

2/4/3/2/3/7

**CONSTITUTIONAL  
ASSEMBLY**

**THEME COMMITTEE 3**

***RELATIONSHIPS BETWEEN  
LEVELS OF GOVERNMENT***

**SUMMARY OF  
SUBMISSIONS**

**RECEIVED AS AT 20 MARCH 1995**

**VOLUME 5**

## Theme Committee 3

### Summary of Submissions - Volume 5

#### ORGANISATIONS

**Organisation :** African Christian Action  
**Individual :** Van Wyk C (Chair-person)  
**Category :** Provincial and Local authorities  
**Submiss.No.:** 1  
**Summary :** The Central government should concentrate on matters of central importance eg. Defence, Justice, Foreign Affairs etc. and that all other issues of concern be dealt with by Provincial and Local authorities.

**Organisation :** City of Durban  
**Individual :** O'Meara M.J. (Exec. Dir)  
**Category :** Provincial and Local government systems  
**Submiss.No.:** 2  
**Summary :** All functions be devolved (deployed downwards) to the lowest appropriate level of government, allowing Central government to concentrate on national issues.  
However, these Local authorities must ensure that the national standards be upheld and exercised.  
Local authorities also establish and operate libraries locally with the funding from Central government.  
In order to promote payment for the provision of services;  
- incentives be introduced.  
- costs be collected from defendants.  
Lawyers working for the local authorities be allowed to carry out conveyancing as this can be provided at lower costs.  
In summary the province of Kwazulu-Natal will have enormous demands on the public resources due to it's unique situations eg. the high rate of urbanisation, population and lack of essential services.

**Organisation :** Communities of Ga-Mothibi  
**Individual :** Mathako A.M.  
**Category :** Local government and Demarcation  
**Submiss. No.:** 3  
**Summary :** The organisation expresses disappointment that they were not consulted before being included, under the interim constitution, into the North West Province.

**They oppose being in this province for the following reasons :**

- prior to bantustans these villages were under the district of Barkley West. They therefore see this arrangement as part of the "apartheid structures".
- they have been serviced by the A.N.C.(Northern Cape) up till the elections.
- majority of the people are working in the North Cape province
- the distance between these villages and the capital of the North West (Mafeking) is too far compared to the Northern Cape (Kimberley).

**Organisation :** Contralesa - Congress of Traditional Leaders of South Africa

**Individual :** Nkosi N.P. Holomisa

**Category :** Nature of Provincial and Local Government  
- argues for a House of Traditional Leaders

**Submiss. No.:** 4

**Summary :** *Recommend that the complete document be read.*

Traditional leaders to be more active on a Provincial level - to be entrenched in a **House of Traditional Leaders.**

Leadership is to be independent of party affiliation.

Constitutional Monarchies will be supported.

Jurisdiction of Traditional Authorities followed by establishment of Rural Local Councils.

District Councils should be formed to co-ordinate the provision of services and community development.

Political counsellors and Traditional Leaders to sit on this district council which will be headed by the resident king.

Contralesa has a detailed introduction and has contributed to other theme committees.

**Organisation :** Unity Council for Undenominational Protestant and Pentecostal Churches of S.A.

**Individual :** The Rev. J.M. Vosloo

**Category :** Provincial and Local government

**Submiss. No.:** 5

**Summary :** The submission undertakes that there should be **different** courts to hear **different** crimes (criminal and other).

The Public service have it's own new autonomous body.

Financial matters be handled by **one** department.

There must be an Industrial court and arbitration for unions to **avoid** unnecessary strikes.

Establish a Road department and transport to ensure better control over mini-buses and taxis and so reduce the cases of fatal accidents.

**Organisation :** Institute for Advancement of Human Rights, Democracy and Individual Right to mother tongue and own culture and own land in S.A.

**Individual :**

**Category :** Provincial and Local government systems

**Submiss. No.:** 6

**Summary :** This organisation proposes that elections be done on a **constituency basis** where candidates are elected on merit and not necessarily on party affiliation.  
That regions and Local authorities have more **autonomy** to look at local interests.  
That the advancement of cultures of different groups be incorporated to insure their survival.  
That any person or organisation/ party found guilty of racialism be dealt with by the government and the laws  
That punishment for violence against any race group or person be dealt with by the government for it's complete elimination.  
That Affirmative action be **eliminated** from the constitution as this would eventually favour all Blacks and disfavour whites and other advantaged groups.  
The constitution **exclude** Nationalism, Socialism and Communism as forms of economies.  
That **local** expertise be used instead of using/ hiring from overseas with the intent of excluding/ discriminating against one or other race group.  
The idea of the Truth commission be **scrapped** if the law cannot prove that the crimes committed by both sides were for political reasons.  
There is also a strong case for considering that the past actions of the "white" government were strictly political in the same sense as those of the A.N.C.  
The creation of a **Volkstaat**, White, Indian, Coloured, Zulu and tribal precincts.  
The strengthening of the Zulu province be maintained and the whites and coloureds enclaves in the Western Cape.  
Tribes must be allowed to develop their regions on a cultural basis if they do not want to be regimented into a Xhosa-A.N.C. culture.  
The diversity of interests will also diminish/break a monopoly of one culture and so strengthen democracy.  
The SABC and the Media must promote quality and merit rather than pushing politics, propaganda and brainwashing.  
Regions for minority groups be allowed to have their own TV-RADIO and Newspaper which will ensure their cultural survival.

**Organisation:** POPCRU  
**Individual:** Sgt. P.M. Ntuli (Secretary of Popcru - North Coast)  
**Category:** Accountability  
**Submiss. No.:** 7  
**Summary:** A minister to control a each department which renders services.  
Central government to control security; safety; defence; finance; education; correctional services; justice.  
Provincial government to control regions with no autonomy to allow for appeal to central.  
Premiers to control chiefs, mayors, director-generals, but not the "king". The king to demarcate boundaries with chiefs.  
Provincial and local systems to run in accordance with the will of the people. Leaders should be accountable to the people and should be removed if they fail to deliver the goods.

**Organisation:** Steelpoort Civic Association  
**Individual:** n/a  
**Category:** Demarcation of boundaries  
**Submiss.No.:** 8  
**Summary:** The Steelpoort community wishes to fall under the Eastern Transvaal and not the Northern Transvaal.

**Organisation:** Volkstaat Council  
**Individual:** n/a  
**Category:** Self determination / competencies - financial and fiscal  
**Submiss. No.:** 9  
**Summary:** *Recommend that the entire document be read.*

## INDIVIDUALS.

**Individual:** Seth G. Abrahams  
**Category:** Local Government - protection of arts and culture in rural areas  
**Submiss.No.1**  
**Summary:** The rights of women and children should be protected, especially in the rural areas and w.r.t. arts and culture.

**Individual:** Anonymous  
**Category:** Local Government - role/function of rural inspector/representative  
**Submiss.No.2**  
**Summary:** She/he to:  
mediate between farmer and tenants / farmworkers; raise standard of living; promote education and sport; town sport committees to include rural pupils in subsidized sport; upgrade teachers and place them on farm schools; support systems in place; minutes to be kept of all meetings; workers to be educated as to their rights; encourage computer literacy at school; tourist potential developed.

**Individual: Anonymous**

**Category: General**

**Submiss.No. 3**

**Summary:** The writer suggests that to **simplify** and **speed** up the process of open participation in the Interim Constitution; it would be easier if **questionnaires** are set up which "lay-persons" could relate to and understand and so complete voluntarily.

The person on the street usually has little knowledge about these matters but still feels to be part of the process.

**Individual: D.O. Bowen**

**Category: Levels of government**

**Submiss.No. 4**

**Summary:** It is submitted that the old/original S.A. constitution be used as a model for the new one, excluding of course the discriminating clauses.

A separate act be set up for matters falling outside the essential structure eg. Bill of Rights.

We must also restrict irrelevant matter as this would only lead to more litigation and time wasting.

It is further suggested that **Central** government have **more power** so as to ensure uniformity and the Provincial governments concentrating on issues of their own provinces.

Lastly it is felt that only the most suitably **qualified** persons be elected to parliament and that parties be abolished as they (parties) restrict the MP's initiative to forward the party's views.

**Individual: I.R. Bruce**

**Category: Members of parliament and other officials**

**Submiss.No. 5**

**Summary:** The following issues are highlighted regarding officials :

- They be held **responsible** for their portfolios including resignation in the event of corruption or gross incompetence.

- They declare all investments in business operations and lodge all certificates and Balance sheets to an appropriate authority who should be empowered to investigate all or any aspects.

- The use of family members or nominees for investments be illegal.

- That any person guilty of any criminal offence, irrespective of indemnity, be **ineligible** to be elected to parliament or any public service post.

- A balanced **Disciplinary Committee** be established to investigate and take action against members found guilty of actions or behaviour involving racial matters or in any way bring parliament into disrepute.

**Individual:** C. Chevalier  
**Category:** Provincial and Local government  
**Submiss.No.** 6

**Summary:** Apart from entrenched democratic rights, we include a provision to guide future generations into adopting and upholding democratic attitudes towards others and require this as part of early education. **Limited federal powers** should be granted to provinces yet enough autonomy in matters of town planning, environmental control, cultural matters and tourism.  
Each province should have an **Administrator** with executive committee appointed by the governing party.  
The province should undertake responsibility for matters delegated and those assigned to it on an agency basis.  
Local government should be undertaken by **councillors** elected on a ward basis.  
The **Central government** should be able to contribute additional facets on a national basis in all matters, where deemed necessary.  
Overhead costs should be kept as low as possible by electing only the minimum number of provincial councillors/representatives.

**Individual:** B. Deller  
**Category:** Moratorium on capital punishment to be stopped; Accountability  
**Submiss.No.** 7

**Summary:** Anyone who has committed a criminal offence is **disqualified** from serving in a **public office** for a period of 5 years after s/he has served his/her sentence;  
**Capital punishment** to be re-instated, especially for drug offenses and murder.  
**Bail** as a right be revoked; Judge should have liberty to set any bail  
Drug dependants to be **supplied** with free, clean drugs.  
**Right of recall** of public officeholders for misconduct.  
**No discrimination** on any basis.

**Individual:** R. Daddy  
**Category:** Provincial Government - retention of four provinces  
**Submiss.No.** 8

**Summary:** Retain the four provinces viz. Cape; OFS; Transvaal and Natal.  
Amalgamate authorities where possible;  
Avoid duplication of services or staff.

**Individual:** S. Dalhazei  
**Category:** Concurrency - Provincial legislative authority - competence w.r.t the environment.

**Submiss.No.** 9 and 10

**Summary:** A provincial legislature shall have concurrent competence with parliament to make laws w.r.t. the environment and nature conservation, excluding national parks, botanical gardens and marine resources, subject to an act of parliament which shall prevail over provincial law inconsistent therewith and subject to international treaty.

This letter is supported by one other in this volume and 47 others in volume 6.

**Individual:** N. Fumba  
**Category:** Accountability - National System

**Submiss.No.** 11

**Summary:** Accountability to central, provinces and people.  
Proportional representation; no need for deputy-premier; TLC chairperson to be elected once, annually.

**Individual:** H.P. Gorringe  
**Category:** Local/Provincial Government - Tax system

**Submiss.No.** 12

**Summary:** Taxation may take the form of money or time.  
Maximum rate at 30% for all, to be paid in money or time or both.  
Government expenditure to be limited  
- large loans only to be taken after a referendum  
Savings can only be made after being taxed;  
therefore " no taxation on savings."  
Insurance and crime prevention to join forces.  
Policing agencies to be accountable to the community they serve.  
Office-holders appointed on merit only, **NO AFFIRMATIVE ACTION.**  
Industry, big business and small business to have non-political representation in the cabinet.

**Individual:** A.H. Hatting  
**Category:** Maximum devolution of power to Local Government

**Submiss.No.** 13

**Summary:** " All Power, All Corrupts!"  
1. Maximum devolution of power to local level on local issues.  
2. Maximum devolution of power on regional issues to regional government.  
3. Maximum ability to exercise power at central level on national/international issues.



**Individual:** R.A. Haw  
**Category:** Local government boundaries  
**Submiss.No.** 14

**Summary:** Boundaries which are imposed upon communities lack the support of the people within them, and efficiency and success of the local authority is compromised.

The success of local governments largely depends on the **community development approach**, which encourages people to participate in the development and administration of their own areas.

The idea to make the peninsula a giant metropolitan area is **not feasible** because it is not equated with neither efficiency or economy. **Efficiency and economy is diminished** in direct proportion as the chain of communication lengthens.

The present debate concerns the responsibility for the large squatter communities in the Western Cape, whose developmental needs are enormous. The R.D.P. will be operating to uplift these areas, but it must not be overlooked that there are resources within these communities that only await the enlightened policy of community development to unleash them eg. human energy, physical, financial and mental or entrepreneurial resources.

The people must be permitted to decide what their priorities are and with the help of "**agents of change**" (community development operatives) who are ready to assist and advise. When people make their own decisions they will naturally support their projects.

The Cape Town municipality and the fringe town administrations need not look on the squatter communities/areas with total foreboding.

There are dangers however, and that is the matter of deciding for and doing for, the communities which has **failed** before to foster human growth and real progress. To **encourage** local initiative and decision-making we have to subsidise whatever the community contributes and so get the ball rolling.

**Individual:** B.A.L. Hellyrd  
**Category:** Cabinet Ministries and Civil Service  
**Submiss.No.** 15

**Summary:** The new constitution must provide a clear **distinction** between the cabinet ministries and the central administrative agencies. The cabinet ministers should only deal with policy matters, prepare and propose legislation to parliament, answer questions, compile budgets and propose taxes. They should give general instructions to the administrative agencies.

Administration should be carried out by **independent** central agencies, operating within the framework provided by parliament. Civil servants should be appointed on **merit** and not for political affiliation.

**15 cont...** Regional administrative bodies could be given the **same status** as the central agencies, in relation to the provincial governments.  
The advantage of this division, in the first place, is to allow the ministers to concentrate on applying policy directives; for which their party was elected by the people, and secondly to spare them from involvement in petty squabbles and personal disputes.  
The division also brings the advantage that central agencies will acquire great experience in their field and provide it with stability as well as continuance.

**Individual:** J.P. Knock  
**Category:** Levels of government  
**Submiss.No.** 16

**Summary:** Checks and balances must be built into the constitution to oblige the largest party at provincial or national level to form coalition administrations, drawing on the expertise available across party lines in the interest of a good, stable and fully representative government. The social and political impact of long periods of one-party domination leads me to believe in the virtues of coalition governments. Government for long periods by one party at provincial or national level will drive expertise away, and perpetuate confrontation, civil disobedience and a culture of non-cooperation.

The way MP's and MPP's were nominated on party lists and elected is a bad precedent as it excludes totally any form of accountability to anyone other than the political party, making it impossible to represent the views of the constituency.

Affirmative Action

There should be some sort of time scale after which time; a true meritocracy should be encouraged without race as a qualifying or excluding factor.

The period of adjusting the balance of all-white domains must have a finite dimension.

Representatives and Remuneration

A more realistic limit should be laid down in proportion to the population. Salaries should be adequate to guard against corruption but not so high as to make politicians rich and divorced from the people they claim to represent.

**Individual:** C. Levitt  
**Category:** General  
**Submiss.No.** 17

**Summary:** The following are highlighted :

- **Acceptance** and recognition of freedom of all religions.
- **Protection** of the rights of minorities.
- **Checks and balances** to be enshrined in the constitution.

- A justiciable **Bill of Rights** safeguarding all citizens.
- Provincial governments to be empowered with legislative enactments for citizens within their jurisdiction.
- Local authorities to take **cognisance of grievances** of the members of groups living within it's jurisdictional areas and to have certain powers to give effect to such structures.
- Non-racist, non-sexist **classification** of population groups applicable.
- Affirmative action where **qualifications** and completed training merit such a policy and not merely for reasons of redressing past imbalances.

**Individual:** R.M. Longden-Thurgood  
**Category:** General  
**Submiss.No.** 18  
**Summary:** *Recommended that the entire document be read.*

**Individual:** J. Moroga  
**Category:** Role of Local Governments  
**Submiss.No.** 19  
**Summary:** Local elections to be open and voters to be well informed.  
 People standing for office must **reside** in that area because they are better informed and motivated.

**Individual:** J. Mcetyna  
**Category:** Role of Local Government  
**Submiss.No.** 20  
**Summary:** Tough measures to combat crime.  
 Employment and housing a priority.

**Individual:** W. Muhali  
**Category:** Unitary State; Checks and Balances  
**Submiss.No.** 21  
**Summary:** Unitary state ie. no provinces and no premiers because they are power-hungry; equality can't exist if we have different states.

**Individual:** A.N. Mphephu  
**Category:** Nature of Government: Unitary State; Role of Traditional Leaders; Land Distribution; Crime.  
**Submiss.No.** 22  
**Summary:** One country, One People - "Africans".  
 Chief to play a role in society, but not politics.  
 Central Government to **control** provinces.  
 Farming land allocated to **competent** people.  
 No private forces. **STOP CRIME!**

**Individual:** V.A. Naicker  
**Category:** Minimum requirements for Public Office; Traditional leaders;  
Remuneration for ministers; Environment; Capital punishment.

**Submiss.No.**23

**Summary:** Basic academic qualification a prerequisite for public office.  
**Appropriate** candidates for portfolios eg. Minister of Health must be a doctor.  
Traditional Leaders should not be recognised - no authority.  
- cannot reconcile Western democratic principles with African Law.  
Ministers should receive less remuneration.  
Size of families to be restricted.  
Government to be **ENVIRONMENTALLY FRIENDLY**.  
Death penalty to be maintained.

**Individual:** G. Ngirane  
**Category:** Provincial Government: Titles / Death Penalty

**Submiss.No.**24

**Summary:** The title " Minister " is to be used instead of MEC.  
Strong federal system to be incorporated;  
Provinces subordinate to central government;  
Provinces to be called " States " - increases pride;  
encourages decentralisation of industry and commerce.  
Capital Punishment to be retained.

**Individual:** Mishack M. Ntuli  
**Category:** Nature/System of government - Strongly Central / Object to Tribal Authorities.

**Submiss.No.**25

**Summary:** People in rural areas should first be consulted on their desire for, or recognition of Tribal Authorities. Tribal Authorities have caused many problems in rural areas.  
**Against** Federalism - Power to remain in Central Government  
- limits mismanagement and corruption.  
U.I.F. is useless, should be optional/people consulted before their money is deducted.  
Aid to underprivileged Black communities entrenched in Law.

**Individual:** Y. Olsen  
**Category:** Provincial / Local Government - Independent of Central Government

**Submiss.No.**26

**Summary:** Local government subject to Provincial government.  
Provincial government largely independent of Central Government except for taxes/levies.

**Individual:** M.I. Osborne

**Category:** Nature of Government - Obligations and Rights

**Submiss.No.**27

**Summary:** Constitution to provide for obligations which will ensure that the rights of others are not impaired.

**Individual:** E. Rasebitse

**Category:** Provincial boundaries

**Submiss.No.**28

**Summary:** That Transvaal be reinstated as a province.

**Individual:** W. Ridley

**Category:** Provincial Government

**Submiss.No.**29

**Summary:** Environmental protection against pollution be emphasised and waste generation be minimised.

Provincial legislature to have equal/concurrent competence with parliament to make laws with regard to the environment subject, which shall prevail over a provincial law inconsistent therewith.

**Individual:** P. Willis and D. Salters

**Category:** Levels of government

**Submiss.No.**30

**Summary:** Power be devolved to the lowest competent tier of government but still maintaining adequate standards.

Citizens have the right to call for a referendum with "x" number of signatures appended to a proposal.

Elected representatives may be recalled by their electorate by a motion to which "x" number of signatures are appended.

**Individual:** D. Sardi

**Category:** Composition of Wards on farms

**Submiss.No.**31

**Summary:** The farmer plus other workers and farm school teachers form the farm ward committee.

From all these people (surrounding farms) the Regional Rural local council is formed.

They in turn elect a Mayor, Rural clerk and their deputies plus one additional member to make up a five member management.

If more people are needed, they could come from unions, private sector and RDP.

Personnel for these councils can be deployed from central, provincial, or any other government structures instead of retrenching or allowing them off on early retirement.

Farms needs may include:

- Health care
- Para-legal resource centre
- Primary and Secondary schools
- Agricultural schools
- Sanitation and Water
- Food and nutrition

The constitution and Bill of Rights should not be silent on the need to have a **Civil society** forum with a management and council at all the levels (local to national).

The government should appoint a national and provincial facilitator, to be paid by central and provincial governments respectively.

Their task would be to facilitate meetings with the organs of the Civil society.

SANCO may be approached to recommend facilitators.

**Individual:** W. Schmidt

**Category:** Local government

**Submiss.No.**32

**Summary:** Better control and punishment of financial institutions and managers with regard to fraud of citizens money.

Police not be allowed to remain based in small towns for long periods as they form associations and treat people differently and with hostility.

Local town councils be addressed for building expensive house for Town Clerk while there are other priorities such as roads and electricity.

Town clerk be **accountable** to the people and have less autonomy.

**Individual:** H. Smith

**Category:** Local government

**Submiss.No.**33

**Summary:** Individuals, bound by group interests, be able to form associations without any prescriptivity from higher authorities.

These associations form negotiating forums to organise societies form ground level and so move upwards to regional, provincial and national levels.

**Individual:** Spero C.A.  
**Category:** Provincial government  
**Submiss.No.** 34

**Summary:** **Women's Rights**

Women have the right to decide for themselves whether they wish to bear a child or not.

Make **safe** abortion available to women.

Women should not be forced to accept the multiple wife tribal laws as they are degrading to a woman's dignity.

**Laws**

The **Death** penalty be **reinstated** to reduce serious crime eg murder, armed robbery etc.

The high rate of crime affects tourism and foreign investment.

**"A man's home is his castle"**

No one should have the right to enter property including the police without a legal document authorising this.

No one should have the right to dispossess the lawful and legal owner of his/her property no matter what reason.

Reduce the number of members of the National Assembly to ten(10) per province.

This would reduce the cost of the country and ease the burden on the taxpayer.

Abolish the traditional Chiefs as they are merely hanging on and increasing costs.

**Individual:** E. Stott  
**Category:** Criteria for voting in Local Government Elections.  
**Submiss.No.** 35

**Summary:** Everyone to pay tax, whether indirectly or directly in order to justify universal suffrage. Only property owners to qualify for voting rights in Local Government Elections.

Companies and foreigners who own land in a particular community, should also have the right to vote in local government elections.

**Individual:** Z.J. Tshounyane

**Category:** Traditional Leaders / S.A.N.D.F. / National Disaster Fund / Pre-schools / Broadcasting Act.

**Submiss.No.** 37

**Summary:** There should be a national SANDF to protect any province.  
Actions by SANDF to be decided by committee on which S.A. communities and chiefs have representation.  
There should be a S.A. National disaster Fund which can operate on provincial, national and international basis.  
Education Department should construct sufficient pre-schools.  
Miners to be employed on a permanent basis whereas foreigners are to be employed on contract basis.  
Members of the public should be allowed to buy shares in regional broadcasting services.  
S.A. House of Congress to be established.  
Regional governments to have their own radio and television stations.  
S.A. to have federal system of government - regional governments have the power to administer their own finances.  
Central government to be the protector of regional governments, also to monitor regional finances.  
Traditional Leaders Act to be passed which will entitle traditional leaders to places in the Houses of Assembly, provincial governments and play a role in the drafting of the final constitution.  
National boundaries to consider traditional leaders.  
Provincial tourism board to be established with representatives on a National Tourism Council. Public allowed to buy shares in Satour.

**Individual:** Eben van Wyk

**Category:** Public service - local government

**Submiss.No.** 38

**Summary:** *Recommend that the original be read.*

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Summarized by  
Anwar Khan and  
Hilton Gallant.



# CONSTITUTIONAL ASSEMBLY

## THEME COMMITTEE THREE RELATIONSHIP BETWEEN LEVELS OF GOVERNMENT

### FRAMEWORK FOR SUBMISSIONS ON FINANCIAL AND FISCAL RELATIONS

#### 1. CONSTITUTIONAL PRINCIPLES

With regard to the submissions for this block recourse should be had to a number of Constitutional Principles, *inter alia*,

- (a) **Principle 20:** The allocation of powers between different levels of government should be made on a basis which is conducive to financial viability at each level of government and to effective public administration ....
- (b) **Principle 25:** The National Government and the Provincial Government should have fiscal powers and functions which will be defined in the Constitution. The framework for local government referred to in **Principle 24** (which requires a framework for local government powers, functions and structures to be set out in the Constitution) shall make provision for appropriate fiscal powers and functions for different categories of local government.
- (c) **Principle 26:** Every level of government shall have a constitutional right to an equitable share of revenue collected nationally so as to ensure that provinces and local governments are able to provide basic services ....
- (d) **Principle 27:** The Financial and Fiscal Commission in which each province shall be represented shall recommend equitable fiscal and financial allocations to the provincial and local governments from revenue collected nationally after taking into account the national interest, economic disparity between the provinces ....

#### 2. FISCAL AFFAIRS

**Question 1:** To what extent (and if so why) should the Constitution restrict the capacity of provinces to levy taxes?