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**CONSTITUTIONAL  
ASSEMBLY**

**MANAGEMENT  
COMMITTEE**

**20 OCTOBER 1994**

**V16**

**09H00**

**DOCUMENTS**

## **CONSTITUTIONAL ASSEMBLY**

### **MEETING OF THE MANAGEMENT COMMITTEE**

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

Date : Thursday 20 October 1994

Time : 12h00 - 13h00

Venue : V16 (Old Assembly Wing)

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### **AGENDA**

1. Opening
  2. Minutes - Page 2 - 7
  3. Matters Arising - See Agenda Items Below
  4. Work Programme : Revised Work Schedule - Page 8 - 15
  5. Public Participation : Revised Strategic Overview - Page 16 - 17
  6. Proposal on Appointment of Constitutional Panel - Page 28 - 29
  7. Proposal on Appointment of Technical Committees - Page 30 - 32
  8. Salary Structure for Administration - Page 33 - 41
  9. AOB
  10. Closure
- 

**H EBRAHIM  
EXECUTIVE DIRECTOR  
CONSTITUTIONAL ASSEMBLY**

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*Enquiries : Ms MM Sparg, Room CS205, Tel 403 2274, Page 468 5316*

## **CONSTITUTIONAL ASSEMBLY**

### **MINUTES OF MANAGEMENT COMMITTEE MEETING MONDAY 17 OCTOBER 1994 (AT 09H00)**

#### **PRESENT**

**Ramaphosa MC (Chairperson)**

Chabane OC  
Eglin CW  
Mabandla BS  
Meshoe K  
Meyer R

Sizani R  
Van Breda A  
Viljoen C  
Wessels L (Deputy Chairperson)

**Apologies:** None

**Absent:** Felgate W, Moosa MV

**In attendance:**

Ebrahim H, Lillienfeld P, Meyer A, Zondo L, Sparg M, Matyolo L and  
Fahrenfort P

#### **1. OPENING**

The Agenda was adopted

#### **2. MINUTES**

Confirmed

#### **3. MATTERS ARISING**

None - included in Agenda items

#### **4. PROCESS**

Mr Ebrahim spoke briefly to a discussion document entitled " Developing a Work Programme for Theme Committees " which was circulated with the documentation for the meeting.

#### **4.1 Framework**

The meeting endorsed the broad framework contained in the document. However, it was agreed that the document should be revised to take note of the following :

- i) the relationship between Theme Committees and the Constitutional Committee should be clarified, to ensure that the Constitutional Committee and Assembly be given the necessary prominence in the programme in the period allotted to the production of the constitutional text;
- ii) provision needed to be made for final certification of the new constitutional text by the Constitutional Court, noting that the initial process of certification was intended to guide the process of public scrutiny and did not hinder the later debate in the Constitutional Assembly;
- iii) constitutional issues relating to provincial and local government should be given full attention, noting however that constitutional issues relating to provincial government may have to be considered at a later stage when it was possible to properly evaluate the process currently underway of establishing structures of provincial government in terms of the present constitution;
- iv) the programme as a whole should be treated in a flexible manner, noting also that the various dates identified for the various phases of the programme represented target dates, as stated above, and that many of the processes involved ongoing interaction and reporting between structures.

#### **4.2 Work Schedule**

It was agreed to recommend to the Constitutional Committee as follows :

- i) that Theme Committees be given an initial deadline of 30 June 1995 for completion of their work and submission of final reports to the Constitutional Committee; noting that this represented a forward target date and that the process of reporting to the Constitutional Committee would be an ongoing one involving constant interaction between structures;
- ii) that each Theme Committee be required to submit a detailed

report containing its work plan to the Management Committee by no later than November 15, 1994;

- iii) for the period January to June 1995, the Constitutional Assembly be given a two-day working week, on Mondays and Tuesdays;
- iv) the meetings of Theme Committees on these two days would be treated as one meeting for the purposes of minute-taking;
- v) week-end programmes would be required for the public participation programme with adequate notice provided to members;
- vi) that structures should meet for extended periods of approximately one week in : early February before the start of the parliamentary programme; during the February session of parliament itself; the Easter period and again in mid-year.

4.3 With regard to the proposal whether Theme Committees should meet concurrently in two sessions as at present, or consecutively to allow for longer meetings, it was agreed the present arrangement of concurrent meetings would be adhered to, subject to revision as work commenced.

4.4 A proposal by the Freedom Front for smaller parties to be allowed to nominate non-members from their parties to attend and participate in Theme Committees on their behalf, was referred to the Constitutional Committee. It was noted that the legal advisers had prepared various options for consideration by the Constitutional Committee.

## **5. MEDIA AND PUBLIC PARTICIPATION : A STRATEGIC OVERVIEW**

Mr Ebrahim spoke to a document entitled " Public Participation - A Strategic Overview " which was contained in the documentation for the meeting.

5.1 The meeting agreed to recommend to the Constitutional Committee endorsement and adoption of the document as tabled, on the understanding that regular reports be provided to the Management Committee from the Administration to allow the committee to monitor and evaluate the programme on an ongoing basis.

5.2 A suggestion by the Democratic Party that the Management

Committee establish a smaller advisory body to assist in managing the process was referred for later discussion.

- 5.3 The meeting noted a concern that the programme should ensure effective means of reaching rural communities in particular.
- 5.4 The Budget required for the programme was endorsed on the understanding that it would be managed in a disciplined fashion and that a fuller report of the proposal be provided to the Management Committee in due course.

## **6. THEME COMMITTEES**

The Committee noted that no decision is required for this matter and that the item was merely for noting.

## **7. INDEPENDENT PANEL OF CONSTITUTIONAL EXPERTS**

The Chairperson reminded the meeting that nominations had been received and the Committee was now required to apply its mind to the process of appointment.

- 7.1 The meeting agreed that a proposal be prepared and presented to the Management Committee on Thursday 20 October 1994. This proposal would recommend the establishment of a sub-committee to draw up a short-list of candidates for appointment. This proposal would also contain guidelines for criterion in drawing up the short-list.
- 7.2 Noting that the appointment of the Constitutional Court was now complete, it was agreed that political parties be afforded the opportunity of further nominations, should they so wish to do so.

## **8. DIRECTORATE REPORT**

A report from the Directorate on various administrative matters was tabled before the meeting.

The meeting decided as follows:

- i) that the Directorate be mandated to effect the necessary arrangements for the relocation of its premises to Gamor House;
- ii) that the Directorate be authorised to effect a medical aid and pension

scheme for the administration. It was noted that such schemes be based on a salary sacrifice by staff and that no additional liability be incurred;

- iii) that Ms Mabandla draft a letter on behalf of the Committee to the Minister of Public Works indicating the urgency and requesting that the necessary facilities be provided within the parliamentary complex for disabled persons;
- iv) that this Committee adopts the two proposed budgets, namely
  - (a) the sum of R25 million proposed for the remainder of the financial year and
  - (b) the sum of R68 817 762 for the period 1995/1996;
- v) that the Chairperson and Deputy Chairperson address the matter of the appointment of the Executive Director as the Accounting Officer at the next meeting of the Presiding Officers to Management Committee and
- vi) that the offer of assistance by the HSRC be referred to the Constitutional Committee which was required to provide guidance to Theme Committees on the appointment of Technical Committees.

## **9. FURTHER BUSINESS**

### **9.1 Rules regulating membership attendance of meetings**

Mr Ebrahim indicated to members that non-attendance would have financial implications and that a memorandum to this effect would be addressed to all members from the Directorate.

### **9.2 Time for Constitutional Committee Meetings**

It was agreed that the Administration look into increasing the length of time for Constitutional Committee Meetings and that the matter be put to the Constitutional Committee.

## **10. CLOSURE**

The meeting rose at 11:59.

*mc94.2m*  
*/paf*



# CONSTITUTIONAL ASSEMBLY

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## MEMORANDUM

REF No:

**To:** Members of the Management Committee

**From:** HASSEN EBRAHIM  
Executive Director

**Date:** 11 October, 1994

**Memo Ref:** MC/6/200Oct94

**Subject:** PROCESS  
Work Programme for Theme Committees

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1. A report, based on the various submissions received, was prepared. The report developed a work programme for Theme Committees.
  2. The report was discussed by both the Management and Constitutional Committee. The Constitutional Committee adopted various aspects of the document but recommended that several recommendations be reconsidered.
  3. The following were the concerns of the Constitutional Committee:-
    - 3.1. That <sup>state</sup> there need to be better management of time for the structures of the Constitutional Assembly;
    - 3.2. That the legislative programme for 1995 would not allow for a two-day working programme for the Constitutional Assembly;
    - 3.3. That the work of the Assembly need not depend on the legislative programme in so far as utilisation of recess periods;
    - 3.4. That meetings of Theme Committees should not take place simultaneously as this would prejudice smaller parties. Theme Committees should continue to meet consecutively.
  4. The Executive Director was instructed to consult the Leader of the Houses and the Speaker in considering the time frames for

meetings. The Leader of the Assembly is presently abroad. The Leader of the Senate was not available as at the draft of this memo. The Speaker of the Assembly was also consulted. In this regard, we have been informed that there is no formal date on which the recess period for the present session would start. It appears likely that the parliamentary session would continue, at least with standing committees operating until the end of November.

5. We have also consulted with one of the co-chairpersons of the Local Government Task Team who has advised that the earliest date for the holding of elections is during the month of October '95. In this regard, there appears to be a considerable amount of pressure to ensure that the elections are not delayed any further.
6. The recommendations contained below are accordingly developed after taking into account the concerns of members and the agreements reached with regard to the following:-
  - 6.1. That the Theme Committees be given an initial deadline of 30 June '95 to complete their tasks. This deadline should be reviewed by the Management Committee on an ongoing basis.
  - 6.2. That each Theme Committee be requested to submit a detailed report, containing its work plan, to the Management Committee, in terms of Par 3.4 of the report, by no later than the 15 November, '94.
  - 6.3. That the period of the recess be used by the Administration to coordinate the work programmes of the Theme Committees and to prepare for the facilitation of Theme Committee tasks at the start of the next session.

**Recommendations in respect of which decisions are required:-**

1. That the present session of work in the structures of the Constitutional Assembly continue until 30 November, 1994.
2. That the session for the year 1995 starts on 16 January '95. In this regard, the structures of the Constitutional Assembly should operate daily for the period before the start of the parliamentary programme.
3. That the necessary arrangements be made for structures of the Constitutional Assembly to meet for at least one full week during the Easter recess and the Mid year recess.

4. That the workday for each week, during parliamentary session, be increased.
5. That provision be made for a constant referral of matters and reports, throughout the process, from the Theme Committees to the Constitutional Committee and the Assembly.
6. That the following draft schedule of meetings be adopted:-

Date	Time	Structure	Venue
20 Oct	9h00 - 10h00	Management Committee	V16
24 Oct	8h00 - 9h45	Joint Sitting of Theme Committees	Nat Assem
24 Oct	10h00 - 11h30	Theme Committee 1	M515
24 Oct	10h00 - 11h30	Theme Committee 2	M46
24 Oct	10h00 - 11h30	Theme Committee 3	E249
24 Oct	11h30 - 13h00	Theme Committee 4	M46
24 Oct	11h30 - 13h00	Theme Committee 5	M515
24 Oct	11h30 - 13h00	Theme Committee 6	E249
24 Oct	14h15 - 18h30	Constitutional Committee	M46
27 Oct	8h00 - 10h00	Management Committee	V16
31 Oct	8h00 - 10h00	Theme Committee 1	M46
31 Oct	8h00 - 10h00	Theme Committee 2	M515
31 Oct	8h00 - 10h00	Theme Committee 3	E249
31 Oct	10h00 - 12h00	Theme Committee 4	M46
31 Oct	10h00 - 12h00	Theme Committee 5	M515
31 Oct	10h00 - 12h00	Theme Committee 6	E249
31 Oct	12h00 - 13h00	Management Committee	V16
31 Oct	14h15 - 17h00	Constitutional Assembly	Nat Assem
3 Nov	8h00 - 10h00	Management Committee	V16
7 Nov	8h00 - 10h00	Theme Committee 1	M46
7 Nov	8h00 - 10h00	Theme Committee 2	M515
7 Nov	8h00 - 10h00	Theme Committee 3	E249
7 Nov	10h00 - 12h00	Theme Committee 4	M46
7 Nov	10h00 - 12h00	Theme Committee 5	M515

7 Nov	10h00 - 12h00	Theme Committee 6	E249
7 Nov	12h00 - 13h00	Management Committee	V16
7 Nov	14h15 - 17h00	Constitutional Committee	M46
10 Nov	8h00 - 10h00	Management Committee	V16
14 Nov	8h00 - 10h00	Theme Committee 1	M46
14 Nov	8h00 - 10h00	Theme Committee 2	M515
14 Nov	8h00 - 10h00	Theme Committee 3	E249
14 Nov	8h00 - 10h00	Theme Committee 4	M46
14 Nov	10h00 - 12h00	Theme Committee 5	M515
14 Nov	10h00 - 12h00	Theme Committee 6	E249
14 Nov	12h00 - 13h00	Management Committee	V16
14 Nov	14h15 - 17h00	Constitutional Assembly	Nat Assem
17 Nov	8h00 - 10h00	Management Committee	V16
21 Nov	8h00 - 10h00	Theme Committee 1	M46
21 Nov	8h00 - 10h00	Theme Committee 2	M515
21 Nov	8h00 - 10h00	Theme Committee 3	E249
21 Nov	10h00 - 12h00	Theme Committee 4	M46
21 Nov	10h00 - 12h00	Theme Committee 5	M515
21 Nov	10h00 - 12h00	Theme Committee 6	E249
21 Nov	12h00 - 13h00	Management Committee	V16
21 Nov	2h15 - 17h00	Constitutional Committee	M46
24 Nov	8h00 - 10h00	Management Committee	V16
28 Nov	8h00 - 10h00	Theme Committee 1	M46
28 Nov	8h00 - 10h00	Theme Committee 2	M515
28 Nov	8h00 - 10h00	Theme Committee 3	E249
28 Nov	8h00 - 10h00	Theme Committee 4	M46
28 Nov	10h00 - 12h00	Theme Committee 5	M515
28 Nov	10h00 - 12h00	Theme Committee 6	E249
28 Nov	12h00 - 13h00	Management Committee	V16
28 Nov	14h15 - 17h00	Constitutional Assembly	Nat Assem

**RECESS PERIOD 29 November '94 - 13 January '95**

16 Jan	8h00 - 12h00	PARTY CAUCUS	
16 Jan	12h00 - 13h00	Management Committee	V16
16 Jan	14h15 - 17h30	Constitutional Committee	M46
17 Jan	8h00 - 12h00	Theme Committee 1	M46
17 Jan	8h00 - 12h00	Theme Committee 2	M515
17 Jan	8h00 - 12h00	Theme Committee 3	E249
17 Jan	14h00 - 16h00	Theme Committee 4	M46
17 Jan	14h00 - 16h00	Theme Committee 5	M515
17 Jan	14h00 - 16h00	Theme Committee 6	E249
17 Jan	8h00 - 12h00	Theme Committee 1	M46
18 Jan	8h00 - 12h00	Theme Committee 1	M46
18 Jan	8h00 - 12h00	Theme Committee 2	M515
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18 Jan	14h00 - 16h00	Theme Committee 4	M46
18 Jan	14h00 - 16h00	Theme Committee 5	M515
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23 Jan	8h00 - 12h00	Theme Committee 1	M46
23 Jan	8h00 - 12h00	Theme Committee 2	M515
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23 Jan	14h00 - 16h00	Theme Committee 4	M46
23 Jan	14h00 - 16h00	Theme Committee 5	M515
23 Jan	14h00 - 16h00	Theme Committee 6	E249
24 Jan	9h00 - 12h00	Management Committee	V16
25 Jan	9h00 - 13h00	Constitutional Committee	M46
26 Jan	8h00 - 12h00	Theme Committee 1	M46
26 Jan	8h00 - 12h00	Theme Committee 2	M515
26 Jan	8h00 - 12h00	Theme Committee 3	E249
26 Jan	14h00 - 16h00	Theme Committee 4	M46
26 Jan	14h00 - 16h00	Theme Committee 5	M515
26 Jan	14h00 - 16h00	Theme Committee 6	E249
27 Jan	9h00 - 13h00	Party Caucus	

30 Jan	9h00 - 10h00	Management Committee	V16
30 Jan	10h15 - 13h00	Constitutional Assembly	Nat Assem
30 Jan	14h15 - 17h00	Constitutional Assembly	Nat Assem
31 Jan	8h00 - 12h00	Theme Committee 1	M46
31 Jan	8h00 - 12h00	Theme Committee 2	M515
31 Jan	8h00 - 12h00	Theme Committee 3	E249
31 Jan	14h00 - 16h00	Theme Committee 4	M46
31 Jan	14h00 - 16h00	Theme Committee 5	M515
31 Jan	14h00 - 16h00	Theme Committee 6	E249
1 Feb	8h00 - 12h00	Theme Committee 1	M46
1 Feb	8h00 - 12h00	Theme Committee 2	M515
1 Feb	8h00 - 12h00	Theme Committee 3	E249
1 Feb	14h00 - 16h00	Theme Committee 4	M46
1 Feb	14h00 - 16h00	Theme Committee 5	M515
1 Feb	14h00 - 16h00	Theme Committee 6	E249
2 Feb	9h00 - 13h00	Party Caucus	
6 Feb	12h00 - 13h00	Management Committee	V16
6 Feb	2h15 - 17h00	Constitutional Committee	M46
7 Feb	8h00 - 12h00	Theme Committee 1	M46
7 Feb	8h00 - 12h00	Theme Committee 2	M515
7 Feb	8h00 - 12h00	Theme Committee 3	E249
7 Feb	14h00 - 16h00	Theme Committee 4	M46
7 Feb	14h00 - 16h00	Theme Committee 5	M515
7 Feb	14h00 - 16h00	Theme Committee 6	E249
8 Feb	8h00 - 12h00	Theme Committee 1	M46
8 Feb	8h00 - 12h00	Theme Committee 2	M515
8 Feb	8h00 - 12h00	Theme Committee 3	E249
8 Feb	14h00 - 16h00	Theme Committee 4	M46
8 Feb	14h00 - 16h00	Theme Committee 5	M515
8 Feb	14h00 - 16h00	Theme Committee 6	E249
9 Feb	9h00 - 12h00	Management Committee	V16

		PARTY CAUCUS	
9 Feb	14h00 - 18h00		
10 Feb	8h00 - 12h00	Theme Committee 1	M46
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27 Feb	8h00 - 13h00	Theme Committee 2	M515
27 Feb	8h00 - 13h00	Theme Committee 3	E249
27 Feb	14h00 - 19h00	Theme Committee 4	M46
27 Feb	14h00 - 19h00	Theme Committee 5	M515
27 Feb	14h00 - 19h00	Theme Committee 6	E249
6 Mar	8h00 - 12h00	Theme Committee 1	M46
6 Mar	8h00 - 12h00	Theme Committee 2	M515
6 Mar	8h00 - 12h00	Theme Committee 3	E249
6 Mar	12h00 - 13h00	Management Committee	V16
6 Mar	14h00 - 17h00	Constitutional Committee	M16
6 Mar	18h30 - 22h30	Theme Committee 4	M46
6 Mar	18h30 - 22h30	Theme Committee 5	M515
6 Mar	18h30 - 22h30	Theme Committee 6	E249

<b>9 Mar</b>	<b>9h00 - 10h00</b>	<b>Management Committee</b>	<b>V16</b>
<b>13 Mar</b>	<b>8h00 - 12h00</b>	<b>Theme Committee 1</b>	<b>M46</b>
<b>13 Mar</b>	<b>8h00 - 12h00</b>	<b>Theme Committee 2</b>	<b>M515</b>
<b>13 Mar</b>	<b>8h00 - 12h00</b>	<b>Theme Committee 3</b>	<b>E249</b>
<b>13 Mar</b>	<b>12h00 - 13h00</b>	<b>Management Committee</b>	<b>V16</b>
<b>13 Mar</b>	<b>14h00 - 17h00</b>	<b>Constitutional Assembly</b>	<b>Nat Assem</b>
<b>13 Mar</b>	<b>18h30 - 22h30</b>	<b>Theme Committee 4</b>	<b>M46</b>
<b>13 Mar</b>	<b>18h30 - 22h30</b>	<b>Theme Committee 5</b>	<b>M515</b>
<b>13 Mar</b>	<b>18h30 - 22h30</b>	<b>Theme Committee 6</b>	<b>E249</b>

1.1.



# CONSTITUTIONAL ASSEMBLY

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REF NO:

## MEMORANDUM

**To: Management Committee**

**From : Hassen Ebrahim  
Executive Director**

**Subject : Public Participation - A Strategic Overview**

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### Background :

1. The attached document was tabled before the Management Committee on 17 October 1994.
2. The document was endorsed and recommended to the Constitutional Committee for endorsement and adoption.
3. However, in the course of discussion in the Management Committee, several matters were highlighted. These opinions have been taken into consideration and a revised version of the document now placed before the Committee for its consideration.
4. In particular, attention is drawn to the following sections :
  - 4.1 **Concern expressed about rural communities** - see sections 4.7, 5.3 a) and 6.2.1 b).
  - 4.2 **Concern expressed about management of programme** - see sections 5.7 and 6.5.
5. When the document was placed before the Constitutional Committee for its consideration, it was noted that IFP submissions had not yet been received. It was agreed these would be incorporated into the document. These submissions had still not been received as of 18 October 1994 and it has therefore not been possible to include these in the revised document.

### Decisions Required :

1. None. The item is for noting only.
2. The document will be further revised once the the IFP submissions are received and after the document has been discussed by the Constitutional

Committee on Monday 24 October 1994.

# CONSTITUTIONAL ASSEMBLY

## PUBLIC PARTICIPATION - A STRATEGIC OVERVIEW

### *DRAFT*

#### 1. Introduction

- 1.1 The process of public participation involves the development of media and community liaison strategies. Such strategies should be based on the resolution<sup>1</sup> of the Constitutional Assembly which outlines the broad process envisaged in drafting a new constitutional text.
- 1.2 In terms of this resolution the process of constitution-making in South Africa is seen as one which is transparent and integrates the ideas of political parties represented in the Assembly with those of civil society and the broader public.
- 1.3 This resolution also states that there should be a programme for public participation and that the media should be directly involved in this process.
- 1.4 This document is the result of various submissions and consultations and the debate and resolutions of the Constitutional Assembly and Constitutional Committee.

#### 2. Objectives

- 2.1 The ultimate objective of the process as whole is to draft and adopt a credible and enduring constitution which will enjoy the support and allegiance of all South Africans.
- 2.2 The new constitution should represent the aspirations of all our

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<sup>1</sup> See CA Resolution of 5 September 1994 on "The Process and Framework for the Drafting of the New Constitutional Text".

people. The process of constitution-making should serve to unite and produce a constitution which would become the corner-stone of the future South Africa. The process should not only be transparent, but should also be a people-driven process

- 2.3 The major criticism of the process which produced the present Constitution is its lack of transparency and the non-involvement of the broader public.
- 2.4 The elections have ensured that we now have elected representatives directly involved in the process. However, this on its own will not necessarily result in a constitution which enjoys the support of all South Africans and is seen as truly belonging to the people of this country.
- 2.5 There can be no integration of the ideas between the major role-players nor maximisation of public participation, as called for by the resolution of the Constitutional Assembly, without an effective strategy for media and community liaison.
- 2.6 The media and public participation strategies of the Constitutional Assembly should aim at facilitating the required "dialogue" and channel of communication between the broader public and their elected representatives.

### **3. PROCESS**

- 3.1 The media and public participation strategies must be placed within the context of the process of drafting the new constitution as a whole.
- 3.2 Whilst these processes may at one level appear distinct and separate, in actual practice, they are interlinked and will overlap with one another.
- 3.3 This is especially the case with the processes of community liaison and media involvement. At one level it makes sense to think of these as two distinct processes as this will focus our attention on what is required to be effective in these two fields. At another level however, it must be kept in mind that both public participation and media

involvement will be a constant thread running throughout the process as a whole.

#### **4. ENVIRONMENT**

- 4.1 The process of constitution-making takes place in the context of the first democratically elected government in the country,
- 4.2 It is understandable therefore that the attention of the public is focussed on their immediate needs. The programmes of the government and the Reconstruction and Development Programme in particular is uppermost in the minds of most South Africans.
- 4.3 The approach of the Management Committee should not be to detract from the important issues of government that the public and media are presently seized with. However, we should seek to ensure that the programmes of government and those of the Constitutional Assembly complement, rather than contradict one another.
- 4.4 The attention of the public is also caught up with the coming Local Government elections in 1995. The exact date of these elections will obviously impact on the programme of the Constitutional Assembly.
- 4.5 The implications of the time-frames stipulated in the Constitution for the finalisation of the new constitutional text by May 1996 are another factor we need to take into account in our strategic planning.
- 4.6 One of the implications of all the above environmental factors is that the process has to be carefully and effectively managed.
- 4.7 Historical and geographical factors also necessitate that effective and creative mechanisms be sought to reach rural communities in particular .

#### **5. MEDIA**

##### **5.1 Objectives**

The major objectives of a media strategy for the Constitutional Assembly should be to :

- ▶ Inform;
- ▶ Educate;
- ▶ Stimulate public interest; and
- ▶ Create a forum for public participation.

## **5.2 Key Message and Process of Message Determination**

- 5.2.1 The process of message determination is central to any media strategy.
- 5.2.2 The most important message of our media campaign would be to let people know that an important process is unfolding which affects their lives and that every South African has a unique opportunity to take part in the drawing up of a new constitution.

## **5.3 Mechanisms**

There are two important considerations which should guide our approach to finding the most suitable mechanisms to implement media strategy :

- a) The need to make optimum use of existing channels of mass communication and hence the need for an effective media liaison strategy;
- b) The need to supplement this with the production of our own media in the form of a brochure, regular bulletins, posters, leaflets, cassettes and videos; and
- c) The need to reach disadvantaged rural communities in particular.

### **5.3.1 Media Liaison**

- a) The transparency of the process is already a step in the right direction. The presence

of media in all meetings of the Constitutional Assembly and its structures creates a dynamic link with the broader public.

- b) The coverage provided by the mass media must form the basis of our approach.
- c) In order for this to be effective however, our media liaison approach must ensure that the debates and issues that arise from Theme Committees and other structures of the Constitutional Assembly are contextualised.
- d) This will include:
  - ▶ regular press conferences, interviews and briefings; and
  - \* ongoing media liaison, ensuring prompt and comprehensive responses to media queries
- e) As envisaged in the CA resolution itself, however, ways will be sought to involve the media more directly in the process by means of :
  - \* ensuring live television and radio coverage of debates in the Constitutional Assembly
  - \* organising radio talk-shows, television debates with public participation
  - \* producing newspaper supplements, leader articles and discussing means whereby newspapers and magazines can function as forums for discussion on constitutional issues.

### **5.3.2 Media Production**

We would not be able to rely entirely upon existing channels of communication. These would need to be supplemented by production of our own media in the form of :

- \* an introductory brochure for the Constitutional Assembly;
- \* a regular bulletin;
- \* occasional posters, leaflets, cassettes and videos;
- \* an advertising campaign in both the print and electronic media and also utilising outdoor advertising on billboards.
- \* use of other forms of media such as electronic bulletin boards thereby gaining immediate access to both the national and international community.

## **5.4 Resources**

- 5.4.1 An amount of approximately R20 million should be catered for in the Constitutional Assembly budget for 1995/96.
- 5.4.2 We would also seek to utilise the resources of the South African Communication Services and other government agencies and departments where applicable.
- 5.4.3 Maximum use of existing channels of mass communication would represent a further cost-saving.
- 5.4.4 The services of a professional advertising and public relations agency would need to be contracted in view of time constraints and the human resources required to implement an effective media campaign.



## **5.5 Time Frames**

- 5.5.1 It is not possible to give detailed time-frames for the process as a whole. This would follow when the campaign plan itself is drawn up.
- 5.5.2 However it is envisaged that the campaign would need to be launched early in 1995 which would mean tenders for advertising and public relations agencies would need to go out immediately and be finalised before the end of November 1994.
- 5.5.3 The first phase of the campaign would, in broad terms, seek to introduce the Constitutional Assembly and its work to the public and sensitize them to the importance of the process as a whole.

## **5.6 Evaluation**

Evaluation would need to take place on a regular basis to ensure that the strategy is responsive and adaptable.

## **5.7 Management**

The process would be managed on a daily basis by the Directorate and the Media Section of the Administration in particular. Regular reports to the Management Committee would enable this committee to play its own managing role in the process. Particular aspects of the programme, as outlined above, for example the production of the brochure and advertising campaign, would be contracted out to professional agencies. The work of these agencies would be managed by the Directorate, in conjunction with the Management Committee.

# **6. COMMUNITY LIAISON**

## **6.1 Objectives**

The objective of the community liaison strategy is to facilitate an interface or dialogue between the South African people and their

elected representatives by consulting the population at various levels and at various stages of the process of constitution-making.

## **6.2 Mechanisms**

### **6.2.1 Sector Forums**

- a) Forums for all major sectors will be arranged, in conjunction with sector representatives. Members of the Constitutional Assembly will be requested to participate in the various forums. The forums will be extensively publicised and groundwork will be done in the sectors beforehand to ensure optimum results.
- b) A special effort will be made to ensure the participation of disadvantaged sections of the population and rural communities in particular, utilising traditional leadership structures where appropriate.

### **6.2.2 Area Forums**

These forums will be addressed by senior leadership and open to the broader public in specific locations. They will be held throughout the country and will also be extensively publicised. These forums will be used for a short period of time when a first draft of the new constitutional text is available to "take to the people" before the final debate takes place in the Constitutional Assembly itself.

### **6.2.3 Political Party Programmes**

Political parties both in and those outside the Assembly have a vital role to play in the process of ensuring maximum public participation in the process of constitution-making. Parties will be urged to ensure that their programmes are used to engage the public and their supporters on constitutional issues. The Administration will liaise with parties to obtain information on such programmes and to facilitate where required.

**6.2.4 Government Programmes**

- a) Mention has already been made of the important programmes of the Government of National Unity. Urgent consultation will have to take place at national and provincial level to ensure, amongst other things that government programmes and those of the Constitutional Assembly complement one another. This is particularly so in the case of the Local Government elections apparently due in late 1995.
  
- b) Senior leadership, particularly the President , Deputy President and Provincial Premiers will be urged to ensure that all their speeches contain a "slot" about the importance of the constitution-making process.

**6.2.5 Toll-Free Information Line**

A toll-free information line should be installed to provide a readily accessible information service to the public. The languages used will ensure accessibility of information. Transcripts of contacts will be used for processing enquiries and submissions. The administration of this line would be contracted out.

**6.2.6 Provincial Information Offices**

Information offices should be established in all provinces in conjunction with Parliament, the South African Communication Services and Provincial Government to provide the public with street-level access to information about the constitution-making process and to assist in co-ordination of the public forums programme.

**6.3 Resources**

- 6.3.1 The resources of SACS will be used.
- 6.3.2 Some non-governmental organisations at national and international level, have funds allocated for constitutional programmes and these could be pooled into the Constitutional Assembly programme.
- 6.3.3 The resources of the Department of Justice for facilitating programmes on the constitution should also be utilised.
- 6.3.4 Resources from the private sector will include video conferencing facilities, negotiated concessions from the media, and private sector funding for various aspects of the community liaison programme.
- 6.3.5 In addition to the above-mentioned resources an amount of approximately R24 million should be catered for in the Constitutional Assembly budget for 1995/96.

**6.4 Evaluation**

Mechanisms for regular evaluation should be built into all the programmes for community liaison to ensure responsiveness and adaptability.

**6.5 Management**

The process would be managed on a daily basis by the Directorate and by the Community Liaison section of the Administration in particular. Some aspects of the programme would be contracted out to professional agencies, for example, the toll-free line. The work of these agencies would be managed by the Administration in conjunction with the Management Committee. Regular reports to the Management Committee by the Directorate on all aspects of work would enable this committee to fulfill its own managing role in the process.

## **APPOINTMENT OF THE INDEPENDENT PANEL OF CONSTITUTIONAL EXPERTS**

### **1 INTRODUCTION**

- 1.1 The initial closing date for the submission of nominations for the Independent Panel of Constitutional Experts, the panel, expired on 31 August 1994. The extension of that closing date was held in abeyance, pending the appointment of judges to the Constitutional Court. Constitutional Court judges have now been appointed and the closing date for submission of nominations should be decided upon and publicised. It is suggested that 28 October 1994 be the closing date.
- 1.2 The Management Committee meeting of 17 October 1994 recommended the appointment of a sub-committee to develop a short-list of candidates for appointment as members of the panel. It is suggested that the sub-committee be constituted by two ANC members and one member from the other parties represented in the Constitutional Assembly, respectively.
- 1.3 The committee also recommended the development of appropriate terms of reference for the sub-committee. The following process is suggested.

### **2 TERMS OF REFERENCE**

#### **2.1 Report of the sub-committee**

The sub-committee should be directed to compile a short-list of candidates for the panel and submit its report, for consideration by the Constitutional Committee, by 5 November 1994.

#### **2.2 Criteria for the selection of the panel**

- (a) The requirements contained in Section 72(2) of the Constitution should be included in the terms of reference. The section provides that the panel shall be made up of five persons complying with the following requirements:

- (i) South African citizens;
- (ii) Recognised constitutional experts;

- (iii) Not members of Parliament or any other legislature; and
  - (iv) Not holding office in any political party;
- (b) It is suggested that a further requirement be that the composition of the panel should, as far as possible, be broadly representative.

### **2.3 Appointment**

The sub-committee should also consider the terms of reference of the panel, including whether the panel will sit on a full-time or part-time basis.

## **APPOINTMENT OF TECHNICAL COMMITTEES**

### **1 INTRODUCTION**

The Management Committee meeting of 17 October 1994 recommended that Theme Committees should nominate technical experts for appointment by the Constitutional Committee to Technical Committees. It further recommended the provision of guidelines to Theme Committees. The following guidelines are suggested.

### **2 APPOINTMENT**

- 2.1 Technical Committees should consist of up to three members.
- 2.2 Each Theme Committee should consider the nature of technical expertise it requires and nominate experts with the identified expertise, by 15 November 1994.
- 2.3 The Constitutional Committee should, from among the nominated experts, appoint up to three Technical Committee members for each Theme Committee.
- 2.4 Each Theme Committee may make recommendations regarding full-time or part-time appointment of its nominees for specified periods, based on its work programme and the nature of each nominee's expertise.

### **3 REMUNERATION**

The Management Committee should make recommendations for the remuneration of Technical Committee members, based on the draft resolution on the Basis For The Appointment of Special Advisers, a copy thereof is annexed hereto, marked "Annexure A". *JCC*

## DRAFT RESOLUTION

### BASIS FOR THE APPOINTMENT OF SPECIAL ADVISERS

*[Non-members of Parliament appointed in terms of sec 77(1) and (2) of the Constitution 1993]*

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1. The duties of a special adviser shall be determined by the Management Committee.
  2. The employment of a special adviser shall be regulated by a standard contract to be entered into between the special adviser and the Chairperson of the Management Committee.
  3. The basis of remuneration of a special adviser shall be determined by the Management Committee to ensure that an acceptable degree of uniformity in this regard is maintained. This basis shall be an all-inclusive package and shall provide for three different remuneration levels in order to accommodate different levels of expertise. In this regard the Management Committee approves—
    - (a) the following three all-inclusive levels of remuneration:
- 

Remuneration level	Part-time special advisers who devote 50% or less of special advisers their time to their duties	Full-time as special adviser
I	R120 per hour	R19 200 per month
II	R150 per hour	R24 000 per month
III	R180 per hour	R28 800 per month

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The remuneration of a full-time special adviser is based on a standard 40 hour working week.

- (b) that, besides the above-mentioned remuneration, leave be granted to a full-time special adviser as follows:

2½ days leave per month  
3⅓ days sick leave per month

Such leave accumulates but lapses upon the termination of the contract.



4. The portion of available working time which a person will set aside for his or her role as special adviser shall be determined in consultation with the Chairperson of the Management Committee. Should a part-time special adviser who will devote more than 50% of his or her time to his or her duties as special adviser be appointed, his or her all-inclusive remuneration shall not be calculated on an hourly basis, but according to the following formula:

$$\begin{array}{rcl} \text{Monthly remuneration} & & \text{Percentage [\%] of time} \\ \text{of full-time special} & & \text{devoted on duties as special} \\ \text{adviser on appropriate} & \times & \text{adviser} \\ \text{remuneration level} & & \\ & & = \\ & & \text{Monthly} \\ & & \text{percentage all-} \\ & & \text{inclusive} \\ & & \text{remuneration} \end{array}$$

5. In the case of a part-time special adviser who devotes 50% or less of his or her time to his or her duties as a special adviser, the actual hours worked should be recorded and claims submitted accordingly.
6. The Chairperson of the Management Committee may, in consultation with the special adviser concerned, determine which of the three remuneration levels referred to in paragraph 3 above will be applicable in respect of that special adviser. For purposes of determining which of the relevant three remuneration levels shall apply in the case of a particular special adviser, cognisance should be taken of his or her level of expertise and stature in the particular field. The following broad guidelines in this regard should be applied:
- 6.1 Remuneration level I [R120 per hour: R19 200 per month in the case of a full-time special adviser]:
- (a) Enjoy noticeable national recognition as a competent expert.
  - (b) Complexity of advice to be rendered comparable to that given by a Director in the Public Service.
- 6.2 Remuneration level II [R150 per hour: R24 000 per month in the case of a full-time special adviser]:
- (a) Enjoy recognition as a competent expert at national level.
  - (b) Complexity of advice to be rendered at one level higher than that contemplated in 6.1(b).
- 6.3 Remuneration level III [R180 per hour: R28 800 per month in the case of a full-time special adviser]:
- (a) Enjoy recognition as a competent expert at national and even international level.
  - (b) Complexity of advice to be rendered at two levels higher than that contemplated in 6.1(b).
- 6.4 The present level of remuneration of a candidate should also be an important determinant.
7. The guidelines as referred to in paragraphs 6.1 to 6.3 above shall also be applied as criteria for purposes of appointment as special adviser.

# CONSTITUTIONAL ASSEMBLY

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REF NO:

## MEMORANDUM

**TO :** MANAGEMENT COMMITTEE

**FROM :** DIRECTORATE

**DATE :** 20 OCTOBER 1994

**SUBJECT :** SALARY STRUCTURE FOR ADMINISTRATION

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### Background :

The Steering Committee has already agreed to a memorandum outlining the various posts for the Administration and the various remuneration levels for staff. ( See Annexure A)

This memorandum only sets very broad limits for remuneration levels. The Directorate has therefore developed a more detailed salary structure for the Administration which is now placed before the Management Committee for its consideration (See Annexure B).

Annexure B indicates the differences between the remuneration levels, as approved by the Steering Committee, and the remuneration levels proposed by the Directorate. In all cases, the adjustments have been made to arrive at a more equitable salary structure for the Administration, which is represented graphically in terms of the gradient also contained in Annexure B for the information of Management Committee members.

### Motivation :

In developing a salary structure for the Administration, the Directorate has had to take account of the following factors :

1. The contractual and therefore temporary nature of the employment and the fact that many staff have left permanent employment to take up temporary posts in the Administration;;
2. The need to be fairly competitive with market rates ( See Annexure C);

3. The need to attract highly skilled and motivated staff who are able to commence duties immediately with little, if no, induction or training period;
4. The pressurised nature of the work due to the time-constraints set by the Constitution for the completion of the process;
5. The long and irregular hours of work required by the Administration;  
and
6. The need for an equitable salary structure.

**Financial Implications :**

The annual salary bill for the Administration, based upon the proposed structure, amounts to approximately R7,4 million which is less than 12% of the total Budget for 1995/96 already approved by the Management Committee and Constitutional Committee.

**Decision Required :**

Management Committee endorses proposed salary structure for Administration.

**MEMORANDUM**

**REMUNERATION AND OTHER SERVICE BENEFITS**

The following proposals are made for the remuneration and other service benefits of personnel appointed on contract to the following posts on the staff of the Constitutional Assembly:

**1 POST — EXECUTIVE DIRECTOR**

Lead a team to provide legal and administrative support to the process of drafting a new constitutional text.

A BASIC SALARY : R148 599 per annum

B MOTOR CAR ALLOWANCE

- (i) Basic allowance : R 53 772 per annum
- (ii) Supplementary allowance : R 9 288 per annum

C OTHER ALLOWANCES AND BENEFITS

See Appendix A.

**2 POST 1 — DEPUTY EXECUTIVE DIRECTOR**

Supervision of legal and support services; liaison with the media and with bodies and persons interacting with the constitution-making process at national and international level.

**POST 2 — DEPUTY EXECUTIVE DIRECTOR**

Supervision of secretariat providing support to technical committees and other bodies appointed under section 72 of the Constitution; supervision of the documentation and records service and general administrative support services.

A BASIC SALARY : R126 411 per annum

B MOTOR CAR ALLOWANCE

- (i) Basic allowance : R 39 204 per annum
- (ii) Supplementary allowance : R 7 488 per annum

C OTHER ALLOWANCES AND BENEFITS

See Appendix A.

**3 POST 1 — ASSISTANT DIRECTOR: CONSTITUTIONAL LIAISON SERVICES**

Supervising the following constitutional liaison services:

- Interaction between the constitutional process and community structures in the widest sense of the term.
- Involvement of, and inputs by, all levels of society in the constitutional process.
- Production, and promoting the production by others, of literature at different levels of sophistication to foster involvement by general public.
- Liaison with bodies in the public and private sector.
- Travelling throughout the country to address communities; also arranging similar addresses by constitutional role-players.
- Serving as conduit for receiving, processing and organising inputs from the community and funneling these to the appropriate structures in the constitutional process.

**POST 2 — ASSISTANT DIRECTOR: MEDIA LIAISON SERVICES**

- The "link" between the national and international media and the constitutional process.
- Writes press reports, briefs community on progress.
- Liaises with international community.
- Arranges media and other interviews with constitutional role-players.

**POST 3 — ASSISTANT DIRECTOR: RESEARCH CO-ORDINATOR**

- Must have or quickly build up a network of contacts in academic/legal world to enable him or her to "farm out" a research project prompted by the process, to the most appropriate faculty/researcher/lawyers.
- May also do research on his or her own.
- Requires a creative, flexible individual capable of expanding and adapting duties to fit the exigencies of the process.

**POST 4 — ASSISTANT DIRECTOR: COMMITTEES**

- Co-ordinate the activities of the Clerks of Committees who will in turn be providing the administrative and documentation support services for approximately 12 committees, commissions and panels which will form the heart of the constitution-making process.

**A BASIC SALARY**

Negotiable between R81 114 and R107 019 per annum. A

**B OTHER ALLOWANCES AND BENEFITS**

See Appendix A.

**4 POST 1 — CONSTITUTIONAL LIAISON OFFICER [~~2 posts~~]**

- Proactively promote interaction between the constitutional process and community structures in the widest sense of the term.
- Promote involvement of, and inputs by, all levels of society in the constitutional process.
- Production, and promoting the production by others, of literature at different levels of sophistication to foster involvement by general public.
- Liaison with bodies in the public and private sector.
- Travelling throughout the country to address communities; also arranging similar addresses by constitutional role-players.
- Administrative arrangement in connection with the above.

**POST 2 — PROGRAMMER**

- Drafting, testing, adjusting, maintenance and establishment of programmature of a diverse nature and complexity for the processing, storing and releasing of data through computer systems. Advise on document preparation. Provide and arrange for training on software packages where necessary.

**POST 3 — OFFICE ADMINISTRATOR**

- Responsible for the smooth running and provision of support services to an office of 25-30 people working under pressure.
- Organisation of office facilities and amenities.
- Supervising records staff, typing staff, receptionists, computer software technician.
- Ensuring, in conjunction with clerk of committees, the correct issuing of documentation to members of the Constitutional Assembly and its various structures.
- Supervising vital photocopying/faxing function and equally vital registry/archival function.
- Supervising the provision of office and conference facilities for technical committees and the Panel of Constitutional Experts.

**POST 4 — CLERK OF COMMITTEES [15 posts]**

- Providing professional secretarial services to the Panel of Constitutional Experts, select committees consisting of members of the Constitutional Assembly, technical committees of legal experts and draftsmen, and commissions consisting of members and others.
- Procedural advice to committee chairpersons.
- Preparation of agendas and minutes, including top-level minuting involving the explication of *inter alia* complex legal discussions, and other documents.
- General administrative duties entailed by committees, involving distribution of documentation, arrangement of venues, initial handling of members' claims, etc.

**A BASIC SALARY**

Negotiable between R50 295 to R81 114 per annum.

**B OTHER ALLOWANCES AND BENEFITS**

See Appendix A.

**5 POST — PERSONAL SECRETARY**

- Typing and rendering of a general receptionist and office auxiliary service as well as the fixation, withdrawal and manipulation of data for and dissemination of management information in the context of office automation.

**A BASIC SALARY**

Negotiable between R21 894 to R44 670 per annum.

**B SECRETARIAL ALLOWANCE**

(i) Chairperson of the Constitutional Assembly — R7 434 per annum

(ii) Executive Director — R4 461 per annum.

**C OTHER ALLOWANCES AND BENEFITS**

See Appendix A.

**6 POST 1 — DOCUMENTATION CLERK [2 posts]**

- File and issue documentation.
- Storage in logical and accessible form on computer network of documentation.
- Operation of high-speed faxes/photocopiers/computer printers.
- Maintenance of hard-copy registry of documents and correspondence.

**POST 2 — TYPIST**

- Typing and rendering of a general office auxiliary service as well as the fixation, withdrawal and manipulation of data for and dissemination of management information in the context of office automation.

**A BASIC SALARY**

Negotiable between R21 894 and R44 670 per annum.

**B OTHER ALLOWANCES AND BENEFITS**

See Appendix A.

**Annexure B****Proposed Salary Structure for Administration**

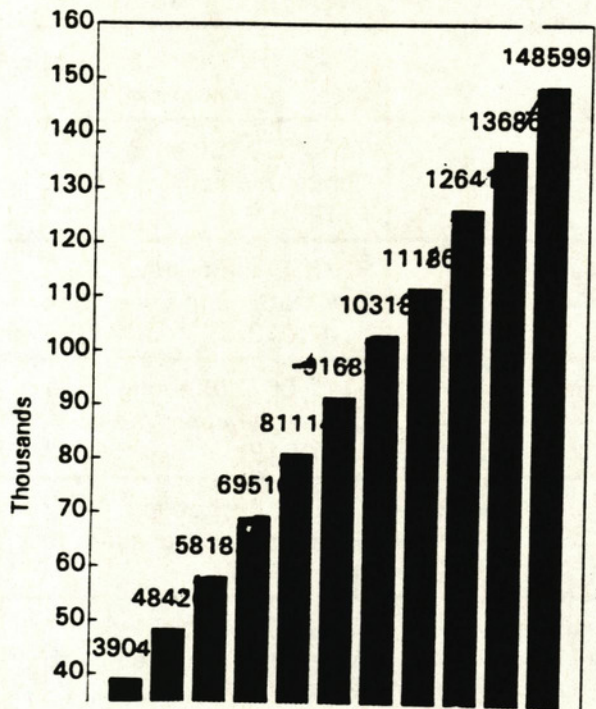
<b>Grade</b>	<b>Post</b>	<b>Salary per annum</b>
11	Executive Director	R148 599 (As approved by Steering Committee)
10	Deputy Executive Director	R136 863 (Steering Committee approved R126 411)
9	Assistant Director, Legal Adviser	R126 411 (Steering Committee approved up to R107 019)
8	Deputy Assistant Director, Assistant Legal Adviser	R111 867 (Steering Committee approved up to R107 019)
7	Managing Secretary (Theme Committees)	R103 185 (Steering Committee approved up to R81 114)
6	Minute Secretary (Theme Committees), Network Manager, Community Liaison Co-ordinator	R91 683 (Steering Committee approved up to R81 114)
5	Journalist, Public Relations Officer	R81 114 ( Post did not exist in original proposal)
4	Administrator	R69 510 (Steering Committee approved up to R81 114)
3	Senior Documents Clerk, Personal Secretary, Senior Typist, Data Base Operator	R58 185 (Steering Committee approved up to R44 670)
2	Documents Clerk	R48 420 (Steering Committee approved up to R44 670)
1	Receptionist, SwitchBoard Operator	R39 045 (Steering Committee approved up to R44 670)



**Annexure B cont.**

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**Graphic Illustration of Proposed Salary Structure**



## Annexure C

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**Comparative Study between Proposed Salary Structure for Administration with Salaries of Approximate Posts in Corporate World ( Based on "Salary Survey 1994" - A Supplement to the Business Times, 18 September 1994)**

CA Post	Salary	Corporate Post	Salary
Executive Director	R148 599	Chief Executive (Small Company)	R190 000
Deputy Executive Dir	R136 863	Executive Director (Small Company)	R125 000
Assistant Director	R126 411	Senior Function Head	R120 000
Administrator	R69 510	Administrator	R60000
Secretary	R58 185	Secretary	R54 000 +

**Note :** it has not been possible to make a comparison of all posts, because of the specialist type of jobs within the Administration. What has been attempted is simply a comparison of the broad categories to give a rough indication of how competitive or otherwise the proposed Salary Structure is with salaries on offer in the corporate world.

## PROPOSED RECOMMENDATIONS TO RULES COMMITTEE

18 October, 1994

The following proposed rule changes are submitted for consideration.

### **RULE 18**

*Substitute the following subrule for Subrule (1):*

*18. (1) The Chairperson and the Deputy Chairperson of the Constitutional Assembly (in these rules referred to as the Deputy Chairperson) and the members of the Constitutional Committee, appointed in terms of Rule 19A, shall constitute the Rules Committee of the Constitutional Assembly.*

**Background:** The effect of this rule change would be that the Rules Committee would continue to exist as a separate entity, but its membership would be the same as that of the Constitutional Committee.

In terms of the current Rules of the Constitutional Assembly, the Rules Committee is composed of the Rules Committees of the two Houses of Parliament together with the Chairperson and Deputy Chairperson of the Constitutional Assembly. This rule formed part of the draft Rules which was drawn up prior to the establishment of the Constitutional Assembly, and therefore prior to the planning and establishment of the constitution-making structure as it exists today.

The change is proposed on the grounds that the Constitutional Assembly is a separate entity with a different task to that of Parliament. It is accordingly developing its own procedures, distinct from those of Parliament. It therefore seems appropriate that rules and rule changes for this body be considered by the members with the most experience of these procedures, namely the members of the Constitutional Committee, as the senior body in the constitution-making process.

It should be noted that the Rules Committee does not itself effect rule changes, but submits proposals to the Constitutional Assembly for ratification.

### **RULE 27**

*Add the following paragraph to Subrule (4), the existing Subrule becoming paragraph (a):*

*(b) If a select committee considers it necessary for the proper performance of its functions, it may allow any person to attend on its behalf and address it in order to explain or elucidate any such representation or promote the views set forth therein.*

**Background:**

(The original subrule (4) read as follows:

(4) A select committee may receive representations from interested persons.)

The following item appears in the Minutes of the meeting of the Constitutional Committee on 12 September 1994:

#### **Representation of smaller parties in Theme Committees**

A proposal by the FF was circulated in the documentation for the meeting. This proposal suggested that smaller parties be allowed to use members outside the Assembly to represent their parties' views in Theme Committees.

Some concern was expressed that this would not only mean a change in the Standing Rules but would also be unconstitutional as it was an inherent part of the process that elected representatives be members of Theme Committees.

The meeting noted the concern of the smaller parties and referred the matter to the Management Committee and instructed the Law Adviser to formulate proposals in this regard.

The proposed text was formulated by the Parliamentary Law Adviser in accordance with the above instruction, and adapted in accordance with proposals made at the Rules Committee meeting on 17 October 1994.

