

Further proposals for amendments to Draft Outline of
Constitution dated 20 August 1993

8.11.93

1. Clause 41 (2) and 48 (2)
The Deputy Speaker and Deputy President of the Senate should be elected by members who are not members of the party to which the Speaker or President of the Senate, as the case may be, belongs.
Motivation: This would promote both power-sharing and the impartiality of the presiding officers.
2. Clause 43 (1) (b)
Add: "unless one tenth or more members of such party simultaneously cease to be members, or two or more years have passed since the member was elected;"
Motivation: To provide some flexibility in the time of transition yet ensure that there is no movement prior to office bearers being elected and a new constitution written.
3. Clause 60 (2)
See DP submission of 8 October 1993, page 4
4. Clause 61
Add provision to prevent amendment to Constitutional Court clauses.
Motivation: Constitutional Principles must be interpreted by an agreed impartial Constitutional Court.
5. Clause 66 (2)
See DP submission of 8 October 1993, page 10
6. Clauses 67 (3), 68 (3), 68 (7), 68 (8), 68 (9), 68 (11) (New)
See DP submission of 8 October 1993 pages 8 and 9
7. Schedule 5
 - 7.1 The election of members of the National Assembly from national party lists shall take place after the number of seats to be allotted to parties from each SPR list has been calculated.
 - 7.2 For the purpose of filling the seats from the national list:
 - (a) the total number of seats out of 400 that a party is entitled to in the National Assembly is calculated, based on the party's share of the total number of votes cast; and
 - (b) from the number of seats calculated in subsection 6 (2) (a), the number of seats allocated to that party from its SPR lists is deducted, the balance being the number to be allocated from the national list of a party.

Motivation: In this way one will get proper proportionality and avoid "wasted" votes in regions.