at portfolio committees. An interesting area of research would be whether members are doing enough or are they taking advantage of opportunities for non-delivery by capitalizing on the gaps in administrative support provided to them. The work of the legislature will always be compromised as long as there are no standard and streamlined operational systems that force delivery of service by these individuals,

There must be conclusion on the accountability mechanism for the legislature with clear direction either from the Constitution or legislation governing the entire sector. Because the constitutional mandate is similar for the National Parliament and provincial legislatures, it follows that the regulatory framework should also be similar.

The ruling party has the greatest impact on decisions within the legislature with the dictates of the party creating an area for conflict. Whilst the Speaker appears to be the leader of the institution, the leader of the ruling party is the Premier or President, who is also Head of the Executive, where the legislature is constitutionally mandated to conduct a function. The role that the ruling party plays within the system is huge and pervasive, yet it operates at a subliminal level. Any solutions that do not take this factor into account will be problematic at inception.

Individuals in caucus often challenge decisions taken by administration. Secretaries don't sit in caucus and cannot respond to issues. If the Speaker is weak, the Speaker can be influenced to believe that the administration does not know what they are doing. At least two Secretaries serve on the structures of the ruling party, which can have both positive and negative consequences. A

large ruling party majority has the potential for confusion of roles, whereas a collective, caucus and individual members, make managerial contributions to the system.

5.2.3   Recommendations

The offices of the Speaker and the Secretary must be professionalized and both offices must be protected by security of tenure, which is independent of political affiliation.

There must be an independent commission, similar to the Judicial Services Commission, that appoints the Speaker and Secretary. This will assist with promoting the roles of impartiality and professionalism.

The ruling political party must be encouraged to understand the need for de-politicizing these roles and ensuring that monitoring mechanisms exist for assessing the performance of members in the legislature. It would also be beneficial if the ruling party recognize that it is a huge factor that they are responsible for determining office bearing positions and, thus, provide training and guidance so that incumbents are clear on how positions are decided. This will avoid ambition-clouding judgment.

The ruling political party must enforce principles of independence of the role of the Speaker and Secretary and ensure accountability on the part of their members representing them in government structures.

Legislation must be enacted to support a regulatory, independent and facilitatory environment for members to perform and to reinforce the authority of the roles of the Speaker and the Secretary.

Both the ruling party and the legislature must ensure that the regulatory legislation is understood and complied with, both in letter and spirit, and must put change management programmes in place.

The kind of independence and respect that South Africa has fostered for the office of the Auditor-General must be replicated in the legislature.

5.3 Theories of Leadership in use in the Legislature

5.3.1 Discussion

As can be seen from the results, in order to ensure that decisions are taken to achieve the goals of the legislature and its constitutional mandate, both the Speaker and the Secretary exercise influence, either overtly or covertly, on the various groupings in the legislature *viz.* the governance structures, the party, members individually and as a collective, caucuses and staff. This constant influencing of decision-making brings forward the process element of leadership and is aligned to Kotter's (1988:5) definition of effective leadership being one that produces movement in the long-term best interests of the group(s) and accordingly being a process rather than a position or a role.

As set out in Chapter 2, Kotter (1990:ix) states that 'in efforts to produce change in complex organisations, sizable barriers of some sort (political, bureaucratic, resource) are always encountered. Overcoming these barriers often takes Herculean effort, which only comes from highly energized people. This is why motivation and inspiration are central aspects of leadership.' The political, bureaucratic and resource barriers that Kotter refers to are revealed in the results.

Whilst Speakers and Secretaries do set the direction and align and motivate followers, there are a lot of others who are involved in the process of leading the legislature, which is consistent with Kotter's view that 'providing leadership on most issues in a complex organisation is far too difficult and time-consuming for any one person, no matter how talented' (Kotter, 1990: x).

The results showed that the formal lobby groups in the legislature in relation to decision-making are the governance structures, ranging from a minimum of four such structures in one of the legislatures to as many as seven in others. Some participants were of the opinion that the final decision rests with the Speaker as the Executive Authority, whilst others emphasized the decision-making authority of the governance structures. Results showed that members were clearly influencing institutional decisions and served as an informal lobby group, primarily to the Speaker. It became clear that members wanted to be involved in taking decisions and Speakers were attempting to accommodate this through a collegial collective decision-making process. Whether formal or informal, they do have an impact on the process and, consequently, an impact on both the political and administrative leadership of the legislature.

113

The results also showed that participants expect the Speaker to balance the need of members support with the strength of refusing to succumb to pressure. This position is largely theoretical and impossible to implement.

Because the Speaker's appointment is politically based, the Speaker is beholden to the political party to a certain degree, which is influenced by caucus members and the Whippery. It, therefore, requires an immense amount of energy to influence the collective towards achieving institutional goals. However, the environment itself has an impact on the kind of leadership that both Speakers and Secretaries display. In this instant, arguably, the situational approach to leadership appears to be prevalent, where situationists 'attribute all variations in leadership effectiveness to environmental constraints' (de Vries, 2006: 165). The results show that the followers in the legislature, arguably, the members and staff (with their own political ideologies as reflected in the results) are critical to the role that the leader adopts. Therefore, it is clear that the personality of the leaders (Speakers and Secretaries) as well as the followers (members and staff) and the environment dictate the type of leadership that emanates.

As reflected in Chapter 2, de Vries (2006:165) states that 'to understand leadership behaviour we have to consider not only the personal makeup of the leader, but also the makeup of the followers and the specifics of a particular situation. Certain types of leadership simply don't fit certain follower types or situations.' Further, Shackleton (1995:72) reflects that 'the absence of power would create difficulties for leaders and managers to influence or control those that they lead'. The results show that although the role of the Speaker is defined and that the statutory sources of power for the Speaker and the Secretary are the same, Speakers, however, carry more authority in terms of the democratic process of elections, election to the position and support by the majority party. Badaracco and Ellsworth (1989:16) define power as 'the ability to influence others and to avoid being influenced by them'. The second part of this definition does not apply in the legislature, and an interesting follow up study could look at the ability of followers to influence the decisions of leaders in the legislatures. It is clear that within this environment followers influence the Speaker and Secretary, both positively and negatively. If either the Speaker or Secretary ignores the input from their followers, they have to explain the reasons for the decision.

The absence of power would create difficulties for leaders and managers to influence or control those that they lead (Shackleton: 1995:72). This assertion was clear in the responses from the Speakers and Secretaries where, at a theoretical level, both agreed that the Secretary has a strategic role. One of the Speakers went so far as to indicate that as the Head of the

Administration, the Secretary is the employer. The results showed, however, that the Secretary's position is powerful, but it is weakened by actions of the politicians.

A Secretary stated that members see the Secretary as a subordinate and also disregard the advisory powers bestowed on the Secretary. Clearly the results show that the environment is creating a leadership crisis in the form of a position not being accorded the power and authority that it requires. The Secretary, as the Accounting Officer, must account for monies spent in the legislature and decisions taken. If members treat the position in the manner that they are doing, the Secretary's leadership role will be compromised and they will be ineffective unless, as charismatic leaders, they 'have the capacity to motivate people to do more than that normally expected of them; they motivate subordinates to transcend their expected performance levels' (Mfene, 2008:209). It would seem from the results, however, that instead of depicting charismatic leaders, the Secretaries were leaning towards a form of transactional leadership in that there was an emphasis on definition of roles and structures. According to Mfene (2008: 209) who quotes Smit et al., (2007:285), 'Transactional leaders do what managers do.'

Schwella (2008:40) states that the social learning approach to leadership 'requires that organisations continuously learn and experiment in order to improve capacity.' Clear elements of a social learning approach to leadership were displayed in the responses from the Speakers. Speakers have recognized that the public participation element within the legislature supports their political role and strengthens their power base and that the very nature of the legislature as an arm of government responsible for making laws and maintaining oversight over the executive gave them the foundational source of power. One Speaker indicated that 'even if you talk to traditional people, it is a very powerful position, but we are not using it properly as the legislature, not even public participation.' According to Du Plessis (2010: 23), leadership will require new skills to address the dictates of the context and leaders will have to adopt different approaches, not limited to fostering adaptation, 'helping people develop the 'next practices' that will enable the organization to thrive in a new world, even as they continue with the best practices necessary for current success.' This embracing of public participation and community leadership that is revealed in the results shows that, organically, the system is moving leaders in the legislature in that direction.

Another result showed that Speakers, as leaders, are embracing collective leadership, either because of the dictates of the environment or because of their astute realization that they need to 'embrace disequilibrium, keeping people in a state that creates enough discomfort to induce

115

change, but not so much that they fight, flee or freeze' (Du Plessis, 2010:23). In this respect, the principles of 'Ubuntu', as espoused by Malunga (2006:25), which encompass sharing, and collectivism, people-centred, participatory decision-making, patriotism and reconciliation were reflective of the type of leadership displayed by the Speakers in their responses.

There is an assumption that leadership drives good behavior, but at times, the context within which leaders find themselves encourages bad behavior. For example, officials can be enticed to defraud a city in which corruption is tolerated (Kellerman: 2004:18). The context of the legislature is political and the nature of politics incorporates a multiplicity of agendas. Within the context of chaos and uncertainty, certain individual and political agendas may flourish and therefore, there is a recognition that it serves the interest of members to leverage of this environment. The environment therefore dictates that leaders, both political and administrative, must not only be astute and unravel the intentions beneath the perceptions of reality, but also to be able to adroitly manage the outcome in a manner that does not compromise the goals of the legislature. In terms of Kotter (1990: ix), this requires 'herculean efforts' on the part of both the Secretary and the Speaker.

Although power and influence can be exercised at various levels, the words 'power' and 'influence' cannot be used interchangeably. Vecchio (cited in Shackleton 1995: 73) suggests that the term 'influence' is broader and more general than 'power' and states that 'whilst both influence and power have the capacity to change the behaviour of others, power does so with some regularity and authority, whereas influence is weaker and less reliable.'

A relationship therefore exists between power and influence. Pearce and Robinson (2007: 371) identify the sources of power and influence as position power, reward power, information power, punitive power, expert influence, referent influence and peer influence. The results showed that both Speakers and Secretaries acknowledged that the statutes provide them with power and position. Both Speakers and Secretaries by virtue of their positions have the ability to exercise reward power (they can agree on salary increases for staff and benefits in the form of tools of trade for members) and information power (by virtue of their proximity to issues discussed). Referent power is linked to association, identification or relationship with a leader and what that leader symbolizes (Megginson et al., 1992:313). The Speaker displays this power through his/ her relationship with the leaders of the ruling party or other strong political personalities that are exercising control in the bigger system, and the Secretary exercises this power by virtue of proximity to the Speaker and national leaders in the sector.

116

The results showed that Speakers, in the main, attributed their power to positional power and one of them stated specifically that 'power comes from the position that you hold'. Speakers also valued the ability to influence, however, and felt that 'one doesn't need power or authority if you are able to influence effectively'. Power, authority and influence play a role in the ability to lead the legislatures effectively, but there was a strong appreciation for the fact that the Speaker and Secretary may have influence because of the power and authority they hold.

Findings also showed that Speakers were of the belief that their political authority in the organization translated into authority and power to exercise oversight and, consequently, translate into the right to intervene and solve problems. The strategy is to take the role seriously and ensure that the political party supports the decisions taken.

The results showed that Secretaries valued the ability to influence people because power and authority without the ability to influence makes the roles of Secretary and Speaker ineffective. Clearly both roles require the ability to be persuasive rather than genuine and display a degree of cunning. This however must be balanced against the qualities of honesty and trust.

The results showed that power, authority and influence have a huge impact on leadership in the legislature and abuse of power can result in negative outcomes. One Secretary commented that 'people who are unsure of themselves focus more on power – keep reminding the person of their title. When you engage any person, you must engage on the issue – if you bring in the position, it closes the debate. You gain more authority through this process.' There was general consensus that influence and communication result in people taking ownership of decisions and taking the institution forward. Accordingly, leadership is enhanced through power and authority, but strengthened when the followers are influenced to support decisions put forward by the leader.

5.3.2   Conclusions

Leadership style, the context and the followers have a great impact on the leadership displayed in the legislature. The environment requires charismatic leadership, but how often do we get this coming through and how long term is charismatic leadership within the context of familiarity in the environment? Charisma without clear direction and strategic goals will not realize desired outcomes. Accordingly, charismatic leadership is more relevant to the role of the Speaker because the Speaker must motivate and establish direction, while the Secretary must plan, budget, and produce a degree of predictability. Transactional leadership is, therefore, more relevant to

the role of Secretary, provided that the members and followers (staff) respect the authority of the role, the environment supports the role and the centres of power are clarified.

Whilst Kotter's (1988:5) definition of leadership hinges on it being a process rather than a position or a role, it is apparent that power and authority enjoy a respect in the legislature that may be unsurpassed in other organizations, so whilst the process element of leadership is acknowledged, it works hand in glove with the element of power and authority. Speakers appeared to project a strong sense of community leadership and collectivism.

It is clear that both the Speaker and the Secretary are hampered in independent and expeditious decision-making by virtue of the number of governance structures existing in the legislatures. Decision-making is robust, constantly criticized and constantly having to be justified as the different groups re-align themselves depending on the interests. This requires more communication between the political and administrative leadership to take informed and institutionally beneficial decisions without being distracted by individualistic interests.

Most authors on leadership emphasize the necessity to be assertive and the results showed that Speakers were of the opinion that if a Speaker is assertive, the Speaker will get things done.

The impact of political parties on political and administrative leadership is strong and one Secretary stated that 'Political Parties end up colluding on issues that they jointly have a vested interest in.'

If the Speaker and Secretary have a good relationship and ensure that the collective leadership strategy commences at the level of Speaker and Secretary, members are not able as a group to negatively impact on the leadership displayed by the collective of the political and administrative leadership.

5.3.3   Recommendations

The position of Secretary must be strengthened to give it the power and authority that will facilitate respect for the role and it must be distilled of political influence.

The position of Speaker must be quasi-judicial, exercising a power similar to judges and must be removed from political influence. This will ensure independence from followers and allow for independent decision-making.

The Speaker and the Secretary must act independently of any ruling party or multi-party structure and must be held accountable for their decisions, provided that they consult with relevant stakeholders before decisions affecting stakeholders are taken.

5.4 Constitutional and legislative framework and operational environment

5.4.1.1 Discussion on the constitutional and legislative framework

The results showed that the constitutional terrain created impediments to effective leadership because of the lack of proper systems and processes. One Secretary stated that 'there is no national support for the development of legislatures as there is for the executive.'

The provisions of the Constitution contain elements of federalism within a unitary state and this is proving untenable as more emphasis is placed on the national element and the provincial legislatures are not given sufficient support. There is also the difficulty of working as a collective within the parameters of the independence and autonomy of provinces. This paradigm creates space for not acting in terms of collective decision-making.

The Speaker's Forum is relatively new and is trying to give direction. However, the autonomy and independence of provinces, as well as the unitary issues in relation to the Constitution, presents itself within the forum, with National Parliament adopting a 'big brother' approach and not working truly within the concept of a collective. The experience of provincial Speakers in relation to their workings with National Parliament in the Speakers Forum is that National Parliament works with provincial legislatures when it suits their interest to do so. The consensus is that a lot of effort must be directed to supporting the sector approach.

One Secretary indicated that in their specific case, the constitutional environment is not conducive to effective leadership and cannot effectively carry out its mandate. The legislature is so small that after the executive is taken out, there are very few members to conduct oversight. All become chairpersons and in some instances members are carrying out more than two functions. This therefore impacts on their time and their level of attention.

In terms of Section 134 of the Constitution, when an election of a provincial legislature is held, the Executive Council and its members remain competent to function until the person elected

119

Premier by the next Legislature assumes office. There is no equivalent provision applicable to the Speaker, which creates a vacuum with only the Secretary remaining. By deduction, the Secretary is required to ensure that the legislature is functioning in the interim, yet there is no legislation addressing this matter. As it is not a constitutional position, decisions taken during this period may be subject to legal challenge.

The Remuneration of Public Office-Bearers Act, Act No. 20 of 1998 provides for different portfolios of office in the executive as well as the legislature, together with job profiles. However, whilst the role of the executive is clarified in the Constitution, the same does not prevail in respect of the legislature. This, therefore, can lead to various interpretations of roles and allows the ruling party to influence these roles by virtue of senior members in the ruling party occupying those positions and influencing decisions around those positions.

The results also showed that the legislature is a separate arm of government responsible for, inter alia, maintaining oversight over the executive, which has more resources and is far more powerful. The legislature also has to make a request to Treasury, which is a component of the executive, for additional funding to fund oversight. This gives the component that should be monitored the potential to frustrate oversight initiatives.

Results showed that the Secretary has the role of an Accounting Officer. However, although this role is defined in the Public Finance Management Act, Act No. 1 of 1999 (PFMA) as amended, the PFMA has a limited application to the legislature and, therefore, the role of the Secretaries in the legislature is an interpretation of the duties of the Accounting Officer, as postulated in the PFMA . At least three legislatures have their own legislation, which governs their operations and provides for the role of the Secretary. In addition, all legislatures have rules and Standing Orders of the Legislature, which governs internal arrangements for the legislature and provides for the role of the Secretary. Clearly, there is a need for a standard national approach to this position through legislation.

Further, the provincial legislatures can only pass legislation in the functional areas set out in Schedules 4 and 5 of the Constitution. In the case of the Premier of Limpopo versus the Speaker of Limpopo, the Constitutional Court held that the legislatures did not have the power to pass their own financial management legislation, as it did not fall into any of the functional areas set out in the schedules to the Constitution. Arising from this ruling, it is apparent that the legislative

power of legislatures is very limited. Therefore the constitutional issue of the role of provinces constantly exposes itself.

There is legislation that support the regulatory environment of the legislature, such as the utilization of the good governance principles, emanating from the Public Finance Management Amendment Act, Act No. 29 of 1999 and the Powers, Privileges and Immunities of Parliament Act, Act No.4 of 2004 (PPP Act). In the Public Finance Management Act, the Speaker and Secretary have supervisory and accounting positions, respectively, and the PPP Act provides powers for summoning members. However, more comprehensive legislation is required to improve operations within the legislature, and this can only occur through amendments to the Constitution and through enacting legislation supporting the constitutional role of legislatures.

5.4.1.2 Conclusion

Whilst the Constitution provides for the existence of legislatures and defines the core mandates, powers and functions, it does not clearly define the roles of representatives in the legislature, particularly the Speaker. The legislatures have to define their roles. There is a need for constitutional reform to clarify and amplify the role of the legislature and its role-players.

Speakers indicated that since the legislature passes laws, it is the legislature that should be responsible for clarifying its position and therefore the legislature is not doing its job. In contrast to the executive, there are very few laws that address the needs of the legislature. The enactment of these laws requires political will. Overall, the constitutional role of the legislature has been eroded by the failure to enact legislation that will strengthen and support legislatures.

The interrogation by Treasury of the legislatures' budget exposes the risk that if the executive does not support the oversight exercise, they can refuse to provide the additional funding. Although it is the legislature that is responsible for passing the budget, it cannot amend the budget unless it has a process in place in the form of legislation to do so. The legislature, therefore, has two options, either to pass the budget or not. The impact of not passing the budget means that there will be minimal service delivery, and by passing the budget the legislature sacrifices its own role in the interest of addressing service delivery.

Although the role of Treasury is also given to the Speaker, there are instances when no additional staff is allocated to provide the necessary support for this role. However, when such support is

given, there are two centers of power operating, one within the Secretary's office and the other in the Speaker's office. This is a problem that will have to be addressed.

The Speakers Forum has the potential to be influential if it can overcome the politicization of National Parliament versus provincial legislature issues. The collective leadership position in relation to the sector must be taken more seriously by all concerned. The divisive element of provinces versus national could compromise the unifying and leadership role of the Speakers Forum.

5.4.1.3 Recommendations

There must be constitutional reform to address more comprehensively the role of the legislatures and functions and roles of various office bearers (in essence the executive of the legislature) must be provided for in the Constitution.

Constitutional reform must also clarify the issue of provinces. If provinces are retained, they must be wholly supported and the legislative competence must be expanded to ensure that provincial legislatures have the power to legislate in respect of their internal arrangements.

There is a need to establish an independent National Legislature Services Commission that:

- gives guidance on standardization and creating a uniform regulatory framework for Legislatures; and
- the Speaker and Secretary must account to in respect of financial, operational and performance accountability.

There must be a handbook that is similar to the Ministerial Handbook, which addresses the peculiarities of the Legislature.

The offices of the Speaker and Secretary must be protected from the influence of the ruling party and opposition politics, and the role of the Speaker, in particular, must be de-linked from politics. Although it has been argued that the role of the Secretary is apolitical, it must be re-enforced as such.

Mechanisms that exist in the legislature must be replicated at party level to hold politicians accountable for their functions in the legislature and the executive.

122

5.4.2.1 Discussions on the Operational Environment

Power struggles within the legislature impact on the Speaker's ability to lead. One Speaker went so far as to state that 'members want to be the Speaker.'

Furthermore, the members failing to accept the advisory and accounting role of the Secretary impacts negatively on the leadership of both the Speaker and the Secretary. One Speaker suggested that it may help if the Secretary belonged to the ruling party and quoted two instances where the Secretary serves on the executive structures of the ruling party. This could be positive in the sense that members would respect the authority of the Secretary primarily because of his/her official political role within the structures of the ruling party. It could also have a negative impact, however, where some members that are in other leadership positions of the legislature (Deputy Speaker, Chief Whip and Chairperson of Committees) feel threatened by the Secretary. Clearly, there exists a contestation between members of the ruling party and the Secretary.

The perceived or actual requirement of members being included in all decisions that affect them is unreasonable and delays decision-making, thus impacting negatively on leadership. The various portfolios, to an extent, compromise the roles of Speaker and the Secretary and to an extent, add value to the decisions taken. Further, if there isn't a structured sustained process of educating members on the roles, responsibilities, systems and functioning of the legislature, there may be a temptation to influence the understanding of the operations of the legislature from an incorrect basis.

The current situation of not having clarity regarding the status of members who are not governed by the Labour Relations Act, Act No. 65 of 1995 and the lack of any legislation governing the accountability of members creates an impediment to effective leadership and management. Although members are only participants in the environment, they put pressure on the Speaker as the political leader, and the Secretary as the administrative leader. They also hold the Speaker and Secretary accountable through governance structures or through party caucuses, whilst at the same time not accounting for their own functional areas.

Results showed that although the Chief Whip is responsible for discipline, he/she places more focus on the governance issues of the legislature than the responsibility of maintaining discipline. An interesting study would be to ascertain how many members have been disciplined in the legislature since 1994, and in respect of what issues.

The existence of a plethora of governance structures creates difficulties for the Speaker and Secretary to exercise leadership independently. The political environment in the legislature creates a multiplicity of political leaders as contrasted to the position within the executive, with only the Member of the Executive and the Head of Department exercising decision-making power subject to direction by the Executive Committee. This creates turbulence. Furthermore, the political environment does not support effective political and administrative leadership because of circular relationships. As one of the Secretaries pointed out, the Speaker is the head in the legislature, but in the organization (his party) he reports to someone who is reporting to him in the legislature. This impedes political and administrative leadership.

Some Speakers indicated that they have passed their own Financial Management of the legislature legislation and are using these to formalize the authority of the Speaker. If this was needed to re-enforce their authority, it has taken 17 years since democracy to solidify their position.

The environment itself is a hindrance to effective leadership. There is an expectation that the role of the appointment of the Secretary must be linked to the election of the Speaker, however, there is an emphasis placed on the Secretary exercising his responsibility in an apolitical manner. This is a contradiction.

The results also showed that two scenarios exist with Secretaries employed on a five (5) year renewable contract and others employed on a permanent basis. The five year renewable contract creates difficulties around security of tenure, thus compromising effective decision-making and creates an opportunity for a conflict of interest. On the other hand, the results showed that the Secretary that is on permanent appointment appears more powerful than the Speaker because of the strong position that he has in respect of the utilization of resources of the legislature   This also influenced responses which indicated that the Secretary has the responsibility of nurturing good relations between himself and all office-bearers. One Secretary stated that 'If you don't have a good relationship with the Speaker, Chairperson, Chief Whip, or a collegial relationship with Members, you would never get anything done because everything that you do will be treated with suspicion.' The challenges to the authority of the Secretary come from the Members, the Whippery, weak policies, management itself by disowning decisions of the Secretary and management.

Another problematic area that arises is the staffing of the Speaker's office. The treasury role of Speaker puts added responsibility on the Speaker, but they believe that their staff must be independent of administration. The notion of creating another structure will be duplication and there is a need to balance the two roles of the Speaker without creating two centers of power in one institution. The challenge that arises in this respect is that Secretary's get a sense that staff members in the Speaker's Office are of the opinion that one of their functions is to manage the Secretary. The concept of separation of powers between the office of the Secretary and the Speaker can be perceived that the Speaker must be given administrative tools and resources to conduct oversight over the Secretary. This model also has the potential for conflict.

Similar to decision-making having an impact on leadership, effective policies also support good leadership and management. The processes for passing policies do not appear to be clearly outlined. In some instances, an internal governance structure and the Speaker pass administrative policies, in some instances, the Speaker passes administrative policies and in other instances, administrative and political policies are passed by a multi-party governance structure. This absence of standardization shows uncertainty on the matter.

The results also show that the labour movement capitalizes on the political environment and tends to exploit political differences to suit their own needs, which feeds into the legislature. The union wants to co-manage and believes that management cannot take decisions without consulting them. In some instances, the union pressurizes the Secretary and calls for removal of the Secretary if the Secretary is taking difficult, but necessary institutional decisions.

5.4.2.2 Conclusion

The most chaotic influence in the legislature is the members, either acting individually, collectively or through various permutations of groupings. If the position of the Secretary is apolitical, it should be de-linked from the election of the Speaker.

The issue of party leadership *vis-à-vis* leadership in the legislature also raises difficulties. If the chairperson of the ruling party takes the position of the Speaker as opposed to the Premier, there may be a stronger support for the legislatures. However, the potential for abuse still exists. Accordingly, the ruling party leadership should remain outside of government structures so that they can independently ensure that members of the ruling party in government account for their actions. This will ensure that there are checks and balances in place to avoid an abuse of power.

125

The ability of the Speaker and Secretary to make unilateral decisions and account for them is seriously compromised by the existence of a number of governance structures and, ultimately, the governance structure that has the most power to take institutional decisions is a multi-party governance structure. The opposition party that sits in these structures does not, by virtue of being the opposition, have a legitimate interest in the governing of the institution. The risk exists that it can delay decision-making through appealing for an extension of the consultative process for party consultation. It can further politicize and sensationalize administrative and executive decisions, thus subjecting a facilitatory environment to unnecessary politicization.

In respect of decision-making there appears to be clear direction that the Speaker or Secretary may only act unilaterally if an urgent decision is required and this scenario is not conducive to effective leadership. The Speaker has the right to make institutional decisions unilaterally, but normally takes decisions in consultation with stakeholders. It would be interesting to calculate the cost and time taken for consultation against the nature of the decision and the impact of the decision. Sometimes, quick decisions are called for, for the smooth running of the institution.

The fact that the Speaker is a political appointment allows for the union to gain audience with the Speaker and create conflict between the Secretary and the Speaker. The potential exists for the Speaker to instruct the Secretary to change an institutional position based on political as well as union intervention at the Speaker's level. Both Speaker and the Secretary have to be resolute on issues and speak with one voice on legislature issues.

It appears that members and office bearers have not embraced the full impact of what the roles of Speaker and Secretary mean. The administration is arguably not in a strong position to assert independence and protect the Secretary against the abuse of the role. Security of tenure and mass party banding together on a party line are some of the risks that Secretaries face in protecting their portfolio or not receiving the respect they deserve. Those Secretaries holding positions in the ruling party may have a stronger position, but this also has the potential to create conflict between the Secretary and the Speaker. There is a fiduciary duty on the part of the Secretary that must be understood. In the corporate world, the Chief Executive Officer is accountable to a Board to answer questions and implement decisions, however, the Board is not given additional staff to double check the statements or averments of the Chief Executive Officer. Therefore the element of trust and systems is critical to the effective functioning of these officers.

126

5.4.2.3 Recommendations

Members must be reminded of their roles and be prohibited from raising issues of the administration who should account to an external independent legislature services commission.

The ruling party must play a reduced role in the administrative functioning of the legislature and the functioning of the Speaker's office. The Speaker should be the Executing Authority of the legislature, and the Secretary the Accounting Officer, and together they should, independent of political interference, lead and account on the performance of the legislature within the South African and parliamentary context and their appointments should be renewable based on performance.

The leadership of the ruling party should sit outside of government and be appropriately remunerated, with the sole purpose of exercising a party political oversight role over their members in government, both at the executive and legislature level, requiring accountability for service delivery against their party manifesto in a structured manner.

The staff within the Speaker's office must remain under the control of the Secretary and the fiduciary responsibility of the Secretary must be enhanced with systems to support transparent reporting and accountability with evidence of performance.

There is a need to adopt frameworks and policies that support human agents in the legislature. These policies, procedures, and codes must be clear on what must be done, by whom and how, as well as exceptions to the process. The frameworks and policies must be adopted subject to consultation with the relevant stakeholders and will, accordingly, address members' needs objectively and balance individual needs *vis-à-vis* organizational needs.

5.5   Recommendations for Future Research

1.   The question of the role of the Chief Whip in the party versus the legislature must be interrogated and is possibly a need for further research.

2.   A research opportunity that exists would be to assess whether the party line negates the role of constituency-based representatives.

3.   The issue of collective decision-making, but individual accountability must be researched as it has the potential to diminish and compromise accountability.

4.   The success of legislature work is highly dependent on portfolio committee work. Therefore, assessment of performance must be directed primarily at portfolio committees. Are members doing enough or is there an opportunity for non-delivery by capitalizing on the gaps in administrative support provided to them? This should form an interesting area of research

5.   The ability of political parties to discipline their party members.

5.6   Concluding Remarks

South Africa has the potential to become a very strong democracy on the African continent. However, there are challenges that must be overcome to achieve this outcome. The legislature, being the representative of the 'people's voice', is the primary institution for ensuring the full realization and sustainability of democracy in South Africa. To this end, leadership is a significant element to support the critical institutional and constitutional role of the legislature. The success of this goal is dependent on the quality of leadership displayed at a legislature level. The aim of this study was to gain insight into leadership in the legislative sector, particularly in relation to exercising leadership in a dynamic context.

The research study was performed under a qualitative research paradigm. It took the form of studying the leadership qualities of political leaders and administrative leaders in the legislatures of South Africa. In particular, the study focused on the leadership roles of Speakers and Secretaries representing political and administrative leadership, respectively. Multi-data collection techniques included semi-structured interviews, participant observations and document analysis.

The research showed that leadership has developed organically in the legislatures, with political leaders being elected into positions and administrative leaders being appointed into positions. Administrative leaders are reliant on political leaders for setting institutional policy, which is to be implemented by administrative leaders through institutional mechanisms that are, in the main, politically driven. Findings revealed that there exists some disconnect between the understanding

of the roles and functions between the two groups exercising leadership in the legislature and the mechanisms and structures that are utilized to do so.

Findings revealed that theories of leadership have been exercised by default rather than design, but that the political leadership displays a large capacity for consultation on issues whilst administrative leaders display a largely mechanistic approach and, on average, do not display an understanding of political nuances that impact on administrative decisions.

Findings revealed that leadership is an emerging concept with a distributed form of leadership as well as an informal delegated form of leadership amongst political leaders which, in instances, impacts on the administrative leadership of the legislature.

Findings also revealed a distributed form of leadership and restricted opportunities for the relevant portfolios to display greater leadership roles in carrying out their tasks independently. This impacted on the administrative leadership sector as well because they acted largely under the direction of their political leaders.

Findings also exposed barriers which negatively impacted on political and administrative leaders' motivation to perform effectively at a leadership level.

Barriers included the lack of a proper legislative framework that enables the legislature to act independently of the executive. There is no clarification of roles and functions of specific office bearers, there are budgetary constraints and the electoral system ensures that the organization impacts largely on the leadership roles in the legislature. Furthermore, political organizations at many levels, surreptitiously and at a shadow level, influence decisions of the legislature, thus impacting on political and administrative leadership.

However, notwithstanding this, participants displayed a commitment and enthusiasm to the development of the legislatures such that it claims its constitutional space.

Recommendations include, inter alia, passage of legislation that addresses the separation of powers and recognizes the role of the legislature, continuous emphasis of leadership roles and functions to transform political organizations and participants in the sector by deepening the understanding of leadership at all levels.

BIBLIOGRAPHY

Anderson P, 1999, Complexity Theory and Organizational Science, Organization Science, vol. 10. No.3, May-June 1999, p216-232, Institue for Operations Research and the Management Sciences

Badaracco, J.L and Ellsworth, R.R, 1989, Leadership and the Quest for Integrity, Harvard Business School Press, Boston, Massachusetts

Behn RD, 1998, What Right do Public Managers Have to Lead, Public Administration Review, May/June, vol 58. No. 3, Blackwell Publishing Ltd, pp 209-224

Block P, (1993 :pp27-32) Stewardship : Choosing Service over Self-Interest (San Francisco: Berrett-Koehler Publishers]

Bradburn NM and Sudman S, 1979, Improving Interview Method and Questionnaire Design, Jossey Bass, San Francisco

Butler A, 2004, Contemporary South Africa, Basingstoke, Hants: Palgrave Macmillan

Cary, R 1988, A General Survey of Qualitative Research Methodology, Accessed on 14th July 2010, Available at www.eric.ed.gov.

Change E, Is Africa Suffering a Leadership Crisis? Africagrowth Agenda March 2010 pgs. 16-19

Daft, RL, 1992, Organization Theory and Design (4th ed) West Publishing, St Paul, MN.

DuBrin AJ, 1995, Leadership, Houghton Mifflin Company

DuBrin AJ, 2007, Leadership research findings, practice and skills, New York, Houghton Mifflin Company.

Du Plessis M, 22nd February 2010, Leadership in a Permanent Crisis, Management Today, pp 22-25

Heifetz R and Laurie DL, 1997, The Work of Leadership, Harvard Business Review 77(1)

Hodgetts RM and Wortman MS, 1980, Administrative Policy, 2nd ed, John Wiley and Sons, USA

Imlach A *et al*, 2011, The Evolution of Commonwealth Parliamentary Democracy: The CPA at 100, article titled 'The Speaker and Clerk in Parliament',,Latimer Trend and Company Limited, Plymouth, Devon.

Jackson MC, 2000, Systems Approaches to Management, Kluwer Academic/Plenum Publishers, New York.

Jocher K, 2006, The Case Method in Social Research, In: David, M. (Ed). Case Study Research, Vol 1. Sage, London: 39-53.

Katz D and Khan RL, 1967, The Social Psychology of Organizations, New York, John Wiley.

Khoza R.J (ed.), Let Africa Lead: African Transformational Leadership for the 21st Century Business, Vezubuntu Publishing Ltd,2006: pgs 285.

Kotter, JP, 1990, A Force for Change, Collier Macmillan Publishers, London

Kotter JP, 1988, The Leadership Factor, The Free Press, New York

Kotzè H.J, Institutionalizing Parliament in South Africa: The Challenges to Parliamentary Leadership, Acta Academica 2001 33(1):20-44, Dept of Political Science, University of Stellenbosch.

Levin M.M, Identifying key issues in Heritage organization behavior to facilitate sustained management: A Case study from South Africa, Journal of Contemporary Management, Vol. 7 2010 pages 208-230.

Lincoln Y and Guba E, 1985, Naturalistic Inquiry, Beverly Hills, Sage Publishers

Malunga C, Learning Leadership Development from African Cultures: A Personal Perspective, International NGO Training and Research Centre, Praxis Note No. 25, September 2006, pgs 1-16.

Mandela N, The Constitutional Mandate: Dynamic and Practive Legislatures, National Assembly speech 1999, www.public law.uct.ac.za

Miles, M and Hubberman, A. 1994, Qualitative Data Analysis. Califonia, Sage Publications

Moncrieffs J, To the Next Level: A Leadership Culture will make South Africa Great, HR Highway May 2008, pg. 7

Monette D, Sullivan T and deJong C, 2002, Applied Social Research: Tool for the Human Services, 5th ed, Harcourt, Orlando, Florida

Murithi T, Reflections on Leadership: From the OAU to the AU, Conflict Trends, Pgs. 9-14

Murray R, 2007, How to Write a Thesis, 2nd ed, Open University Press, Berkshire.

Naidoo G, Leadership and Good Governance in Public Administration. A Critical Need for Transformative African Leadership and Good Governance for Adoption by the South African Public Service. Journal of Public Administration, Vol. 45 No1, March 2010 pgs. 71-72

Naidoo G, A Transformative African Leadership and Governance Framework to Improve Public Service Delivery in South Africa, Journal of Public Administration, Conference proceedings, October 2005, pgs. 102-117

131

Ngcobo A, Servant Leadership 2010 IMESA, April 2010 pgs. 7-9

Nieman G. and Bennett A, 2002, Business Management: A Value Chain Approach, Pretoria,Van Schalk,

Philippoussis J, The Question of Plato's Notion of 'Leadership' in the Republic[1], Department of Philosophy, Dawson Collge, Westmount, Quebec, Canada H3Z 1A4, Phronimon, Vol 1(1) 1999, pages 109-145

Schwella E, 2008, Administrative reform as adaptive challenge: selected public leadership implications, Politeia Vol 7. No.2, Unisa Press, pp 25-50

Scott WR, 1992, Organizations: Rational, Natural and Open Systems, Prentice-Hall, Englewood Cliffs, NJ

Senge PM, 2006, The Fifth Discipline, The Art and Practice of The Learning Organisation, Random House, London

Sief G, 2009, Personality Type and Leadership Focus: Relationship between Self and Line Manager Perceptions, SA Journal of Human Resource Management / SA Tydskrif vir Menslikehulpbronbestuur 7(1), Art.123, 11 pages & http://www.sajhrm.co.za

Simon HA, 1996, The Science of the Artificial, 3rd ed, MIT Press, Cambridge, MA

Stacey RD, 2007, Strategic Management and Organisational Dynamics, The Challenge of Complexity, 5th ed, Prentice Hall, London

Stainback S and Stainback W, 1984, Broadening the Research Perspective in Education, Exceptional Children 50, 400-408

Stake R, 1995, The Art of Case Study Research, Sage, London.

Surowiecki J, 2005, The Wisdom of Crowds, Why the Many are Smarter Than the Few, Abacus, London

Steiner, GA, (1969:268-269), Top Management Planning, Macmillan, New York

Tappin S and Cave A, The secret of CEO's, Management Today, November 2009, pgs. 16-26

Terry L.D, 1995, Leadership of Public Bureaucracies: The Administrator as Conservator, London, Sage Publications

Thompson, D, 1967, Organizations in Action, McGraw-Hill, New York.

Tshaka R.S, The Dilemma of Ethical Leadership in Present-Day South Africa, Missionalia 37:2 (August 2009) 153-164

Van Aswegen A.S & Engelbrecht A.S, 2009, The Relationship between Transformational Leadership, Integrity and an Ethical Climate in Organizations, SA Journal of Human Resource Management, SA Tydskrif vir Menslikehulpbronbestuur, 7(1), Art. # 175, 9 pages at http://www.sajhrm.co.za

Van Maanen, 1979, The Fact or Fiction in Organisational Ethnography, Administrative Science Quarterly, 24, 539-611

Weaver DJ, 2009, 'They Did to Him Whatever They Pleased': The Exercise of Political Power within Matthews Narrative, HTS Teologiese Studies / Theological Studies 65(1), Ar.319, 13 pages, http.www.hts.org.za

Weeks R, The Culture and Skills Challenges Associated with Servitization: A South African Perspective, Journal of Contemporary Management, Vol 7, 2010 pgs. 110-128

Welman C, Kruger F, and Mitchell B, 2005, Research Methodology, Oxford University, Press Southern Africa, Cape Town

Yin R, 1994, Case Study Research : Design and Methods, Applied Social Research Methods Series, Volume 5, 2nd ed. Sage, London.

Zeka S, The Role of Mental Models in the Public Policy Decision-Making Process, The Case Study of Ghana, Africa Insight, vol, 39, Africa Institute of South Africa, December, pgs 38-52

APPENDIX A – SAMPLE OF KEY STAKEHOLDERS INTERVIEWED

<u>The Legislatures</u>

<u>Political Representatives</u>

1.   Speakers and Deputy Speakers of the legislatures

<u>Administrative Representatives</u>

   1.   Secretaries and Deputy Secretaries of the legislatures

APPENDIX B – SEMI STRUCTURED INTERVIEW GUIDE

To ascertain the impact the complex adaptive nature of the legislature has on it fulfilling its mandate

1.	What role do the office-bearers below play in the legislature and what role do you think that they should play? Deputy Speaker : Chairperson of Committees: Chief Whip: Portfolio Committee Chairs: SCOPA: Rules Committee Oversight Committee of Legislature and Premier / Joint Mechanism for Oversight Caucuses:
2.	Do you think that the Speaker's role is clearly defined and that there is a common understanding by stakeholders of the role of the Speaker? Is it a leadership or management role?.
3.	Do you think that the role of the Secretary is clearly defined and that there is a common understanding by stakeholders of the role of the Secretary/Accounting Officer? If Yes, give reasons.

4.   To what extent does the Secretary/Accounting Officer play a leadership role?

To ascertain the leading theorists views on leadership and management and to consider the theories in relation to their relevance within the legislature.

1.   Do the different portfolios compromise the role of the Speaker and Secretary?
2.   Can the Speaker and Secretary make institutional decisions unilaterally? If so, what type of decisions? If not, which portfolios must be consulted and approval obtained.
3.   What are the formal and informal structures of decision-making in the Legislature? Who are the lobby groups?
4.   What are the impediments to effective leadership and management in the Legislature?
5.   What relationship exists between the political leadership and the administrative leadership?
6.   What role does the Speaker's Forum play in relation to the role of the Speaker and the Secretary/Accounting Officer?
7.   What are the sources of power in relation to the Speaker and Secretary of the Legislature?
8.   What is the relationship between power, authority and influence on leadership and how do these work in the Legislature in relation to the role of the Speaker and the Secretary?
9.   What is the impact of power, authority and influence on leadership in the Legislature?

To determine whether the constitutional and legislative framework and operational environment is conducive to exercising effective leadership in the legislature.

1.	What governance structures exist in the Legislature? Describe them. Do they impede or support the role of Speaker and Secretary ?
2.	Does the constitutional and political environment support effective political and administrative leadership in the sector and with this in mind, to whom should the Speaker and Secretary account and why? Does this happen?
3.	What is your expectation in relation to how the Speaker interacts with Members of the Legislature, portfolio committees, whips, management committees, Auditor-General, the media, party caucuses and external bodies such as donors and delegations from other countries. In your experience, what do you think members expect of the Speaker institutionally and at an interpersonal level?
4.	What is your expectation in relation to how the Secretary interacts with Members of the Legislature, portfolio committees, whips, management committees, Auditor-General, the media, party caucuses and external bodies such as donors and delegations from other countries. In your experience, what do you think members expect of the Secretary institutionally and at an interpersonal level?

Research Office, Govan Mbeki Centre
Westville Campus
Private Bag x54001
DURBAN, 4000
Tel No: +27 31 260 3587
Fax No: +27 31 260 4609
Ximbap@ukzn.ac.za

14 September 2011

Ms N Naidoo (882222268)
Leadership Centre
Faculty of Management Studies
Westville Campus

Dear Ms Naidoo

PROTOCOL REFERENCE NUMBER: HSS/0779/2010M

NEW PROJECT TITLE: Exercising Leadership in a Dynamic context: The Interface Between Political and Administrative Leadership

APPROVAL AND CHANGE OF DISSERTATION TITLE

I wish to confirm that ethical clearance has been granted full approval for the above mentioned project:

Any alteration/s to the approved research protocol i.e. Questionnaire/Interview Schedule, Informed Consent Form, Title of the Project, Location of the Study, Research Approach/Methods must be reviewed and approved through an amendment /modification prior to its implementation. In case you have further queries, please quote the above reference number. PLEASE NOTE: Research data should be securely stored in the school/department for a period of 5 years

Best wishes for the successful completion of your research protocol.

Yours faithfully

PROFESSOR STEVEN COLLINGS (CHAIR)
HUMANITIES & SOCIAL SCIENCES RESEARCH ETHICS COMMITTEE

cc. Supervisor : Mr S Hardman
cc. Ms Angela Pearce, Faculty of Management Studies, Westville Campus

1910 - 2010
100 YEARS OF ACADEMIC EXCELLENCE

Founding Campuses   Edgewood   Howard College   Medical School   Pietermaritzburg   Westville