

2/0/2/1/11/6

CONSTITUTIONAL ASSEMBLY

THEME COMMITTEE 2

STRUCTURE OF GOVERNMENT

DRAFT REPORT :

BLOCK 3 : PROVINCIAL GOVERNMENT

(As at 12 June 1995)

THEME COMMITTEE 2

DRAFT REPORT ON BLOCK 3: PROVINCIAL GOVERNMENT

CP/SEC	CONSTITUTIONAL ISSUE	AGREEMENT	CONTENTION	COMMENT
	<p>1. TERMINOLOGY</p> <p>1.1. Provincial Legislatures 1.2 Premier 1.3 Executive Council or "cabinet" 1.4 Members of Executive Council or "Ministers"</p>	<p>1. Clear distinction should be drawn between national and provincial structures of government.</p>	<p>Terminology for 1. Provincial legislature 2. Executive Council 3. Members of Executive Council</p>	
<p>CP XVII(2) s 160(2)</p>	<p>2. SHOULD PROVINCES RETAIN THEIR COMPETENCE TO DRAFT AN OWN CONSTITUTION?</p>	<p>Provinces should retain their competence to write own constitution</p>		
	<p>3. OBLIGATION OR COMPETENCE TO DRAFT PROVINCIAL CONSTITUTION?</p>	<p>There should be no obligation on a province to draft its own constitution.</p>		<p>DP (Gauteng) and Prov. Admin Western Cape: obligation</p>

CP/SEC	CONSTITUTIONAL ISSUE	AGREEMENT	CONTENTION	COMMENT
	<p>4. FRAMEWORK FOR PROVINCIALY-DRAFTED CONSTITUTIONS</p>	<p>1. There should be a framework for provincially-drafted constitutions. 2. Provincial Constitutions may not be inconsistent with the final Constitution.</p>		<p>The application of Constitutional Principles to provincial constitutions should be revisited</p>
	<p>4a. CONTENT OF FRAMEWORK: a. Terminology b. Constitutional Principles c. Adoption of provincial Constitution by two third majority vote d. Size of legislature e. Duration of legislature f. Determination of salaries g. Size of Executive Council g. Government of provincial unity until 1999</p>	<p>c. Adoption by two third majority vote</p>		

CP/SEC	CONSTITUTIONAL ISSUE	AGREEMENT	CONTENTION	COMMENT
	5. PROVINCIAL LEGISLATURES - STANDARD CONSTITUTION Where should it be contained? In the Constitution or a schedule to the Constitution?			
s 125(1)	5.1 Legislature for each province	Retain s 125(1)		
s 125(3)	5.2 Legislative powers confined to the province	Retain s 125(3)		
s 127(1)	5.3 Composition of legislature: size	Legislatures may be smaller than at present		Need to revisit size of provincial legislatures
	5.4 Electoral system			Should be dealt with under block on electoral system
s 128	5.5 Duration and dissolution of provincial legislature	5 years term (DP 4 years)		

CP/SEC	CONSTITUTIONAL ISSUE	AGREEMENT	CONTENTION	COMMENT
	<p>5.6. Date of polling</p> <p>5.6.1 On same date for all provinces</p> <p>5.6.2 On same date as Parliament</p>			Revisit the harmonisation of polling dates
s 129(1)	5.6.3 Election within 90 days of dissolution			Revisit matter in light of harmonisation of polling dates
s 130	5.7 Sitting of provincial legislatures	Retain s 130		
s 131	5.8 Speaker and deputy speaker	Retain s 131		
s 132	5.9 Qualifications for membership of provincial legislatures	Should be same as for National Assembly		
s 133	5.9.1 Members ordinarily resident in a province		No agreement on whether this requirement is necessary, or, if it is, whether it should be contained in the Constitution	

CP/SEC	CONSTITUTIONAL ISSUE	AGREEMENT	CONTENTION	COMMENT
s 133	5.10 Vacation of seats and filling of vacancies 5.10.1 Vacation of seats: loss of party membership 5.10.2 Filling of vacancies			It will depend on the electoral system to be adopted.
s 134	5.11 Oath or affirmation by members	Retain s 134		
s 135	5.12 Powers, privileges and immunities	Retain s 135 except with subsection (4) (salary determination)		The determination of salaries should be revisited
s 136	5.12a Penalty for sitting or voting when disqualified	Retain s 136		
s 137	5.13 Rules and orders	Retain s 137		
s 138	5.14 Quorum			To be revisited as the same formulation is used for National Assembly

CP/SEC	CONSTITUTIONAL ISSUE	AGREEMENT	CONTENTION	COMMENT
s 139	5.15 Required majorities	Questions other than the adoption (and amendment) of the Provincial Constitution, should be by the majority of half of the members present and voting		
s 140	5.16 Assent to bills	Retain s 140		
s 141	5.17 Signature and enrolment of provincial laws	Laws should be lodged with the Constitutional Court		
s 142	5.18 Public access to provincial legislatures	Retain s 142		
	5.19 Legislative committees of oversight	There should be committees of oversight		CPG will forward further submissions on the topic

CP/SEC	CONSTITUTIONAL ISSUE	AGREEMENT	CONTENTION	COMMENT
s 160(4)(b)	5A. PROVINCIAL MONARCHS			Issue to be dealt with in conjunction with the ad hoc Committee on Traditional Authorities. The issues should be revisited
	6. PROVINCIAL EXECUTIVES			
	Framework			To be dealt with under the general framework for Provincial Constitutions
	6.1 PREMIERS			
s 145(1)	6.1.1 Election by legislature	Premier to be elected by the legislature (except for DP)		
	6.1.2 Premier member of legislature			This matter should be revisited.

CP/SEC	CONSTITUTIONAL ISSUE	AGREEMENT	CONTENTION	COMMENT
s 146 s 154(2) s 146(2)	6.1.3 Tenure of and removal from office of Premiers 6.1.3.1 Dissolution of legislature 6.1.3.2 Dismissal of premier by motion of no confidence 6.1.3.3 Impeachment	5 year term of office (except DP: 4 years) Termination of term of office by motion of no confidence	Necessity of Impeachment	
s 148	6.1.5 Acting premiers	Retain s 148		
	6.2 EXECUTIVE COUNCILS			
	Framework only			To be dealt with under the general framework for Provincial Constitutions
s 149(1)	6.2.1 Size: Premier and not more than 10 members			Size of executive councils to be revisited

CP/SEC	CONSTITUTIONAL ISSUE	AGREEMENT	CONTENTION	COMMENT
s 149(2)	6.2.2 Composition: government of provincial unity. Retention of principle to 1999.	There is agreement that the principle of government of national unity be extended to the provinces until 1999.	The issue of a government of provincial unity remains a contentious issue (NP proposal)	
s 149(4)(b)	6.2.3 Appointment of MECs a. appointed from legislature b. on appointment MECs should vacate their seat	MECs should be appointed from the legislature and they should retain their seats.		
s 149(7),(8),(10)	6.2.4 Oath, ethical provisions	Retain s 149(7),(8),(10)		
s 150(1)	6.2.5 Executive Council procedure	Meetings of the Executive Council to be presided over by the Premier - retain s 150(1)		
s 151	6.2.6 Temporary assignment of powers and functions to Executive Council members	Retain s 151		

CP/SEC	CONSTITUTIONAL ISSUE	AGREEMENT	CONTENTION	COMMENT
s 152	6.2.7 Transfer of powers and functions from one member to another member	Retain s 152		
s 153	6.2.8 Accountability of members of Executive Councils	Retain s 153		
s 154	6.2.9 Votes of no confidence in Executive Council	Retain s 154		
	7. INTER GOVERNMENTAL CONSULTATIVE COUNCILS			DP suggests the establishment of Councils to assist in achieving the necessary co-operation and agreement between the provinces on matters of mutual interest.

THEME COMMITTEE TWO

REPORT ON SUBMISSIONS: PROVINCIAL GOVERNMENT STRUCTURES

A. INTRODUCTION

This part of the report should be read with the tabular analysis above. It deals with the structure and procedures of provincial governments under the following headings, which were identified on the basis of submissions received and discussions in the Theme Committee:

1. Terminology
2. Power of provinces of drafting own constitutions
3. Obligation or competence of provinces to draft an own constitution
4. Constitutional framework for province-crafted constitutions
5. Constitutional provisions in default of a provincial constitution.

B. SUBMISSIONS

Submissions on the structure of provincial governments were received from:

1. Parliamentary political parties
2. Institutions referred to in the interim Constitution - the Commission for Provincial Government.
3. Other organisations (including non-parliamentary parties) and individuals

C. CONSTITUTIONAL PRINCIPLES

The most important Constitutional Principle (CP) pertaining to the structure of provincial governments is CP XVIII(2) which provides:

"The powers and functions of the provinces defined in the Constitution, including the competence of a provincial legislature to adopt a constitution for its province, shall not be substantially less than or substantially inferior to those provided for in this Constitution." (emphasis added).

Every province is presently entitled to pass a constitution for its province by a resolution of a majority of at least two-thirds of all its members (s 160(1)). Such a constitution may be different from the interim Constitution (s 160(4)(a)), but should not be inconsistent with a provision of the interim Constitution including the Constitutional Principles (s 160(3)). Furthermore, a provincial constitution may

provide for the institution of a traditional monarch (in KwaZulu-Natal it is compulsory) (s 160(4)(b)).

Four issues need to be addressed: First, would the competencies of provinces be substantially reduced if the entitlement to draft an own constitution is taken away? Secondly, can / should all provinces be compelled to draft their own constitutions? Thirdly, how different may the provincial constitution be without being inconsistent with the interim Constitution and the Constitutional Principles? Can / should a broad framework be provided for provinces for the drafting of their own constitutions? Fourthly, if provinces are not compelled to draft their own constitution, then for those provinces who do not wish to draft their own constitution, what should be the content of a "standard" constitution? Furthermore, should the standard constitution be contained in the final constitution itself or in a schedule to the Constitution. On these questions the following submissions were received.

D. CONSTITUTIONAL ISSUES

1. TERMINOLOGY

1.1. Provincial Legislatures

NP: Should be called "Provincial Parliament"

PAC: Should be called "Provincial Assembly"

1.2 Premier

1.3 Executive Council

NP: Should be called "Provincial Cabinet"

Organization and individual submissions

DP(Gauteng): Should be called "cabinet"

1.4 Members of Executive Council

NP: Should be called "Provincial Ministers"

Organization and individual submissions

DP(Gauteng): Should be called "Ministers"

2. SHOULD PROVINCES RETAIN THEIR COMPETENCY TO DRAFT AN OWN CONSTITUTION? - s 160(2)

NP: Yes

IFP: Yes

DP: Yes

Institutional submissions

CPG: This competence should be retained in substantially undiminished form to comply with CP XVIII(2). There is no cogent reason to reduce the constitution-making powers of provinces. This competency is, however, limited. In compliance with CP IV which provides that the final constitution will be supreme law of the land, the present competence of provinces cannot be increased to draft constitutions which may be contrary to the final constitution or the Constitutional Principles.

3. OBLIGATION OR COMPETENCE TO DRAFT PROVINCIAL CONSTITUTION?

IFP: Final Constitution will come into force with already operational provinces and therefore the Constitution needs merely to indicate that the existing provincial legislative structures shall continue into force until otherwise modified by provincial constitutions. No further detail on the provincial executive and legislative structures and procedures should be contained in the Constitution.

DP: Provinces should have a choice whether to draft an own constitution.

Organization and individual submissions

Provincial Administration of Western Cape: Each province should be required to write its own constitution in terms of which it deals with elections and vacancies, oath of office, appointment of a Speaker and Deputy Speaker, rules and order, quorum, the name which is given to a provincial law.

DP(Gauteng): Constitution should compel each province to enact its own Constitution.

4. FRAMEWORK FOR PROVINCIALY-DRAFTED CONSTITUTIONS

The interim Constitution provides that the provincial constitutions may be different but not inconsistent with the interim constitution including the Constitutional Principles. The question is how different. They should be in accordance with the Constitutional Principles VI (separation of powers), VIII (multi-party democracy, proportional representation), IX (open government), X (formal legislative procedures), XIV (participation of minority parties in legislature), and XVII (democratic representation at each level of government).

While some submissions have suggested a framework for provincial constitutions, none has clearly identified the basic provisions which would constitute such a

framework. As the Constitutional Principles are not precise with regard the legislature and the executive, the question is whether these Principles should be concretized into a framework. Another suggestion is that the permissible sizes of the legislatures and executive councils should be determined in the final Constitution.

DP: The parameters within which provincial constitutions may be drawn up and adopted should be dealt with in the final Constitution. Should the Constitutional Principles form the basis of a framework for future provincial constitutions, then they should specifically be included in the final constitution. The following Principles should be considered: VI, VIII, IX, X, XI XII, XIV, XVI XVII.

Institutional submissions

CPG: A broad general framework for provincial governments should be established.

Organization and individual submissions

DP(G): Constitution should merely contain a framework for provincial constitutions.

While the content of the framework for provincial constitutions is unclear, the provisions of a "standard" constitution for provincial government received more attention.

5. PROVINCIAL LEGISLATURES - STANDARD CONSTITUTION

5.1 There shall be a legislature for each province - s 125(1)

ANC: Legislature for each province.

FF: Retained.

Organization and individual submissions

Thuynsma: No provincial government, only provincial council representative of all local councils.

5.2 Legislative powers confined to the province - s 125(3)

ANC: Provincial laws applicable only to the relevant province.

5.3 Composition of legislature: size not less than 30 not more than 100 - s 127(1)

NP: In view of the idea of decreasing the size of legislature, a reduction in number of members of provincial legislatures may also be considered.

FF: Number of MPLs should be determined by the functions and powers allocated to provinces.

DP: The number of members should be the same as the number of constituency members' elected to the National Assembly from each province plus another 25% more in number with a minimum number of 25 members.

Institutional submissions

CPG: Constitution should specify permissible size of legislature as presently (30-100 members). An act of Parliament should determine a national norm for the determination of the number of members giving weighting to sparsely populated areas.

Organization and individual submissions

Northern Cape Provincial Legislature (Constitutional Committee): Size should be left to the provinces. The present minimum number is too low.

5.4 Electoral system: pure proportional representation - s 127(1)

ANC: Election on the basis of proportional representation and constituencies.

NP: Members to be elected via a party list system on the basis of a voters' role. After election, elected members should be designated to specific magisterial districts.

DP: Multi-member constituencies and party list system to ensure proportional representation.

Institutional submissions

CPG: Constitution should stipulate that electoral system should be a combination of proportional representation and constituencies. The electoral system should be provided for by an Act of Parliament.

Organization and individual submissions

Northern Cape Prov. Legislature (Const Committee): A system of partial constituency and partial party list system should be adopted. The precise electoral system should be dealt with in the provincial constitution.

Provincial Administration of Western Cape: Voters' roll for provincial elections. Provinces should have the choice of using only pure proportional representation, or using constituencies or a mixture of the two.

Borsook: Mixture of PR and constituencies as in Germany.

5.5 Duration and dissolution of provincial legislature: five year term - s 128

ANC: Five year term

NP: Five year term

FF: Five year term

DP: Four year term.

PAC: Five year term

Institutional submissions

CPG: Five year term

5.6. Date of polling

5.6.1 On same date for all provinces

Institutional submissions

CPG: Not possible in view of premiers' powers to dissolve legislatures before 5 years' expiry.

Organization and individual submissions

Northern Cape Prov Legislature (Const Committee): Provincial and National elections should be held simultaneously.

Provincial Administration of Western Cape: Provinces should have option to hold provincial and local elections on same day in the province.

5.6.2 On same date as Parliament

Institutional submissions

CPG: Not necessary or possible to hold on same day as national election.

Organization and individual submissions

DP(G): Provincial elections should be held on different days from the national election.

5.6.3 Election to be held within 90 days of dissolution of the legislature - s 129(1)

ANC: After dissolution, Premier shall call for elections within 90 days.

Institutional submissions

CPG: Retain s 129(1)

5.7 Sitting of provincial legislatures:

S 130(1) Secretary of a provincial legislature shall convene such legislature within 7 days after an election.

S 130(2) Provincial legislature shall determine its sittings; provided that Premier may summon legislature to an extraordinary sitting for the dispatch of urgent business.

ANC: Each provincial legislature will determine days, hours and periods of its sitting.

NP: Retain s 130

FF: Retains 130

Institutional submissions

CPG: Retain s 130

5.8 Speaker and deputy speaker: elected by the legislature, election presided over by a judge - s 131

NP: Retain s 131

FF: Retain s 131

Institutional submissions

CPG: Retain s 131

Organization and individual submissions

Northern Cape Prov. Legislature (Const. Committee): The problem of the deliberative vote for the Speaker in small legislatures should be addressed.

5.9 Qualifications for membership of provincial legislatures: same as for National Assembly - s 132

ANC: Qualification of membership at national level will also apply to provincial legislatures.

NP: Retain present position: same as for Parliament.

FF: Retain s 132

Organization and individual submissions

Qualification for membership of provincial legislatures must be set out at a national level.

5.9.1 Candidates should ordinarily resident in a province; but limited exceptions - s 132(3) read with s 40(2) & (3).

NP: Candidate should be on the voters' roll of the province.

DP: A candidate should be registered voter in the province concerned.

Institutional submissions

CPG: Only persons who are ordinarily resident in a particular province at the time of their nomination should be entitled to become members of a provincial legislature.

5.10 Vacation of seats and filling of vacancies - s 133

5.10.1 Vacation of seats: Members vacate seat with loss of party membership - s 133(1)(b)

ANC: Members will lose their seats if:

(a) they resign; (b) absent themselves voluntarily from the sittings for more than a period stipulated by the rules, or (c) he or she becomes a member of the National Assembly.

FF: Delete s 133(1)(b)

DP: Delete s 133(1)(b)

Institutional submissions

CPG: Retain s 133 but termination of party membership should not result in termination of membership of legislature.

Organization and individual submissions

DP(G): S 133(1)(b), preventing the crossing of the floor, should be scrapped.

5.10.2 Filling of vacancies

CPG: Depends on electoral system.

5.11 Oath or affirmation by members - s 134

FF: Retain s 134

Institutional submissions

CPG: Retain s 134

5.12 Powers, privileges and immunities - s 135

ANC: Provision should be made for suitable privileges, benefits and immunities of members.

NP: Retain s 135

FF: Retains 135

Institutional submissions

CPG: Retain s 135

5.12a Penalty for sitting or voting when disqualified - s 136

FF: Retain s 136

5.13 Rules and orders: provincial legislature empowered to make rules and orders - s 137

ANC: Each provincial legislature will make its own rules and orders.

NP: Retain s 137

FF: Retain s 137

Institutional submissions

CPG: Retain s 137

5.14 Quorum: One third, or when vote taken on a Bill, at least half of all member - s 138

ANC: Retain s 138

NP: Retain s 138

FF: Retain s 138

Institutional submissions

CPG: Retain s 138

5.15 Required majorities: unless otherwise required by the Constitution, all questions shall be determined by a majority of votes - s 139

FF: Retain s 139

Institutional submissions

CPG: Retain s 139

Organization and individual submissions

Northern Cape Prov. Legislature (Const. Committee): Ordinary votes and special votes must be standardized at national and provincial level.

Borsook: Legislation by simple majority

5.16 Assent to bills by Premier - s 140

ANC: Premier has power of assenting, signing and promulgating bills.

NP: Retain s 140

FF: Retain s 140

Institutional submissions

CPG: Retain s 140

5.17 Signature and enrolment of provincial laws at Appellate Division - s 141

NP: Retain s 141

FF: Retain s 141

Institutional submissions

CPG: Retain s 141

5.18 Public access to provincial legislatures - s 142

NP: Retain s 142

FF: Retain s 142

Institutional submissions

CPG: Retain s 142

5.19 Legislative committees of oversight

Institutional submissions

CPG: There should be effective committees of legislatures to ensure proper accountability, openness and responsiveness on the part of the executive.

5A. PROVINCIAL MONARCHS - s 160(4)(b)

Institutional submissions

CPG: A general enabling provision is needed. No specific reference to a particular monarch should be included in the final constitution.

6. PROVINCIAL EXECUTIVES

Framework

Organization and individual submissions

DP(Gauteng): The tenure of office, responsibilities, powers and functions of Premiers and executive councils should be regulated by provincial constitutions.

Provincial Administration of Western Cape: Institutional issues pertaining to executive council and premier should be dealt with in a provincial constitution.

6.1 PREMIERS

6.1.1 Election by legislature - s 145(1)

ANC: Premier shall be elected from the members of the provincial legislature.

NP: Retain s 145

FF: Retain s 145

Institutional submissions

CPG: Parliamentary-elected premiers for provinces without constitutions.

Organization and individual submissions

DP(G): Directly elected by electorate.

Borsook: By legislature

Fein: Either popularly or by legislature

Mentz: Appointed by Provincial Councils and central government

6.1.2 Premier member of legislature -

Institutional submissions

CPG: In pursuance of the principle of separation of powers, Parliamentary-elected Premiers should vacate their seats on election.

6.1.3 Tenure of and removal from office of Premiers - s 146

6.1.3.1 Term of office is terminated on dissolution of legislature - s 146(1) & 154.

Legislature is dissolved:

(1) On expiry of 5 year term;

(2) On a motion of no confidence in Executive Council and Premier, Premier may dissolve legislature - s 154(1)

(3) On a motion of no confidence in Executive Council excluding Premier, then Premier may dissolve legislature - s 154(3)(c)

ANC: Premier elected for 5 years. On motion of no confidence in Executive Council and the Premier, the Premier shall dissolve the legislature and call for elections.

FF: Retain s 146

Institutional submissions

CPG: Retain s 146 & 154

6.1.3.2 Dismissal of Premier by motion of no confidence in Premier alone - s 154(2)

ANC: If vote of no confidence in Premier alone, then he or she shall resign and the provincial legislature will elect another Premier within 30 days from the date of resignation.

NP: Retain s 154(2)

Institutional submissions

CPG: Retain s 154(2)

6.1.3.3 Impeachment - s 146(2)

Institutional submissions

CPG: Retain s 146(2)

6.1.4 Responsibilities, powers and functions of Premiers - s 147

ANC: Executive authority for each province shall vest in the Premier.

NP: Retain s 147. Could be considered that the Premier should be compelled to consult with the leaders of the other parties in the Executive Council before exercising certain of his or her powers.

FF: Executive authority of a province shall vest in the Premier of the province who shall exercise and perform his or her powers and functions subject to and in accordance with the Constitution.

Institutional submissions

CPG: Retain s 147

6.1.5 Acting premiers, appointment of by Premier - s 148

FF: Retain s 148

Institutional submissions

CPG: Retain s 148

6.2 EXECUTIVE COUNCILS

Framework

Organization and individual submissions

DP(Gauteng): Responsibilities, powers and functions of executive councils to be determined by provincial constitutions.

6.2.1 Size: Premier and not more than 10 members - s 149(1)

NP: Consider reduction of number of members in case of smaller provinces.

FF: Retain s 149(1)

DP: Executive Council should constitute of between 5 and 10 members providing that the number of members of the Executive Council do not exceed on fifth (20%) of the number of members of the Provincial Legislature.

Institutional submissions

CPG: No need to increase number or appoint deputies. Size of executive council should have some bearing to size of legislature.

Organization and individual submissions

Northern Cape Prov. Legislature (Const. Committee): Size of the executive council should be limited but should be realistic in terms of the number of provincial competencies.

DP(Gauteng): If province desires to increase size of Executive Council beyond 10 should require the permission of the President in consultation with the Minister of Finance.

6.2.2 Composition: government of provincial unity - s 149(2)

NP: Favours government of provincial unity - s 149(2) unamended.
Decisionmaking on the basis of consensus - s 150(2).

FF: Premier shall determine portfolios, appoint members of Executive Council, terminate appointments for the purposes of the Constitution and in the interest of good government, and fill vacancies when necessary.

DP: Reference to government of provincial unity should be deleted.

Institutional submissions

CPG: There should no enforced proportional allocation of membership to Executive Councils. While the government of provincial unity is not obligatory until 1999, it should be included in the final constitution until 1999.

Organization and individual submissions

Northern Cape Prov. Legislature (Const. Committee): If there is provision at national level for a government of national unity, there would have to be similar provisions at the provincial level.

DP(G): No government of provincial unity after 1999.

Provincial Administration of Western Cape: Ambivalent over the issue.

Fein: No proportional representation in executive.

Mentz: Elected by electorate.

6.2.3 Appointed from the legislature - s 149(4(b))

Institutional submissions

CPG: Should be able to appoint persons from outside the legislature. Such appointees should have the right to speak but not vote in the legislature. In order to satisfy the concept of separation of powers, it may be necessary to require that members of the legislature vacate their membership on appointment to the Executive Council.

Northern Cape Prov. Legislature (Const. Committee): MECs should be members of the legislature.

6.2.4 Oath, ethical provisions - s 149(7),(8),(10)

Institutional submissions

CPG: Retain

6.2.5 Executive Council procedure: meeting presided over by Premier - s 150(1)

ANC: Premier chair meetings

FF: Retain s 150.

Institutional submissions

CPG: Retain s 150

6.2.6 Temporary assignment of powers and functions to Executive Council members - s 151

NP: Retain s 151

FF: Retain s 151

Institutional submissions

CPG: Retain s 151

6.2.7 Transfer of powers and functions from one member to another member - s 152

NP: Retain s 152

FF: Retain s 152

6.2.8 Accountability of members of Executive Councils - s 153

ANC: The executive councils shall be accountable to the Premier and the provincial legislature for the performance of their day to day administration and collectively for the administration of the province as a whole.

NP: Retain s 153

FF: Retain s 153

Institutional submissions

CPG: Retain s 153

6.2.9 Vote of no confidence in Executive Council alone, then Premier may resign, reconstitute of the Executive Council, or dissolve the legislature - s 154(3)

NP: Retain s 154

FF: Retain s 154

Institutional submissions

CPG: Retain s 154

7. INTER GOVERNMENTAL CONSULTATIVE COUNCILS

DP: Provinces should be able to establish inter governmental consultative councils to assist in achieving the necessary co-operation and agreement between the provinces on matters of mutual interest.