

2/12/49

**CONSTITUTIONAL
ASSEMBLY**

**CONSTITUTIONAL
COMMITTEE**

**THURSDAY 9 NOVEMBER 1995
FRIDAY 10 NOVEMBER 1995
10h00 - 18h00**

**OLD ASSEMBLY
CHAMBER**

MINUTES

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CONSTITUTIONAL ASSEMBLY

MINUTES OF THE THIRTIETH MEETING OF THE CONSTITUTIONAL COMMITTEE

THURSDAY 19 OCTOBER 1995

Present

Ramaphosa MC (Chairperson)
Wessels L (Deputy Chairperson)

Ackermann, C	Marais, P G
Alant, T G	Maree, J W (Alt)
Andrew, K M (Alt)	Mbete-Kgositsile, B
Bhabha, M	Meshoe, K R
Camerer, S (Alt)	Meyer, R P
Chabane, O C	Moosa, M V
De Beer, S J (Alt)	Moosa, M W
De Lange, J H	Mulder, C P
Du Toit, D C	Myakayaka-Manzini, Y M
Eglin, C W	Ngcuka, B T
Fourie, A	Nzimande, B E
Gogotya, N J	Pahad, E G
Gordhan, P J	Pandor, G N M
Hofmeyr, W A	Rabie, J A
Holomisa, S P	Radue, R
Kgoali, J L	Ranchod, B G
Kgositsile, B	Ripinga, S
King, T J	Schutte, D P A
Koornhof, G W	Sifora, T V
Ligege, M G	Sizani, R K
Lockey, D	Smuts, D
Love, J	Van Breda, A
Mahlangu, N J	Van Deventer, F J
Makhanya, D W	Van Heerden, F J (Alt)
Malatsi, D M (Alt)	

Apologies: K Asmal; Z Skweyiya; C Viljoen.

Absent: G Fraser-Moleketi; F N Ginwala, Z Kota, B Mabandla; L Mtshali; S Mzimela; R Rabinowitz; P Smith.

In attendance: Directorate: H Ebrahim, M Sparg, L Zondo; **Minutes:** M Keegan, S Rabinowitz and T Smit; **Technical Refinement Task Team:** G Grove, M Ndziba, N Msizi and N Cetywayo (Law Advisors); D Powell (Research); C Murray, Jan Van Der Westhuisen, Z Yacoob, P Sedibe-Ncholo, J Kruger and I Semanya (Panel); N Nyoka, M Mxenge and N Taft (Secretariat).

1. OPENING

- 1.1 The Chairperson opened the meeting at 10h25.
- 1.2 The meeting observed a moment of silence to commemorate Prof. E. S. Mchunu.
- 1.3 The meeting adopted the Agenda.

2. REFINED WORKING DRAFT

- 2.1 The meeting agreed that the documents entitled "*Report of the Technical Refinement Team*," and "*Outstanding Issues*" would be taken as read. Discussion focused on the refined formulations contained in the document entitled, "*Refined Working Draft*."
- 2.2 The meeting recalled that the *Preamble* would be drawn up when the draft constitution was near completion.
- 2.3 Regarding *Section 1 of Chapter One: Constitutional Democracy/Founding Principles*:
 - 2.3.1 The meeting noted that Section 1 was a preliminary effort and would be finalised only after the Preamble had been written.
 - 2.3.2 The meeting agreed, however, to delete the comma after "*one*".
 - 2.3.3 The meeting also noted the following views:
 - i. The ANC suggested:
 - a. The deletion of the brackets around the phrase, "*a commitment to achieving equality*" and the insertion of the term, "*human dignity*"; or
 - b. The amendment of the subsection to read:

"The Republic of South Africa is one sovereign state with one common South African citizenship."

- ii. The NP suggested that
 - a. The word "*adult*" be inserted to read "*universal adult franchise*";
 - b. The term "*equality*" be replaced with "*equality of rights*" or "*equality of opportunity*"; and
 - c. A note be added to the side bar stating that the NP favoured the insertion of the word "*freedom*" here.
- iii. The DP suggested that this section should include the following concepts, distilled from Constitutional Principles 1 and 2:
 - a. The enjoyment of fundamental rights and human liberties;
 - b. The commitment to achieving equality; and
 - c. Operation within a democratic system of government.
- iv. The FF suggested the use of the following from Constitutional Principle 2:

"respect for universally accepted human rights, freedoms and civil liberties."

2.3.4 The Chairperson ruled that Mr. Eglin, Mr. de Lange and Mrs. Camerer would meet with the Technical Refinement Team to find a wording that would accommodate these views.

2.4 The meeting accepted *Section 2*.

2.5 Regarding *Chapter Two: "National Identity,"* the meeting agreed:

2.5.1 The Technical Refinement Task Team would refine the draft formulations found in the document entitled "*Draft Formulations on Citizenship and Franchise*" and insert them in Chapter Two.

2.5.2 The phrase "*[adult suffrage]*" would be inserted to allow parties

to consider whether the voting age should be constitutionalised and to alert the public that this issue required further comment.

2.5.3 The technical experts would draft provisions on national boundaries for inclusion in "*Chapter Two*," bearing in mind that a team of experts was dealing with the question and would report back to the Constitution Committee. The technical experts would take into account the concern raised by the DP, PAC and ANC that the boundary be defined not so much in terms of internal provincial boundaries, but in terms of the broader, external boundaries, including islands, territorial waters and "such other territory over which South Africa exercises sovereignty."

2.5.4 The technical experts would draft and insert formulations on the flag.

2.5.5 The technical experts would also draw up draft formulations on the recognition of the 11 official languages. A margin note would be added, stating that the application or "usage" of the official languages still had to be considered.

2.6 Regarding "*Chapter 3: Bill of Rights*":

2.6.1 The meeting agreed to hold Chapter 3 over until the next meeting of the Constitutional Committee. This would allow the technical experts to complete their revision of the draft formulations to reflect discussions in the Constitutional Committee Subcommittee.

2.6.2 The meeting agreed that if political parties were unhappy with the existing side bar notes in Chapter 3, they could forward submissions to the Administration for consideration by the technical experts. The deadline for these submissions would be 17h00, Monday 23 October 1995.

2.7 Regarding section 37 of "*Chapter 4: Parliament*:" the meeting agreed to insert:

i. "*[and a second house]*," to read:

"which consists of the National Assembly [and a second house];"

and

ii. "for the Republic," to read:

"and has the power to make laws for the Republic."

2.8 Regarding section 38:

2.8.1 The meeting agreed to insert a note in the side bar saying that further discussion was needed on the electoral system; and

2.8.2 The meeting agreed that "*women and men*" and "*men and women*" would no longer alternate in the text, but be rendered uniformly as "*women and men*".

2.8.3 The ANC expressed concern that the words "*and results*" might tie the country to a particular system of proportional representation. It preferred the wording used in the Constitutional Principle. The meeting agreed to note this in the side bar.

2.9 Regarding section 39:

2.9.1 The meeting agreed that sections 39(1), 39(2) and 39(2)(a) would be combined and amended to read:

" 39. Every citizen qualified to vote is eligible to be a member of the National Assembly except..."

The list from subsection (b) would follow.

2.9.2 The meeting accepted subsection 39(2)(b)

2.9.3 In subsection 39(c), the meeting agreed to remove the brackets around the words "*the Senate.*"

2.9.4 The meeting accepted subsections 39(2)(d) and (e).

2.9.5 It was agreed that in subsection 39(2)(f), "*this section*" would replace "*the Constitution,*" to read:

"without the option of a fine when this section takes effect."

2.9.6 The meeting agreed that the Technical Refinement Team would redraft subsections 39(2)(f) and (g) to make them consistent.

2.9.7 The committee agreed to add "*members of houses and*

councils of traditional leaders" to the list in 39(2).

2.9.7 The meeting accepted subsection 39(3).

2.9.8 The meeting agreed to delete subsection 39(4).

2.10 Regarding section 40:

2.10.1 The meeting accepted subsections 40(1)(a) and (b).

2.10.2 It was agreed that the words "*the National Assembly*" would replace "*Parliament*" in subsection 40(1)(c).

2.10.3 The meeting agreed to insert the words "*without delay*" in subsection 40(2) to read:

"must be filled without delay in terms of national legislation."

2.11 The meeting accepted section 41 and subsections 42(1), (2) and (3).

2.12 Regarding section 43:

2.12.1 Political parties made the following comments on subsection 43(1):

a. The DP suggested the formulation be amended to read:

"The National Assembly must/will serve for a term of five years from the date of its election."

b. The DP added, however, that for practical reasons, the five year term should be defined with some elasticity.

c. The ANC expressed concern that the word "*must*" should not be used, because it would make the five year term rigid and would disallow snap elections.

2.12.2 The meeting agreed that the Technical Refinement Team would refine sections 43(1) and (3) to ensure that they were consistent.

- 2.12.3 The meeting agreed to discuss subsection 43(2) together with section 103(2), which deal with similar matters for provincial legislatures, and sections 73 and 126, which deal with votes of no confidence.
- 2.12.4 The meeting accepted subsection 43(4).
- 2.12.5 It was agreed that the technical experts would draft and insert a new formulation stating that the national executive would be in control during the 10 day gap between the dissolution of the old National Assembly and the swearing in of the new.
- 2.13 Regarding section 44:
- 2.13.1 The meeting agreed to delete the phrases "*a man or woman*" and "*a woman or man*" from subsection 44(1) to read:
- "the National Assembly must elect from among its members a Speaker and a Deputy Speaker."*
- 2.13.2 The meeting agreed to delete the note in the side bar referring to subsection 44(1).
- 2.13.3. The meeting accepted subsections 44(2) and (3).
- 2.13.4 The meeting agreed to delete subsection 44(4).
- 2.13.5 Regarding subsection 44(5), the meeting agreed that the Speaker and Deputy Speaker could be removed by a simple majority. The meeting flagged this matter, however, as one which might require a special quorum.
- 2.13.6 The meeting agreed to delete subsection 44(6).
- 2.14 Regarding section 45:
- 2.14.1 There was consensus that clarity was needed on what kinds of quorums and majorities would be needed for different kinds of decisions. The meeting agreed that:
- i. Political parties could forward submissions on the matter for consideration by the technical experts; and

- ii. The technical experts would consider and draft formulations on the question of decision making in Parliament. These formulations would be considered at the next meeting of the Constitutional Committee.
- 2.14.2 The meeting accepted subsections 45(2) and (3).
- 2.14.3 The NP expressed concern that draft formulations allowing the National Assembly to refer legislation to the Constitutional Court had dropped out of the Refined Working Draft. The meeting agreed to defer the matter to give political parties the opportunity to discuss it amongst themselves.
- 2.15 The meeting accepted section 46.
- 2.16 The meeting agreed that the section 47 would include the principles for parliamentary committees contained in section 58 of the Interim Constitution. It was agreed that the Technical Refinement Task Team would look into the matter.
- 2.17 The meeting agreed that the Technical Refinement Task Team would look at the various formulations dealing with remuneration in sections 48, 70, 107 and 123 and ensure that they were consistent with one another.
- 2.18 Regarding section 49:
- 2.18.1 The meeting agreed to remove the first five lines of the side bar note beginning, "49(1)," to read:

"49(1) - The sentence in brackets should be deleted. See Report page 15."
 - 2.18.2 The meeting agreed to remove the sentence in brackets in subsection 49(1), to read:

"Members of the National Assembly have freedom of speech and debate in the National Assembly and in its committees, subject to its rules and orders."
 - 2.18.3 The meeting accepted subsections 49(2) and (3).
- 2.19 The meeting agreed to defer discussion of sections 50, 51 and 52

until the second house or "Senate" was discussed.

2.20 Regarding section 53:

2.20.1 The meeting accepted subsection 53(1)

2.20.2 The meeting agreed that in subsection 53(2) "*has reservations*" would replace "*is concerned*" to read:

"If the President has reservations that a Bill is not consistent"

2.20.3 The meeting accepted subsection 53(2)(a).

2.20.4 The ANC expressed concern that subsection 53(2)(b) might be too rigid and force a President to sign an unconstitutional Bill. It was agreed, the matter would be flagged for possible reconsideration later.

2.20.5 The meeting accepted subsections 53(2)(c)(d) and (e).

2.20.6 The meeting agreed to insert the phrase "*without delay*" in subsection 53(3) so that Bills would have to be promulgated immediately.

2.21 The meeting agreed to section 54 with the following amendments:

2.21.1 The words "*and public access*" would be deleted from the title, to read:

"Safekeeping of Acts of Parliament"

2.21.2 The words "*Appellate Division*/" would be deleted to read:

"entrusted for safe keeping to the Constitutional Court"

2.22 Regarding section 55 of *Chapter 5, the National Executive*:

2.22.1 The meeting agreed to add the word "*the*" to subsection 55(1) to read:

"the President and the other members of the Cabinet"

2.22.2 The meeting agreed to defer discussion of subsection

55(2) to give political parties the opportunity to study it further.

2.22.3 It was agreed that the Technical Refinement Task Team would consider whether it would be necessary to insert clauses similar to 55(2) in section 112 and in the chapter on local government.

2.23 Regarding section 56:

2.23.1 The meeting agreed that the Technical Refinement Task Team would replace the word "*symbol*" in subsection 56(1).

2.23.2 The meeting accepted subsection 56(2).

2.23.3 It was agreed that the Technical Refinement Task Team would redraft subsection 56(3) to make its meaning clear.

2.24 Regarding section 57:

2.24.1 The meeting accepted subsection 57(1).

2.24.2 The ANC expressed concern that subsection 57(2) might:

- i. Require the President to act in consultation with the Cabinet when exercising powers granted in legislation; and
- ii. Create conflict between this subsection and legislation which granted the President sole decision making powers over particular matters.

It was agreed that the Technical Refinement Task team would look into the matter.

2.24.3 The meeting noted that subsection 57(2)(a) had been deferred to give political parties an opportunity to discuss the matter amongst themselves. The meeting agreed to note in the side bar, however, the following options:

- i. If there was no government of national unity, the existing formulation would be used; but
 - ii. If there was a government of national unity, the President would use the appointment and dismissal procedures set out in the Interim Constitution.
- 2.24.4 The meeting accepted subsections 57(2)(b) and (c).
- 2.24.5 The meeting agreed to tentatively add references to section numbers in subsection 57(2)(d) to see if this made the formulation clearer.
- 2.24.6 The meeting accepted subsections 57(2)(e) and (f).
- 2.24.7 It was agreed that subsection 57(2)(g) would stand over until the meeting discussed section 73.
- 2.24.8 The meeting accepted subsection 57(2)(h)(i) and (j) and subsection 57(3).
- 2.25 Regarding section 58:
 - 2.25.1 The meeting accepted subsection 58(1), but agreed to flag it as a matter which might require a special quorum.
 - 2.25.2 The meeting accepted subsection 58(2).
- 2.26 Regarding section 59, the meeting agreed that the public would want an elaborate inauguration ceremony for the State President. The ANC expressed concern, however, that the Head of State should be sworn in as soon as possible after his or her election. It was agreed that the Law Advisors would look into the matter and report back to the Constitutional Committee.
- 2.27 The meeting accepted subsections 60(1) and (2), 61(1)(a)(b) and (c) and 61(2), 62(1)(a)(b)(c)(d) and (e) and 62(2).
- 2.28 The meeting agreed to set out the following three options in Section 63:
 - i. One Deputy President;
 - ii. Government of national unity deputy presidents; or

iii. A prime minister.

It was agreed that the Technical Refinement Task Team would consider how to set these out in the document and forward a proposal to the Constitutional Committee.

2.29 Regarding section 64:

2.29.1 The Chairperson ruled that the term "*Deputy President*" would be removed from the section heading and from the text of subsection 64(1).

2.29.2 The ANC expressed concern that the side bar note introduced a discretionary aspect into subsection 64(2). The Technical Refinement Task Team agreed to correct this, possibly by changing the words "*may receive.*"

2.29.3 The meeting agreed to delete the side bar note that reads:

"64(2) - A separate procedure may be preferred for removing office holders for reasons of physical or mental inability."

2.30 Regarding section 65:

2.30.1 The meeting accepted subsection 65(1).

2.30.2 The meeting agreed to delete subsection 65(2) and the accompanying side bar note.

2.31 The meeting agreed that the Technical Refinement Task Team would compare section 66 with subsection 57(2)(a) and ensure the two were consistent.

2.32 The meeting accepted section 67 with the following amendment: the word "*may*" would be deleted, to read:

"Before Ministers or Deputy Ministers begin to perform"

2.33 Regarding section 68:

2.33.1 The meeting accepted subsections 68(1) and (2).

2.33.2 The meeting agreed to remove the brackets around the

words "*In the performance of their functions*" in subsection 68(2).

2.33.3 The ANC expressed concern that the constitution would need to clearly spell out to whom the President was accountable. It was agreed that the President was accountable to Parliament, who elected and dismissed the President. The meeting agreed that the Technical Task Team would deal with this matter in drafting.

2.34 Regarding section 69:

2.34.1 The meeting accepted subsections 69(1), and 69(2)(a) and (b).

2.34.2 The meeting agreed that the Technical Refinement Task Team would rework subsection 69(2)(c) to incorporate the following concepts:

- i. First, such actions would involve the "improper use" of position or information, and
- ii. Second, this would be to "enrich themselves or improperly benefit any other persons."

2.35 Regarding section 70:

2.35.1 The DP expressed the view that the constitution should prohibit the President from holding any other public office. The Chairperson flagged this matter for consideration later.

2.35.2 The meeting recalled that the Technical Refinement Task Team would look at the various formulations dealing with remuneration (including section 70) to ensure that they were consistent with one another.

2.35.3 The ANC requested that the terms "Parliament" and "National Assembly" be used consistently throughout the working draft.

2.36 The meeting accepted section 71 and subsections 72(1) and (2).

2.37 Regarding section 73:

2.37.1 The meeting agreed that the Panel of Experts would look generally into the question of quorums in the draft constitution and report back on the matter to the Constitutional Committee.

2.37.2 The NP said that discussions with other parties led to the agreement that votes of no confidence would have to be passed by 50% of the members of the National Assembly plus one.

2.37.3 The DP expressed its view that subsection 73(1) should be deleted, because the President should not be allowed to dissolve the National Assembly following a vote of no confidence. The meeting agreed to defer discussion of this matter:

- i. To give political parties the opportunity to consider it properly, and
- ii. To give the Technical Refinement Task Team the opportunity to review a report on votes of no confidence compiled by the theme committee technical committee.

2.38 Regarding *Chapter Six, Courts and the Administration of Justice*:

2.38.1 The meeting agreed that the technical experts would review the chapter to see if any repetition could be avoided.

2.38.2 It was agreed that the experts would check whether the term "decision" would include interpretations of the constitution by the Constitutional Court.

2.38.3 The ANC expressed the view that an empowering clause might be needed to allow for lay participation in the legal system, for example through lay assessors. The meeting agreed that the technical experts would look into the matter.

2.39 Regarding section 74:

2.39.1 The meeting agreed that the original subsections 1(1) - (8) found on page 64 of the document would replace subsections 74(1) -(4) of the refined formulations on

page 65.

2.39.2 The meeting agreed that this would be subject to some language changes to ensure consistency with the rest of the refined text.

2.40 Regarding section 75:

2.40.1 The meeting accepted subsections 75(1)(a) - (e).

2.40.2 The meeting agreed that in subsection 75(1)(f), the words "*an act of Parliament*" would replace "*legislation*" to read:

"Any other courts established by an act of Parliament."

2.40.3 It was agreed that subsection 75(2) would be expanded to incorporate subsections 76(6) and 77(3), either as a consolidated part of the text or as subsections of 75(2).

2.41 Regarding section 76:

2.41.1 The NP expressed concern that section 76 did not give the Constitutional Court jurisdiction as a court of appeal. The Chairperson ruled that this would be flagged for consideration by the technical experts.

2.41.2 It was agreed that subsection 76(1) would include mention that the Constitutional Court was the highest court of appeal in constitutional matters.

2.41.3 The meeting agreed to include the invalidation of Acts of Parliament in subsection 76(2).

2.41.4 The meeting agreed to insert the word "*organs*" in subsection 76(2)(a), to read:

"over disputes in constitutional matters between the national organs and provincial governments..."

i. This was intended to cover disputes between national organs themselves and between national organs and provincial governments.

ii. It was agreed that the language of this subsection

could be refined so that an ordinary person could understand it.

- iii. The meeting also noted the request by the ANC that a generic term be found to designate the structures included in Chapter 7.

2.41.5 The meeting accepted subsections 76(2)(b), 76(3) and 76(4)(a) and (b).

2.41.6 It was agreed that in subsection 76(4)(c), the word "a" would replace "any" to read:

"on any conditions and for a specified period"

2.41.7 The meeting agreed to delete the words "persons, and organs of state" in subsection 76(5) to read:

"A decision of the Constitutional Court binds all other courts."

2.42 Regarding section 77:

2.42.1 The DP expressed concern that section 77 did not spell out that the decisions of the Supreme Court of Appeal would bind other courts. It was agreed that the technical experts would look into the matter.

2.42.2 The meeting accepted subsection 77(1)(a).

2.42.3 The meeting agreed that the technical experts would forward a report to the Constitutional Committee on the use of the term "inherent jurisdiction" in subsection 77(1)(b).

2.42.4 Regarding subsection 77(2)(a):

- i. The ANC suggested that subsection 77(2)(a) be deleted because the Supreme Court of Appeal's order would have no force or effect.
- ii. The Law Advisor agreed that the reference to subsection 76(4) deviated from the original intention of the drafters by inserting the power to invalidate laws.

iii. It was agreed that the technical experts would consider how to correct this.

2.42.5 Regarding subsection 77(2)(b):

i. The FF expressed concern that the conduct of the Cabinet should be included in this formulation. It was agreed that the technical experts would look into this matter.

ii. The meeting agreed to insert the phrase, "*on appeal to it or on application to it by any person or organ of state with a sufficient interest*" to read:

"has no force or effect unless confirmed by the Constitutional Court on appeal to it or on application to it by any person or organ of state with a sufficient interest; but, the court may grant a temporary interdict or other temporary relief."

2.43 Regarding section 78:

2.43.1 The meeting accepted subsections 78(1) and 78(2)(a).

2.43.2 The meeting agreed to amend subsection 78(2)(b) to read:

"Jurisdiction to enquire into or rule on the validity of any legislation or conduct by the President"

2.44 The meeting endorsed subsections 79(1) and (2).

2.45 Regarding section 80:

2.45.1 The Chairperson reported that the Subcommittee had deferred consideration of the term "*citizen*" in subsection 80(1) to give political parties the opportunity to discuss the matter further.

2.45.2 The meeting agreed that "*[appropriately qualified]*" would replace "*[who qualifies]*" in subsection 80(1).

2.45.3 The NP said that provisions were needed to establish an

independent structure to appoint magistrates.

2.45.4 The NP reserved its position on the remainder of section 80, subject to decisions on the government of national unity.

2.45.5 The meeting to revisit the section at the next meeting of the Constitutional Committee to finalise the draft formulation for publication.

2.46 Regarding section 81:

2.46.1 The meeting agreed to consider placing brackets around the word "*grossly*" in subsection 81(1)(a), to read: "[grossly] incompetent."

2.46.2 The meeting accepted subsections 81(1)(b) and 81(2).

2.47 Regarding section 82, the ANC expressed deep concerns about how judges' salaries would initially be set.

2.48 The meeting agreed to consider the ANC suggestion that section 83 contain empowering clauses for the establishment of grievance procedures and training mechanisms.

2.49 The meeting agreed to defer section 84 for consideration later.

2.50 The meeting agreed that the Panel of Experts would provide a more detailed report on attorney generals in Australia and Canada, particularly on the type of directions and guidelines that provincial attorney generals received.

3. ANY OTHER BUSINESS

3.1 The Chairperson ruled that all changes to the text would be done in boldface. The next meeting of the Constitutional Committee would focus discussions on these

3.2 The meeting agreed to meet for two days in early November to finalise the working draft for publication.

3.3 The meeting agreed that the Constitutional Committee meeting on 20 October 1995 would begin at 9h30.

4. CLOSURE

The meeting closed at 21h00.

CONSTITUTIONAL ASSEMBLY

MINUTES OF THE THIRTY FIRST (31st) MEETING OF THE CONSTITUTIONAL COMMITTEE

FRIDAY 20 OCTOBER 1995

Present

Ramaphosa MC (Chairperson)
Wessels L (Deputy Chairperson)

Ackermann, C	Malatsi, D M (Alt)
Alant, T G	Marais, P G
Andrew, K M (Alt)	Maree, J W (Alt)
Camerer, S (Alt)	Mbete-Kgositsile, B
Chabane, O C	Meshoe, K R
Davies, R H	Moosa, M V
De Beer, S J (Alt)	Moosa, M W
De Lange, J H	Mulder, C P
Du Toit, D C	Myakayaka-Manzini, Y M
Eglin, C W	Ngcuka, B T
Fourie, A	Nzimande, B E
Ginwala, F N	Pahad, E G
Gogotya, N J	Pandor, G N M
Gordhan, P J	Rabie, J A
Hendrickse, P	Radue, R
Hofmeyr, W A	Ranchod, B
Holomisa, S P	Ripinga, S
Kgoali, J L	Schutte, D P A
Kgositsile, B	Sifora, T V
King, T J	Sisulu, L
Koornhof, G W	Sizani, R K
Ligege, M G	Smuts, D
Lockey, D	Surty
Love, J	Van Breda, A
Mahlangu, N J	Van Heerden, F J (Alt)
Makhanya, D W	

Apologies: K Asmal; Z Skweyiya; C Viljoen.

Absent: G Fraser-Moleketi; Z Kota; B Mabandla; L Mtshali; S Mzimela; R Rabinowitz; P Smith.

In attendance: Directorate: H Ebrahim, M Sparg, L Zondo; **Minutes:** M Keegan, S Rabinowitz and T Smit; **Technical Refinement Task Team:** G Grove, M Ndziba, N Msizi and N Cetywayo (Law Advisors); D Powell (Research); C Murray, Jan Van Der Westhuisen, Z Yacoob, P Sedibe-Ncholo, J Kruger and I Semanya (Panel); N Nyoka, M Mxenge and N Taft (Secretariat).

Embargoed until 10h00
10 November 1995

1. OPENING

- 1.1 The Chairperson opened the meeting at 09h55 and wished Mrs. King a happy birthday.
- 1.2 The meeting adopted the Agenda.

2. REFINED WORKING DRAFT (CONTINUED)

- 2.1 Regarding *Chapter 7*, it was agreed that the Technical Refinement Task Team would review the chapter title, noting that there were also other institutions, like the National Assembly, which supported constitutional democracy.
- 2.2 Regarding section 85:
 - 2.2.1 The meeting accepted subsection 85(1).
 - 2.2.2 Regarding subsection 85(2), the ANC suggested that the phrase "*exercise their powers and perform their functions*" be simplified, possibly by deleting "*exercise their powers,*" and that a uniform term be used throughout the constitution. The Chairperson ruled that the Technical Refinement Task Team would look into this proposal.
 - 2.2.3 The ANC expressed concern that subsection 85(3) and (4) should reflect the point that these institutions are supporting organs of state. In addition, the text should use the same term to describe these bodies as used in the chapter title.
 - 2.2.4 The ANC said that subsection 85(4) needed to cater for a situation where institutions were fully independent in their work, but not necessarily in their structure. The meeting agreed that subsection 156(3) of the "*Consolidated Draft*" would replace the text in subsection 85(4), but would be recast into plain English.
 - 2.2.5 The meeting accepted subsection 85(5).
 - 2.2.6 The DP suggested that, in order to ensure that officials in these institutions were independent and impartial, a provision should be included that disallowed interference with their salaries during their term of office.

2.3 Regarding section 86:

2.3.1 The meeting accepted subsections 86(1) and (2).

2.3.2 Regarding subsection 86(3), there was agreement that:

- i. It was intended that the Public Protector be barred only from investigating judicial decisions, not all administrative aspects. The term "*decisions*" would therefore replace "*functions*" to read:

"may not investigate the performance of judicial decisions by the courts";

- ii. The Technical Refinement Task Team would reformulate the subsection in positive language.
- iii. The meeting noted, however, that:
 - a. The DP reserved its position on this matter,
 - b. The ACDP held that the Public Protector should be allowed to investigate judges' performance; and
 - c. The provision for grievance procedures in the Chapter on the judiciary could deal with this matter.

2.3.4 The meeting accepted subsection 86(4).

2.3.5 Regarding subsection 86(5), the meeting agreed to delete "*[security of the Republic, interests of justice]*" and to insert "*to be prescribed by national law*" to read:

"unless exceptional circumstances to be prescribed by national law require that a report be kept confidential."

2.4 The meeting agreed to subsections 87(1) and (2). It was noted that an ANC query whether the period of appointment was renewable, would be dealt with in 1996.

2.5 The meeting agreed to delete section 88 as no draft formulations were available, but undertook to revisit the matter in January 1996 when draft formulations on the matter were available.

2.6 Regarding section 89:

2.6.1 The meeting agreed that the Technical Refinement Task Team would draft preliminary provisions on tenure and qualifications which could apply to the Human Rights Commission and the Commission for Gender Equality. The Task Team would decide whether to put these formulations in the establishment clause at the beginning of the chapter or in the general provisions clause at the end.

2.6.2 The meeting accepted subsections 89(1)(a)(b) and (c).

2.6.3 The meeting accepted subsection 89(2), but instructed the Technical Refinement Task Team to look at the use of the word "*purposes*" to ensure consistency with other parts of the constitution. It was suggested that "*functions*" replaces "*purposes*".

2.6.4 The meeting accepted subsection 89(3).

2.7 The meeting agreed to add the words "*to lobby for*" and "*to investigate*" in subsection 90(2). With this amendment, the meeting accepted subsections 90(1)(2) and (3).

2.8 Regarding section 91:

2.8.1 The meeting accepted subsections 91(1)(a)(b) and (c) and 91(2).

2.8.2 Regarding subsection 91(3), the Chairperson ruled that:

i. Because the phrase "*[and provincial]*" was new and had been introduced by the Technical Refinement Task Team, it would be discussed in 1996.

ii. The Technical Refinement Task Team would consider whether it should incorporate one or the other of the following qualifications:

a. The addition of the word "*legislative*" to read,

"The Auditor General must submit audit reports to every legislative authority;"

or

- b. The addition of "*legislative*" and "*other*" and the deletion of "*national*" to read:

"Every legislative authority that has a direct interest in the relevant audit and to any other authority prescribed by national legislation."

2.9 Regarding section 92:

2.9.1 The DP proposed the insertion of a clause stating that the Auditor General's salary and benefits could not be reduced during his or her term of office. The Panel of Experts responded, however, that such a clause was unnecessary because the matter was justiciable.

2.9.2 The meeting accepted subsections 92(1)(2) and (3).

2.9.3 It was agreed that the document on the Auditor General, produced by the Panel and dated 26 September 1995, would be considered later as part of the process of public comment on the Working Draft.

2.10 Regarding section 93:

2.10.1 The Chairperson ruled that the Technical Refinement Task Team would consider whether an empowering clause was needed, spelling out how the commission would operate.

2.10.2 The meeting agreed that the word "*of*" would replace "*at*" to read:

"managing free and fair elections of national, provincial and local legislators."

2.10.3 It was also agreed that the Technical Refinement Task Team would refine the formulation to reflect the intention that the commission is responsible for managing elections, so as to ensure free and fair elections; and in particular to replace the word "*legislators*".

2.11 The meeting accepted section 94.

2.12. Regarding section 95:

2.12.1. The meeting agreed that the word "*chapter*" would replace "*section*" to read:

"Any appointment required to be made in accordance with this chapter"

The meeting accepted subsection 95(1) with this amendment.

2.12.2 The meeting agreed to defer consideration of subsections 95(2)(a) and (b) until the next meeting of the Constitutional Committee, to give political parties the opportunity to discuss the matter further.

2.13 The meeting agreed to defer discussion of section 96 until the next meeting of the Constitutional Committee, to give political parties the opportunity to discuss the matter further.

2.14 Regarding section 97 of "*Chapter 8 Provinces*"

2.14.1 The ANC suggested that there should be a 'homogeneity clause' for provincial constitutions, setting out certain basic minimum requirements or a framework to which provincial constitutions would have to conform.

2.14.2 The meeting accepted section 97. It was noted that further additions may have to be made after the issue of competencies was finalised.

2.15 Regarding section 98:

2.15.1 For subsection 98(1), the meeting agreed that (as with section 38) a note would be placed in the side bar, indicating that the ANC was concerned that the words "*and results*" might tie the country to a particular system of proportional representation. For this reason the ANC preferred the wording used in the Constitutional Principle.

2.15.2 Regarding subsection 98(2):

i. The meeting agreed to flag for latter consideration the question of how many members provincial

legislatures should have;

- ii. The meeting noted two options:
 - a. The ANC view that provincial legislatures should retain the same number of members as they have now, and
 - b. The DP view that this number should be reduced.
- iii. The meeting instructed the Technical Refinement Task Team to consider how different options could be included in the Working Draft.

2.16 Regarding section 99:

- 2.16.1 It was agreed this would be redrafted in line with earlier amendments to similar formulations on the National Assembly.
- 2.16.2 Regarding subsection 99(1), it was agreed that a note would be inserted on the issue of a residency requirement for membership of provincial legislatures. This matter would be discussed later.
- 2.16.3 The meeting accepted subsections 99(2)(a) and (b).
- 2.16.4 In subsection 99(2)(c), the meeting agreed to remove the brackets from the words "*Senate*" and "*local government*" and to add "*members of houses and councils of traditional leaders.*"
- 2.16.5 The meeting accepted subsections 99(2)(d) and (e).
- 2.16.6 The meeting agreed that in subsection 99(2)(f), "*this section takes effect*" would replace "*at the commencement of the Constitution,*" to read:

"without the option of a fine when this section takes effect."
- 2.16.7 The meeting agreed to subsections 99(2)(g) and (h) and subsection 99(3).

- 2.16.8 The meeting agreed to delete subsection 99(4).
- 2.17 Regarding section 100:
- 2.17.1 The meeting accepted subsections 100(1)(a) and (b).
- 2.17.2 The meeting agreed to remove the brackets around subsection 100(1)(c).
- 2.17.3 The meeting agreed to subsection 100(2), noting that the words "*without delay*" would be inserted after "*..must be filled...*" as with a similar provision for the National Assembly.
- 2.18 The meeting accepted section 101.
- 2.19 Regarding section 102:
- 2.19.1 The meeting agreed that in subsection 102(1), the term "*Chief Justice*" would be replaced with "*President of the Constitutional Court or a Judge of the Constitutional or Supreme Court designated by him*" to read:
- "at a time and on a date determined by the President of the Constitutional Court or a Judge of the Constitutional Court or Supreme Court designated by him"*
- 2.19.2 The meeting agreed to subsection 102(2).
- 2.19.3 The meeting agreed to delete from subsection 102(3) the following phrase: "*[and may make exceptions at any time]*" to read:
- "Each provincial legislature may determine where it ordinarily will sit."*
- 2.20 Regarding section 103:
- 2.20.1 The meeting adopted subsection 103(1).
- 2.20.2 It was agreed that subsection 103(2) would be considered together with provisions on the national level in subsection 43(2) and provisions on votes of no confidence in sections 73 and 126. Moreover, the meeting agreed to flag it as a matter which might require

a special quorum.

- 2.20.3 The meeting adopted subsection 103(3).
- 2.20.4 The meeting noted the following suggestions for amending subsection 103(4):
- i. The ANC proposed the insertion of the phrase "*in consultation with the President*" to read

"the Premier of the province in consultation with the President shall, by proclamation, call"
 - ii. The NP proposed the insertion of the phrase "*after consultation with the President*" to read:

"the Premier of the province after consultation with the President shall, by proclamation, call"
 - iii. The ANC said that subsection 103(4) should stipulate that provincial elections would be based on a national election law.

The Chairperson ruled that discussion of these suggestions would stand over for 1996.

- 2.20.5 It was agreed that the Technical Refinement Task Team would advise on the implications of election arrangements not being in place 90 days after the dissolution of the national legislature (in terms of subsection 43(4)) and a provincial legislature (in terms of subsection 103(4)).
- 2.20.6 In addition, it was agreed that the Technical Refinement Task Team would advise on what would happen during a period of national defence or war.
- 2.20.7 The DP expressed its concern that for practical reasons there needed to be some flexibility in the time limits set for holding elections after the dissolution of provincial legislatures.
- 2.20.8 Finally, it was agreed that the Technical Refinement Task Team would consider the matters raised and, where appropriate, draft options or formulations that the

Constitutional Committee could discuss.

2.21 In regards to section 104:

- 2.21.1 The meeting agreed to remove the term "*Deputy Speaker*" from section 104, so as not to compel each provincial legislature to elect a Deputy Speaker.
- 2.21.2 The meeting accepted subsections 104(1)(2) and (3).
- 2.21.3 The meeting agreed to delete subsection 104(4).
- 2.21.4 The meeting accepted subsection 104(5), but flagged it as a matter which might require a special quorum.
- 2.21.5 The meeting agreed to delete subsection 104(6).

2.22 Regarding section 105:

- 2.22.1 The meeting agreed that the Technical Refinement Task Team would address the question of quorums in this section and synchronise them with similar provisions on the national legislature.
- 2.22.2 The meeting otherwise accepted subsections 105(1)(2) and (3).

2.23 Regarding section 106:

The ANC suggested that the Technical Refinement Task Team redraft this section along the lines of subsection 51(1) of the Interim Constitution in order to entrench the principles of the committee system here, as with similar provisions on the National Assembly.

2.24 Regarding section 107:

- 2.24.1 The DP proposed that the remuneration of members of provincial legislatures be according to provincial, rather than national law.
- 2.24.2 It was agreed that the Technical Refinement Task Team would draft provisions that would disallow members of provincial legislatures from receiving double salaries and benefits. These formulations would be forwarded to the Constitutional Committee for its consideration.

2.25 Regarding section 108:

2.25.1 It was agreed that the sentence in brackets would be deleted from subsection 108(1) to read:

"Members of a provincial legislature have freedom of speech and debate in the provincial legislature and in its committees, subject to its rules and orders."

2.25.2 The meeting accepted subsections 108(2)(a) and (b).

2.25.3 The meeting agreed to delete the phrase *"national or provincial"* from subsection 108(3) to read:

" Other privileges and immunities of members of the provincial legislatures may be prescribed by legislation."

2.26 With regard to section 109:

It was agreed that the Technical Refinement Task Team would draft a formulation allowing the Premier to refer Bills to the Constitutional Court, for consideration at the next meeting of the Constitutional Committee.

2.27 With regard to section 110:

The Chairperson ruled that the Technical Refinement Task Team would consider the ANC suggestion that provincial governments be obliged to forward legislation to the national government. The Task Team would also look into how this matter was dealt with by other governments. It was noted that this matter had also been raised previously, in the Constitutional Committee of 15 September 1995.

2.28 With regard to section 111:

2.28.1 The meeting accepted section 111(1).

2.28.2 With regard to subsection 111(2), the ANC and DP suggested that the Panel of Experts should consider whether elements of the existing Constitutional Principles would need to be enshrined in the new constitution, to bind evolving constitutions at provincial level. It was agreed that the Technical Refinement Task Team would look into these suggestions.

2.28.3 Concern was expressed that subsection 111(3) might contain loopholes that needed to be closed. In light of this, the meeting agreed that the Technical Refinement Task Team would consider:

- i. Whether the Constitutional Court would need to certify amendments to the national constitution;
- ii. Whether the Constitutional Court would need to certify amendments to provincial constitutions; and
- iii. What would happen if amendments to the national constitution rendered provisions in provincial constitutions unconstitutional.

2.29 Regarding section 112:

2.29.1 It was agreed that an empowerment clause similar to that contained in subsection 55(2) would be inserted here.

2.29.2 The meeting agreed to delete the word "*perform*" to read:

"who must exercise their functions in accordance with the Constitution."

2.30 Regarding section 113:

2.30.1 The meeting accepted subsection 113(1), but agreed that it would be brought into line with similar provisions on the National Executive.

2.30.2 It was agreed that, as with similar provisions on the National Executive, a note would be included in the side bar indicating the NP supported a multi-party provincial executive or a "provincial government of national unity"

2.31 The meeting agreed:

- i. The Technical Refinement Task Team would consider whether certain Constitutional Principles had still not been met in the draft formulations on provincial government and identify where they could be applied.

- ii. The Technical Refinement Task Team would bring provisions on the provincial executive into line with those on the national executive, unless they involved important political points on which the parties differed.
- iii. Where appropriate, amendments made to provisions on the national executive would automatically apply to similar provisions on provincial executives.

2.32 On this understanding, the meeting accepted sections 115 through to 126.

2.33 With regard to National and Provincial Legislative Competencies in Chapter 8, the meeting noted the document entitled "*Third Draft - National and Provincial Legislative and Executive Competencies,*" tabled at the meeting.

2.33.1 The ANC said that subsections 5(1)(a) - (c) did not adequately capture the Constitutional Principles. It suggested that the language of the Constitutional Principles, themselves, be used instead.

2.33.2 The ANC proposed that the Senate play some role in reconciling conflicts between national and provincial legislation.

2.33.3 It was agreed that political parties would make written submissions on competencies and forward these to the Administration by 12h00 on Tuesday 24 October 1995 so that the Technical Refinement Task Team could start processing them to draw up draft formulations.

2.33.4 The ANC forwarded draft formulations on the Senate. The meeting agreed that

- i. The document would be distributed for discussion at the 9/10 November 1995 meeting of the Constitutional Committee.
- ii. In the course of Subcommittee discussions, different models of the Senate had emerged. The Technical Refinement Task Team would use these models to draft alternative texts on the Senate for consideration at the next meeting of the Constitutional Committee.

2.34 With regard to *Chapter 9, Local Government*, the meeting noted the separate document entitled "*Working Draft - Local Government*," tabled at the meeting. The meeting agreed to defer discussion of the matter until the next meeting of the Constitutional Committee.

2.35 With regard to *Chapter 10, Indigenous Leaders*, the Chairperson introduced the document entitled, "*Traditional Authorities*," distributed with the documentation. The meeting agreed that the Task Team would:

- i. Replace these draft formulations with others drawn from Chapter 11 of the Interim Constitution.
- ii. When drafting the new formulations, the Task Team would extract only the principles from the Interim Constitution and put them in plain language.
- iii. These draft formulations would be forwarded for consideration at the next meeting of the Constitutional Committee.
- iv. Throughout, the Team would take note of work done by Theme Committees and would not seek to "reinvent the wheel".

2.36 Regarding *Chapter 11, Security Services*, the meeting accepted the refined "*Statement of Principle*" at the beginning of the Chapter.

2.37 Regarding section 127:

2.37.1 The meeting accepted subsections 127(1)(2) and (3).

2.37.2 It was agreed that in subsection 127(4) the word "*educate*" would replace "*train*" to read:

"The security forces must act, and must educate and require their members to act, ..."

2.37.3 The meeting accepted subsections 127(5) and (6).

2.37.4 In regards to subsection 127(7) and the accompanying side bar note, three viewpoints emerged:

- i. That the existing clause be retained and modified to indicate that the process of making the security services broadly representative was ongoing;

- ii. That subsection 138(1)(i) from the Chapter on the Public Administration be adapted and inserted here.
- iii. That a definition either in the definitions section or in the chapter on Public Administration state that the security services fall broadly within the field of the Public Administration.

The meeting agreed that the Technical Refinement Task Team would deal with this matter.

2.37.5 The meeting agreed to delete subsection 127(8).

2.38 Regarding *Defence*, section 128:

2.38.1 The meeting accepted subsection 128(1).

2.38.2 The meeting agreed that the words "*according to*" would replace "[*guided by*]" in subsection 128(2) to read:

"according to the principles of international law"

2.39 Regarding section 129:

2.39.1 The meeting accepted subsection 129(1).

2.39.2 It was agreed that the phrase "*oversight over*" would replace "*oversee*" in subsection 129(2). The intention was not that the committee would supervise, but would merely have an "oversight" function with regard to defence matters.

2.40 Regarding section 130:

2.40.1 The meeting agreed to delete the sentence in brackets in subsection 130(1).

2.40.2 Regarding subsection 130(2)

- i. The meeting accepted subsection 130(2).
- ii. The Technical Refinement Task Team, however, expressed concern that this formulation did not clearly state that the President (in Cabinet) could

override operational commands.

- iii. It was agreed that members of the Task Team would meet with Ms. Sisulu and Mr. Alant to further refine the text.

2.41 The meeting accepted section 131 with two amendments:

- i. The words "[and control]" would be deleted; and
- ii. A sentence would be added stating that the Civilian Secretariat would be established according to national legislation.

2.42 The meeting accepted subsections 132(1)(2) and (3), subsections 133(1) and (2), subsections 134(1)(2)(3)(4) and (5), section 135 and 136(1) and (2).

2.43 Regarding subsection 137:

- i. The meeting accepted subsections 137(a) and (c); but
- ii. The meeting instructed the Technical Refinement Task Team to correct subsection (b) by drafting an umbrella clause for monitoring of the three security services.

2.44 Members of Theme Committee 6.1 proposed that the Chapter on Public Administration should precede Security Services, to become Chapter 11. It was agreed this matter needed further consideration.

2.45 Regarding section 138 of *Chapter 12, Public Administration*:

2.45.1 The meeting accepted subsections 138(1)(a) - (e).

2.45.2 It was agreed that in subsection 138(f) the words "*to Parliament*" to read:

"Public administration must be accountable to Parliament."

2.45.3 The meeting accepted subsection 138(1)(g), with one amendment: the word "*with*" would be inserted to read:

"providing the public with timely, accessible and accurate information."

2.45.4 It was agreed that the words "career-" would be added to 138(1)(h) to read:

"Good human-resource management and career-development practices"; and

It was agreed the Panel would further consider whether this formulation met the requirements of CP XXX with regard to a "career-oriented" public service.

2.45.5 The meeting accepted subsection 138(1)(i).

2.45.6 In subsection 138(2), the meeting agreed to:

a. Insert the word "national" to read:

"as regulated by national legislation"

b. Defer consideration of the NP proposal that the word "administration" be replaced by "service" to read:

"The appointment in the public service of a number of persons on policy consideration"

This would give other political parties the opportunity to study the matter further.

2.45.7 The meeting agreed to remove the brackets in subsection 138(3).

2.46 Regarding section 139:

2.46.1 The meeting accepted subsection 139(1) and agreed to delete the accompanying side bar note.

2.46.2 It was agreed that the phrase, "as prescribed by national law" would be inserted into subsection 139(2) to read:

"to promote the basic values and principles of public administration as prescribed by national law."

2.46.3 The meeting accepted subsection 139(3).

2.46.4 The meeting agreed that in subsection 139(4) "must

account" would replace *"is accountable"* to read:

"The Public Administration must account to Parliament."

2.47 Regarding section 140:

2.47.1 The meeting agreed to insert in subsection 140(1) the phrase *"Within the Public Administration"* to read:

"Within the Public Administration there is a public service ..."

2.47.2 The meeting accepted subsection 140(2).

2.48 Regarding *Finance*, Section 141:

2.48.1 The meeting adopted subsections 141(1) and (2).

2.48.2 The meeting accepted subsection 141(3) with one amendment: the insertion of *"[paid]"* to read:

"to be credited [paid] to the Provincial Revenue Fund concerned."

2.49 The meeting agreed to:

- i. Insert section 186 of the Interim Constitution into section 142 and place it in brackets; and
- ii. Indicate that the matter was still to be finalised and possible additions made.

2.50 Regarding section 143:

2.50.1 The meeting agreed to remove the brackets around *"[national and provincial]"* in 143(1).

2.50.2 The ANC expressed concern that the relationship between national, provincial local government legislation on the matter needed to be spelled out clearly. The Chairperson instructed the Technical Refinement Task Team to look into this.

2.50.3 The meeting tentatively accepted subsections 143(1)(2)(3) and (4).

2.51 The meeting accepted subsections 144(a) and (b), sections 145 and 146, and subsections 147(1)(a) - (f) and 147(2).

2.52 The meeting agreed to defer discussion of section 148 until the next meeting of the Constitutional Committee.

2.53 The Chairperson ruled that:

- i. A small subcommittee would be formed, including himself, the Deputy Chairperson, Mr. Davies, Mr. Erwin, Mr. Alant, Mr. Jacobz and Mr. Andrew.
- ii. The subcommittee would discuss draft formulations on the Reserve Bank, the Fiscal and Financial Committee and provincial finance.
- iii. It would report back at the next meeting of the Constitutional Committee.

3. AOB

The meeting agreed that the Constitutional Committee would meet in Cape Town on 9 and 10 November 1995 to consider revisions to the refined Working Draft and endorse this for publication.

4. CLOSURE

The Chairperson closed the meeting at 17h00.



CONSTITUTIONAL ASSEMBLY

MEMORANDUM

TO : ALL MEMBERS OF THE CONSTITUTIONAL COMMITTEE
AND THE SUBCOMMITTEE

FROM : EXECUTIVE DIRECTOR

DATE : 29 OCTOBER 1995

RE : COMPETENCIES & THE SENATE

The draft on the Competencies and the Senate, includes as best as possible, the ideas of all political parties. It should however be noted that the submission from the National Party was received at approximately 16h30 on Wednesday 25 October 1995 by which time the Technical Advisors to TC2 and TC3 had completed their drafts.

**HASSEN EBRAHIM
EXECUTIVE DIRECTOR**

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You've made your mark



Now have your say

THE NEW CONSTITUTION



MEMORANDUM FOR THE CHIEF OF BUREAU OF REVENUE AND CUSTOMS

DATE: 12/15/1911

MEMORANDUM

TO: THE CHIEF OF BUREAU OF REVENUE AND CUSTOMS

FROM: ALL MEMBERS OF THE EXECUTIVE COMMITTEE

DATE: 12/15/1911

EXECUTIVE DIRECTOR

RE: THE NATIONAL REPUBLICAN PARTY

COMMITTEES & THE SENATE

DATE: 12/15/1911

The draft on the Constitution and the Senate, which was submitted to the Executive Committee on Wednesday, 12/15/1911, was received by the National Party on Wednesday, 12/15/1911. It should be noted that the Executive Committee has not yet received the National Party's response to the draft on the Constitution and the Senate.

WALTER EDWARDS
EXECUTIVE DIRECTOR

12/15/1911

