

1/23/8



REPUBLIC OF SOUTH AFRICA

PUBLIC PROTECTOR
MOSIRELETSI WA BATHO • MOŠIRELETŠI WA BATHO
MUSIRHELELI WA VANHU • MUTSIRELEDZI WA VHATHU
OPENBARE BESKERMER • UMKHUSELI WABANTU • UMWIKELI WABANTU

☎ (012) 322 2916 • Fax (012) 322 5093

✉ Private Bag X677 Pretoria 0001

228 Visagie Street Pretoria

Enquiries:

Reference:

1/2/3/3

1996-10-02

The Chairman
Constitutional Assembly

Fax number: 021 - 461 9461

Dear Sir

COMMENTS: CLAUSE 194 (1) (c) OF THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA BILL, 1996

In view of the Constitutional Court's refusal to certify the above-mentioned provision, I would like to make my views known on the issue.

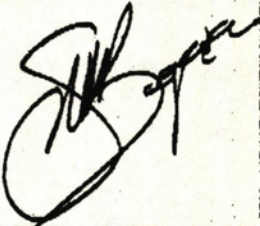
I am in respectful agreement with the Constitutional Court that removal of the Public Protector from Office with a simple majority in the National Assembly does not adequately provide for and safeguard the independence and impartiality of the Office. The ideal is to take the Public Protector's removal out of the political sphere and to make certain that a decision in this regard should have the blessing of all or most parties in the Assembly. By doing so, one has a greater safeguard that the decision to remove would be an objective one based on the merits of the issue.

I would suggest a two-thirds majority, since this is the universally accepted margin for special entrenchment in constitutions.

I might also comment that it is a pity that Clause 193 (5) (b) of the Bill allows appointment of the Public Protector on a nomination approved by the National Assembly by a simple majority. Once again one would like to see the appointment taken out of the party political sphere by requiring a two-thirds majority.

I trust the foregoing is of value.

Yours faithfully



**ADV S A M BAQWA
PUBLIC PROTECTOR**

CIWork\assemb\mvdsm



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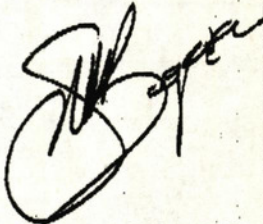
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MEETING OF PARLIAMENTARY PROGRAMMING COMMITTEE

DATE: 22 FEBRUARY 1996

VENUE: ROOM G.26

TIME: 08:30

AGENDA

1. Welcome.
2. Minutes of previous meeting.
- 2.1 Matters arising.
3. Report from Committees.
- 3.1 Report of Portfolio Committee on Communications: IBA
4. Report from Office of Leader of House: Progress of legislation.
5. Any other business.

AGENDA

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AGENDA

Report of Portfolio Committee on Communications: IBA

Report from Office of Leader of House: Progress of legislation.

AGENDA

PARLEMENT VAN DIE REPUBLIEK VAN SUID-AFRIKA
PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

Tel/foon 403-2911
Telephone



Posbus 15
P.O. Box
KAAPSTAD
CAPE TOWN
8000

Verw./Ref.

LEGISLATION AND PROCEEDINGS
WETGEWING EN VERRIGTINGS

TELEPHONE NUMBER / TELEFOONNOMMER : (021) 403-~~2564~~ ²⁵⁶⁴

FAX NUMBER / FAKSNOMMER : (021) 461-7427

DATE / DATUM : 21. 2. 96

TO / AAN :

MR. HASSAN ABRAHIM
EXECUTIVE DIRECTOR
CONSTITUTIONAL ASSEMBLY

FAX NUMBER / FAKSNOMMER : 241162

FROM / VAN :

MS L. DOMINGO

MESSAGE / BOODSKAP :

NUMBER OF PAGES (THIS ONE INCLUDED) / AANTAL BLADSYE (HIERDIE EEN INGESLUIT) 2

Please contact us immediately should you not have received all the pages / Skakel asseblief dadelik met ons indien u nie al die bladsye ontvang het nie