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TC3/24

CONSTITUTIONAL ASSEMBLY

THEME COMMITTEE 3

RELATIONSHIP BETWEEN LEVELS OF GOVERNMENT

**15 May 1995
ROOM E249
09H00**

DOCUMENTATION

(Minutes of 11/5/95)

Embargoed until 09h00 15/5/95

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CONSTITUTIONAL ASSEMBLY

**MEETING OF THE CORE GROUP
THEME COMMITTEE 3**

**RELATIONSHIP BETWEEN
LEVELS OF GOVERNMENT**

Please note that a meeting of the above committee will be held as indicated below:

Date : **MONDAY 15 MAY 1995**
Time : **09H00 - 12H00**
Venue : **E249**

AGENDA

1. Opening
2. Minutes of the meeting held on 11 May 1995 (pp 2-4)
3. Matters arising
4. Workshop on Local Government
5. General
6. Closure

**HASSEN EBRAHIM
EXECUTIVE DIRECTOR
CONSTITUTIONAL ASSEMBLY**

Enquiries: Mbasa Mxenge Room 9-09 Regis House (Tel 403 2108)
Sandra Haydon Room 9-08 Regis House (Tel 403 2275)
or 245 031

**CONSTITUTIONAL ASSEMBLY
MINUTES OF THE MEETING OF
THEME COMMITTEE 3
RELATIONSHIP BETWEEN LEVELS OF GOVERNMENT
MONDAY 11 MAY 1995 (AT 15H15)**

**PRESENT
TJ KING (CHAIRPERSON)**

Albertyn JT (Alt) *	Khobe ON
Andrew KM	Koornhof GW
Bhabha M	Kota ZA
Blaas A	Leeuw SJ (Alt)
Carrim YI	Mashamba HJ
Chuenyane LD (Alt)	Montsitsi SD
Coetzee MP	Saaiman PW (Alt)
Cronje PC	Seperepere MS
Du Toit DC	Verwoerd M
Geldenhuys BL	Vilakazi MI
Gordhan PJ	

The ACDP were represented by Mr J Baard

(denotes alternate standing in for full member)*

Apologies

CW Eglin, MJ Golding, Gxowa NB and JW Maree

Absent

P de Lille, PJ Groenewald, AF Mahlalela, MS Manie, NN Mapisa-Nqakula, Modisenyane LJ, R Rabinowitz, EEN Shandu and PF Smith

Technical Advisers

Prof D Basson & Prof D Davis (whom was excused for part of the meeting)

In Attendance

S Haydon and M Mxenge

1. OPENING

- 1.1 Dr TJ King opened the meeting at 14h15 and the agenda was adopted.

- 1.2 Prof D Davis apologised for his absence from the meeting of the Theme Committee held on 8 May 1995. Prof Davis had made other arrangements as he did not receive notification of the meeting timeously.

2. MINUTES OF THE PREVIOUS MEETING

The minutes of the meetings held on the 8 May 1995 were adopted.

3. MATTERS ARISING

None

4. DISCUSSION ON THE 'SUMMARY OF AREAS OF AGREEMENT AND CONTENTION'

- 4.1 The meeting discussed the document entitled 'Summary of Areas of Agreement and Contention' which was prepared by the Technical Advisors. The meeting agreed that the document was a little 'thin.'
- 4.2 The meeting agreed that a newly drafted composite report should accompany the 'Summary'. This composite report would reflect the party views in greater detail and cover all points which were raised by the parties in their submissions.
- 4.3 It was further agreed that the report would be in two parts. The first part would reflect models of agreement and the principles. The second part would set out the areas of disagreement.
- 4.4 The meeting suggested that the Technical Advisors refer to the document as prepared by the National Party, which analyses the party submissions, and the 'Summary' when compiling the composite report.
- 4.5 The meeting asked the Technical Advisors to prepare the document as soon as possible 'but without haste.' The document would be referred to each of the parties to absorb and discuss prior to the Theme Committee discussion.
- 5.5 Prof Basson advised the meeting that both he and Prof Davis will work on the report which would be ready for circulation early next week for circulation, hopefully on Tuesday.

5. GENERAL

5.1 Public Hearing - Traditional Authorities & Customary Law & Practices

Ms P de Lille and Prof DC Du Toit will represent the Theme Committee.

5.2 Documents from the Workshop on Local Government Beyond the Year 2000

The Chairperson confirmed that members should have received the documentation relating to the Free State Municipal Association Workshop on Local Government Beyond 2000 which was held in Bloemfontein on 3 - 5 April 1995.

5.3 Workshop on Local Government

The Chairperson confirmed that the Workshop on Local Government which would be held on 15 May 1995 would commence at 09h00 - 12h00. The Core Group will meet immediately thereafter until 13h00.

5.4 Human Sciences Research Council Workshop on 'Institutionalisation of Inter-Governmental Relations 18 - 19 May 1995

The Chairperson confirmed that the Theme Committee would be represented by YI Carrim, Prof DC Du Toit and TJ King.

6. CLOSURE

The meeting closed at 16h35.

CG3/23

CONSTITUTIONAL ASSEMBLY

CORE GROUP 3

RELATIONSHIP BETWEEN LEVELS OF GOVERNMENT

**11 MAY 1995
ROOM E305
14H00**

DOCUMENTATION
(Minutes of 4/5/95)

Adopted

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CONSTITUTIONAL ASSEMBLY

MEETING OF CORE GROUP THEME COMMITTEE 3

RELATIONSHIP BETWEEN LEVELS OF GOVERNMENT

Please note that a meeting of the above committee will be held as indicated below:

Date : 8 May 1995

Time : 14h00

Venue : E305

AGENDA

1. Opening
2. Minutes of the previous meeting
3. Matters arising
4. Work Programme
5. Phase 2
6. General
7. Closure

**H Ebrahim
Executive Director
Constitutional Assembly**

Enquiries: Mbasa Mxenge, Regis House Room 9-09 (tel 403 2108)
Sandra Haydon, Regis House Room 9-08 (tel 403 2275)

CONSTITUTIONAL ASSEMBLY
MINUTES OF THE MEETING OF
CORE GROUP 3
RELATIONSHIP BETWEEN LEVELS OF GOVERNMENT
THURSDAY 4 MAY 1995 (AT 14H05)

PRESENT
T KING (CHAIRPERSON)

Andrew KM
Carrim Y *

de Lille P
Du Toit DC

*(* denotes alternate standing in for full member)*

Apologies
None

Absent
PJ Groenewald, NN Mapisa-Nqakula and PF Smith

Technical Advisors
None

Attendance
S Haydon and M Mxenge

1. OPENING

The meeting was opened by Dr T King at 14h05 and the agenda was adopted.

2. MINUTES OF THE PREVIOUS MEETING(S)

2.1 The minutes of the meeting held on 18 April 1995 were adopted subject to an amendment to para 7 which is quoted in full as follows:

'A dispute arose at the end of the meeting as some members started to leave believing that all business had been dealt with. The Chairperson subsequently closed the meeting to which Dr T King objected. Mr P Gordhan took exception to Dr King's reference to his leaving the meeting. The matter was discussed and Mr Gordhan requested an apology. This matter is unresolved.'

- 2.2 The minutes of the meeting Committee held on 20 April 1995 were adopted subject to the following amendment to para 5:

Mr Cronje agreed to communicate the decision to the ANC.

3. MATTERS ARISING

3.1 Technical Advisors - Remuneration

The meeting expressed their concern regarding the articles which appeared in various newspapers referring to the high remuneration paid to the Technical Advisors and to Prof Basson in particular. Prof DC Du Toit advised the meeting that following the discussion in the Core Group meeting he felt it his duty to audit Prof Basson's account and is satisfied that the fees are in order when one takes into account the volume of work undertaken by Prof Basson.

3.2 Workshops

3.2.1 The meeting agreed to changing the dates of two scheduled workshops as follows:

- | | | |
|-----|-------------|------------------------------|
| i. | 15 May 1995 | Local Government |
| ii. | 22 May 1995 | Inter-governmental Relations |

3.2.2 The Administration was asked to liaise with Prof Davis, the Canadian High Commissioner, Mr R Humphries, Mr D van Wyk and the Centre for Policy Studies with a view to inviting two persons to address a workshop on Inter-governmental Relations. These persons should reflect the differing points of view for and against institutionalisation of mechanisms.

4. SUMMARY: AREAS OF AGREEMENT & CONTENTION

The meeting agreed that the document '*Summary: Areas of Agreement & Contention*' prepared by the Technical Advisors on Heading 2 Phase 1, be circulated to the members of the Theme Committee for discussion at the meeting on Monday 8 May 1995.

5. WORK PROGRAMME

The members agreed that the draft Work Programme would be discussed at the next Core Group meeting to be held at 14h00 on Thursday 11 May 1995.

6. PHASE 2

The administration was asked to circulate the document '*Framework on Inter-Governmental Relations*', as prepared by Prof BC Majola, for discussion at the meeting of the Theme Committee on Monday 8 May 1995. The Core Group will discuss the document at the next meeting on 11 May 1995.

7. GENERAL

7.1.1 Transvaal Municipal Association

The meeting discussed the request by the Transvaal Municipal Association for a hearing. The Administration was asked to:

- i. Acknowledge the letter and advise TMA that the matter will be followed up;
- ii. Advise the TMA of the dates for the report on Local Government;
- iii. Fax the TMA asking them as to how much time they would need to make their verbal submission with a view to including them in public hearings which would involve national structures; and
- iv. Refer the issue to the Executive Director for his comments and report back to the Core Group as soon as possible with a list of suggested role-players.

7.1.2 The meeting suggested that the hearings be held on 29 - 30 May 1995.

7.2 Advertisement for remaining Blocks

The Administration referred the members to the paper from the Media Department which outlines the advertisements which cover the remaining Blocks for Theme Committee 3. The Advertising Agency is currently preparing a draft which would hopefully be available on Monday 8 May 1995.

7.3 Public Sector Hearings

7.3.1 The meeting discussed the memorandum from the Executive Director which refers to the programme of National Sector Public Hearings. The meeting agreed that attendance will be as follows:

- i. **Business 8 May 1995** - Ms P de Lille, Prof DC Du Toit and Dr T King;

- ii. **Traditional Authorities 12/13 May 1994** - Prof DC Du Toit and any other interested members; and
- iii. **Commission on Provincial Government 18/19 May 1995** - Prof DC Du Toit and Dr T King. Mr KM Andrew or Ms P de Lille or Mr Y Carrim would be approached to fill the third position.

7.4 Constitutional Public Meetings

The meeting discussed the memorandum from the Executive Director regarding the schedule of CPM's scheduled from 13 May - 24 June 1995. The Administration was asked to circulate the document (which includes sufficient confirmations forms to cover all CPMs), to all members of the Theme Committee.

7.5 Draft Text

The Administration advised the meeting that the Technical Advisors have asked for a meeting with the Core Group to discuss the draft text for each Block.

7.8 Workshop reportback

The Administration reminded the meeting that no report-back had been made by members who have attended workshops on behalf of the Theme Committee. The meeting were of the opinion that members do not have time to prepare a written reports. The meeting agreed that as all papers submitted at the workshops are circulated to the Theme Committee the members would be adequately informed.

8. CLOSURE

The meeting closed at 15h35.